



# **SAFER RECRUITMENT AND SELECTION IN SCHOOLS POLICY**

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## About this policy

### Purpose

This document describes the Recruitment and Selection policy in Schools.

For the appointment of teaching and support staff, the Governing Body, after deciding to recruit to the vacant post, will normally delegate this responsibility to the Headteacher. The Headteacher may wish to include Governors in the selection process depending on the post.

Please note: **This policy should also be read in conjunction with the [Inclusive recruitment and selection guidance](#).**

Refer to the table of contents, below, for a full list of topics covered.

### Contents

This document covers the following topics:

<b>1. Policy statement</b>	<b>4</b>
<b>2. Definitions</b>	<b>5</b>
<b>3. Scope of the policy</b>	<b>6</b>
3.1 Agencies	6
<b>4. Equal opportunities</b>	<b>7</b>
<b>5. Training</b>	<b>7</b>
<b>6. Identification of a vacancy</b>	<b>8</b>
6.1 Definition	8
6.2 Organisational change	8
6.2.1 Suitable alternatives for redeployees	8
6.3 Secondments and acting up	9
6.3.1 Secondment	9
6.3.2 Acting up	9
6.4 Create the Job Description and Person Specification	9
6.4.1 Job evaluation	10
<b>7. Candidate attraction</b>	<b>10</b>
7.1 Advertising vacancies	11
7.1.1 Job advert	11
7.2 Eligibility to apply for vacancies	12
<b>8. Selection</b>	<b>12</b>
8.1. Application form	12

8.2 Selection Panel	12
8.3 Shortlisting of applicants	13
8.4 Reasonable adjustments	13
8.5 Interviews	13
8.5.1 Pre interview checks	13
8.5.2 Preparing interview questions	14
Suitability to work with children, young and vulnerable people	14
8.5.3 Conducting the interview	14
8.6 Selection tests	15
<b>9. Decision to appoint</b>	<b>16</b>
<b>10. Making a conditional offer</b>	<b>16</b>
10.1 Unsuccessful applicants	16
10.2 Offer of employment	16
<b>11. Pre-employment checks</b>	<b>18</b>
11.1 References	20
11.2 Criminal records	20
11.3 Convictions	20
11.4 Occupational Health	21
11.5 Eligibility to work in the UK	21
11.6 Evidence of qualifications required for the job	21
11.7 Performance and conduct checks	21
<b>12. Commencement of employment</b>	<b>22</b>
<b>13. Induction</b>	<b>22</b>
<b>14. Evaluation</b>	<b>22</b>
<b>15. Data collection and protection</b>	<b>23</b>
15.1 Records and monitoring	23
15.2 Analysis	23
<b>16. Summary of roles and responsibilities</b>	<b>24</b>
16.1 Recruiting Manager	24
16.2 Human Resources	24
<b>17. Toolkit</b>	<b>25</b>
<b>18. Further information</b>	<b>25</b>
<b>Appendix A – Recruiting staff who have lived or worked overseas</b>	<b>26</b>
Pre employment checks	26
<b>Appendix B - Volunteers</b>	<b>27</b>
<b>Appendix C - Contracts of employment</b>	<b>29</b>

## Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	November 2008	First published version.
2.0	March 2016	Simplified document and added guidance on Safer Recruitment, eligibility to work in the UK and Volunteers.
3.0	August 2019	<ul style="list-style-type: none"> <li>• To amend policy title for Recruitment and Selection Policy to Safer Recruitment and Selection Policy</li> <li>• 7.2 Conducting the interview – references will be obtained before the interview.</li> <li>• 9.1 Update to state that references will now be obtained before interviews.</li> </ul>
4.0	October 2021	<ul style="list-style-type: none"> <li>• Rebrand from Hackney Learning Trust to Hackney Education</li> <li>• 4. Equal opportunities - new section</li> <li>• 5. Training - new section</li> <li>• 7. Name change of section from Advertising to Candidate Attraction</li> <li>• 7.1.1 Job advert - update on information that should included in a job advert</li> <li>• 8. Name change of section from Shortlisting to Selection</li> <li>• 8.1 Application form - update on information that should be included in the application form/pack</li> <li>• 8.3 Shortlisting candidates - need to complete a self declaration of their criminal record or information that would make them unsuitable to work with children</li> <li>• 8.6 Selection tests - new section</li> <li>• 11. Pre- employment checks - updated information on checks in line with <a href="#">KCSIE guidance</a></li> <li>• Appendix A - updated guidance on recruiting teachers from overseas</li> <li>• Appendix B - Disabled application guidance moved to <a href="#">Inclusive recruitment and selection</a></li> <li>• Appendix C - Contracts of employment - new section</li> </ul>

## Next major release

Although this document will be updated as legislation or procedures change, the next major review date will normally be scheduled for three years after the last release.

## Distribution

This policy is available on [HR for Schools](#) web pages and a copy is held by the school.

## 1. Policy statement

The aim of this policy is to create a structure and process to facilitate the recruitment and retention of high calibre staff to the School and to:

- Ensure that the recruitment processes are safe and fit for purpose.
- Appoint the best person for each position.
- Ensure equality of opportunity for all applicants.
- Offer career development prospects and create opportunities for employees to apply for internal promotion.
- Ensure compliance with the relevant employment legislation.
- Promote the School's values.
- Meet the School's operational requirements and strategic aims.

All schools must appoint staff in accordance with employment law. Maintained schools must also follow the requirements set out in the School Staffing (England) Regulations 2009 and appointments in academies must be made in line with any relevant requirements set out in the funding agreement and the Education (Independent School Standards) Regulations 2014. It is recommended that at least one member of the recruitment panel should have carried out safer recruitment training.

If a member of staff involved in the recruitment process has a close personal or familiar relationship with an applicant they must declare this relationship as soon as they are aware of the individuals' application. It will be necessary for the member of staff to avoid any involvement in the recruitment and selection process.

We are committed to ensuring all recruitment adheres to employment legislation, safer recruitment guidelines and is fair and accessible to all. The safety of children and young people is paramount and we are fully committed to safeguarding and promoting the welfare of children and young people. The recruitment panel will be required to act reasonably in making decisions about the suitability of a prospective employee based on checks and evidence including criminal record checks (Disclosure and Barring Service (DBS) checks), barred list checks and prohibition checks, together with references and interview information.

## 2. Definitions

The following terms are used in this policy:

### Vacancy

A vacancy is defined as an established or new post which is not filled by a permanent member of staff.

### **Safer Recruitment Training**

It is recommended that one panel member must have attended and successfully completed this training course. Please contact your HR Business Partner or Advisor for further details.

### **Recruiting Manager**

The person who is leading the recruitment process. Normally this will be the Headteacher or the Chair of Governors but in some cases this could be the Bursar or Business Manager.

### **Disciplinary action**

Action taken against an employee in the form of a verbal or written warning, or in some cases dismissal due to breaching confidentiality or tampering in the recruitment process. Further details can be found in the [Disciplinary Policy](#).

### **Grievance**

An internal applicant may choose to raise a complaint if they feel the recruitment process has been biased or conducted unfairly. Full details can be found in the [Grievance Policy](#)

### **Regulated activity**

In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children;
- will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

**Further details on regulated activity are available on page 55 of the [Keeping Children Safe In Education guidance](#).**

## **3. Scope of the policy**

This policy applies to anyone who deals with the recruitment of school staff including but not limited to Headteachers, Deputy Heads, Bursars, Business Managers and Governors.

This policy is applicable for the recruitment of teaching and school support staff.

Recruitment of new staff must be agreed with the Headteacher before commencing any steps laid out in the procedures below.

Although the recruitment of Headteachers adheres to this policy there is additional information in the [Recruiting a new Headteacher Guidance](#) which Governors should read.

The Local Authority is the employer of staff based in community and voluntary-controlled schools but the Governing Body and Headteacher have delegated responsibility for recruiting, selecting and managing staff. In Voluntary-Aided and Foundation schools the Governing Body is the employer.

### 3.1 Agencies

Before engaging agencies it is important to be assured they have robust systems in place in terms of pre-employment checks. Each agency should be fully vetted to ensure that the appropriate checks are carried in terms of suitability and validity to work with children and young people, eligibility to work in the UK and past criminal convictions.

Agency staff are not employees of the school and are engaged as workers through the agency. You should ensure that any agency providing workers also adopts and implements the measures described in this guidance.

**Note:** From Day One: agency workers have [worker's employment rights](#). They also have the same rights as permanent staff to use any shared facilities and services provided by the school for example: canteen, common room, prayer room and parking and transport services.

After 12 weeks of an assignment: After 12 weeks, the agency workers qualify for the same rights as directly employed staff. This is known as 'equal treatment'. Their rights include:

- 'equal pay' - the same pay as a permanent member of staff doing the same job
- paid annual leave
- rest periods

Further information is available on the government website: [rights of agency workers](#)

## 4. Equal opportunities

The School aims to secure equality of opportunity in all its activities, and in this respect all staff should demonstrate a positive approach towards equality in employment.

Schools must carry out any recruitment processes inline with the Equality Act 2010. Advice for schools on how the Equality Act affects them and how to fulfil their duties under the Act can also be found on [GOV.UK](https://www.gov.uk).

The School will recruit the person most suited to the requirements of the job. Selection will be based on applicants' abilities and individual merit as measured against predetermined selection criteria; with decisions being made without regard to ethnicity, gender, age, disability, sexual orientation, belief, pregnancy and maternity, gender reassignment, marriage and civil partnership. These are protected characteristics under the Equality Act 2010.

Please also refer to the guidance on [Inclusive recruitment and selection](#).

## 5. Training

The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.

Hackney Education recommends all the panel members should have appropriate recruitment and selection training, so they understand:

- The legal impact and consequences of not following consistent recruitment and selection procedures
- The importance of safeguarding children.
- How to have an inclusive approach to recruitment and selection.
- The School's Recruitment Policy and Procedure.
- How to draw up effective Job Descriptions, Person Specifications and adverts.
- The reasons for equal opportunities monitoring
- The importance of developing the necessary skills for effective interviewing.

Please contact your HR Business Partner or Advisor if you would like to learn more about Hackney Education's Safer Recruitment training.



## 6. Identification of a vacancy

### 6.1 Definition

A vacancy can arise when:

- A member of staff has left a post.
- A change in workload, departmental structure or job design is required.
- Cover for long-term sickness, maternity, paternity or shared parental leave if required.

On identifying a vacancy, recruiting managers should consider the following:

- Whether the vacant post is still necessary.
- How the post will be funded.
- Whether the post is established or outside of the agreed budget or structure.
- Whether the Job Description for the post needs updating. If so, the post may need to be re-evaluated or whether a new Job Description is required for a new post.
- The safeguarding requirements i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.
- Whether the post is appropriate for flexible working. .
- Whether the post could provide an opportunity for secondment or an apprenticeship.
- Whether the post is suitable or appropriate for redeployment purposes in accordance with the [Organisational Change Policy](#)
- Which kind of contract should be offered e.g. fixed term or permanent and will the role be term time only or year round. (Please see Appendix C for further information)..
- Whether the recruitment process should be external or internal only.

### 6.2 Organisational change

Where vacancies have arisen as a result of organisational change, the [Organisational Change Policy](#) will apply in the first instance. Prior to advertising the vacancy, recruiting managers should interview redeployees, for any posts for which they meet the minimum job requirements or posts which will be a step promotion and which could constitute suitable alternative employment for them.

#### 6.2.1 Suitable alternatives for redeployees

Redeployees are employees who:

- For medical reasons are not able to fulfil requirements of the role for which they were employed
- Due to organisational change, are no longer have a substantive role and are looking for a new role within the school.

Recruiting managers should interview redeployees prior to advertising the vacancy for any post for which they meet the job requirement i.e. apply for a job at the same level/grade and could constitute suitable alternative employment for them. For further information on responsibilities regarding the redeployment of staff, please see the [Organisational Change Policy](#).

## **6.3 Secondments and acting up**

Where a vacancy exists, a number of options can be used to fill the post i.e. secondment, acting up and on a permanent basis. Where the position is a permanent vacancy it must be advertised throughout the School following the recruitment procedure in the interest of fairness.

### **6.3.1 Secondment**

Seconding an employee from another department to cover a vacancy should be treated as a normal recruitment campaign. Therefore the interim 'secondment' position should be advertised internally. It must be stated that the position is a secondment and will be offered on a fixed-term basis.

The seconded employee is entitled to return to their substantive post (or, in exceptional circumstances, to a comparable post of equal grade and status) at the end of their time in secondment.

Advice can be sought from the Hackney Education HR Team.

### **6.3.2 Acting up**

Headteachers should advertise temporary promotions across the School unless a clear business need for urgency precludes this.

Before the recruitment campaign can commence, the Job Description and Person Specification must be either created or updated for existing roles. The job description may need to be re-evaluated if necessary (see section 6.4.1).

## **6.4 Create the Job Description and Person Specification**

The purpose of the Job Description and Person Specification is to provide information on the role and what skills, abilities, experience, attitude and behaviours the successful candidate must have.

Schools should also include the safeguarding requirements and responsibilities of the role, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The Recruiting manager should draft the Job Description and Person Specification in consultation with the Headteacher. Job Description templates are available [here](#).

The requirements listed in the Job Description and Person Specification must be clear, fully justifiable and associated with the role. These measures will help to increase the pool of potential applicants and reduce the risk of discrimination occurring.

Written effectively it helps:

- Ensure that you attract the right candidates for the role.
- Evaluate applications quickly and accurately during the shortlisting process.
- Provide a basis for writing the advert and interview questions.

**Note: Support staff:** Job Description and Person Specification should be written for every post and evaluated through the job evaluation scheme for pay purposes. For more information please contact Hackney Education's HR team.

**Teaching staff:** Teaching job descriptions should be written for the post and be in line with the - [Teachers Standards](#) Teaching roles do not need to be evaluated.

All requirements must be realistic and justifiable and must observe equal opportunity provisions in terms of the language and criteria used. For example, the number of years of experience required should not be stipulated as this can be deemed as age discriminatory.

#### 6.4.1 Job evaluation

The job descriptions for all support staff who are on local government terms and conditions must be evaluated in accordance with the agreed School's job evaluation scheme. New posts or posts where the roles and responsibilities have significantly changed will be evaluated prior to the initiation of any recruitment in keeping with the Job Evaluation Policy.

## 7.Candidate attraction

Candidate attraction is how the school will use tools and techniques to attract potential candidates to fill a role. This normally means advertising roles but schools can also employ other techniques to supplement this such as using social media, employee referrals or using agencies. However candidates are attracted to a role, they should always go through the same selection process so all candidates can be fairly compared and are subject to the appropriate pre-employment checks.

## 7.1 Advertising vacancies

The normal practice should be for all posts to be advertised internally and externally concurrently. However there may be some exceptions according to the circumstances, for example:

- Appointments of less than six months, where practical, should be advertised internally and considered for external advertising
- The role is business critical and there may be suitable internal candidates.

This decision should be discussed with the Headteacher.

It is the responsibility of the School to make sure that the advertising of any vacancies should support Equalities Act 2010 by ensuring that:

- All vacancies are advertised internally and, where appropriate, externally via Hackney Education's careers portal and external media.
- The content of advertisements complies with anti-discrimination legislation and the .
- Where possible, advertisements are placed in media sources that will support the School's aim to develop a skilled and diverse workforce (e.g. Hackney Gazette, Hackney Council, etc.)
- Any advertising opportunity will be used to the fullest advantage to promote the School and the Borough as a whole and the benefits of working and living in Hackney.

Please also refer to the guidance on [Inclusive recruitment and selection](#).

### 7.1.1 Job advert

The job advert should include the following:

- Key information: job title, location, salary and benefits
- Information about the school including its values and aspirations
- Give a brief description of the role
- Any key skills, abilities and behaviours needed for the role
- The school's commitment to equality and diversity
- How and when to apply

In line with the Keeping Children Safe in Education guidance, the advert should also include:

- the school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification;
- and whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

## 7.2 Eligibility to apply for vacancies

Any substantive employee within the school can apply for any vacancy providing they meet the minimum criteria for the vacant post. Internal candidates are defined as staff who are employed on either permanent or fixed-term contracts, i.e. substantive staff. Agency staff are not employees of the school, but can apply for internally advertised vacancies.

# 8. Selection

## 8.1. Application form

You can find application form templates [here](#). Remember an application form can also dissuade potential applicants from applying if it is too long or it contains material which is not relevant to the post.

Where a role involves engaging in regulated activity relevant to children, schools should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The application form or pack should also include links to:

- Copy of the school's Equality and Diversity Policy.
- Schools and colleges should also provide a copy of the school's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.
- School prospectus (or other details, including the school's current position e.g. Ofsted reports, restructuring, new building etc).

**Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.**

**Note:** CVs should not be accepted under any circumstances

## 8.2 Selection Panel

The Recruiting Manager will normally be the Panel Chair. The selection panel will be responsible for the shortlisting of applicants, the interviewing and if required, further testing of candidates.

In all cases, it is recommended that the panels for both shortlisting and interviews should consist of **at least two** people and should be as diverse as possible. It is recommended that those who shortlist carry out the interview for a consistent approach.

The panel should possess sufficient knowledge of the School and the post in order to objectively assess the suitability of each candidate.

## 8.3 Shortlisting of applicants

Shortlisting will always be carried out with an agreed panel as outlined above.

In order to ensure fair and effective shortlisting, only those criteria listed on the Person Specification can be used and recorded on a shortlisting grid. It is unfair and unethical to introduce new criteria at this stage. In all cases, candidates selected for an interview must meet the essential criteria listed in the Person Specification of the Job Description.

If only one candidate meets the shortlisting criteria the selection process may still go ahead.

All applications should be scrutinised to ensure that they are fully completed, that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. Reasons for obvious gaps in employment, a history of repeated changes of employment without any clear career progression, or a mid-career move from a permanent to a temporary post should be fully explored and verified.

It is essential that all staff involved in the recruitment and selection process ensure the confidentiality of information supplied by applicants and referees.

**In line with the Keeping Children in Education guidance:** shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK. Please refer to the [Criminal Record Declaration template](#) on the Services for Schools website.

## 8.4 Reasonable adjustments

The Recruiting Manager should check if any of the candidates require any reasonable adjustments for the interview or any test arrangements.

Please refer to the guidance on [Inclusive recruitment and selection](#).

## 8.5 Interviews

### 8.5.1 Pre interview checks

Schools and colleges should obtain references before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview (see section 9.1 for further information)

### 8.5.2 Preparing interview questions

The Recruiting Manager is responsible for compiling relevant competency-based interview questions. All interview questions asked must be relevant (and seen to be relevant) to the job. The interview

The HR Team at Hackney Education will be available to assist in identifying the most suitable questions.

### Suitability to work with children, young and vulnerable people

Depending on the amount of contact with children, young and vulnerable people, the interview questions may need to explore issues relating to safeguarding and promoting the welfare of children.

In accordance with the guidance defined in 'Keeping Children Safe in Education', the interview questions must also explore:

- The candidate's attitude toward children and young people and their motivation to work in this area.
- The candidate's ability to form and maintain appropriate relationships and personal boundaries with children and young people.
- Their emotional resilience in working with challenging behaviours.
- Their attitudes to the use of authority and maintaining discipline.
- Their ability to support the School's agenda for safeguarding and promoting the welfare of children.

### 8.5.3 Conducting the interview

To ensure fairness each candidate should receive the same interview experience, the only exception being where reasonable adjustments have been agreed. The panel will be assessing the candidate and the candidate will be assessing the School as a potential employer.

It is therefore advisable to ensure that candidates are made aware at the beginning of the interview:

- What the selection process and methods are.
- How they will be assessed.
- That they will be given the opportunity to ask questions
- Be advised on how and when they will be informed of the selection outcome.

The panel should also:

- Ensure that each candidate is greeted and escorted to and from the interview room.
- Ensure that the room is appropriate for the interview (free of interruptions, comfortable, etc.)
- Ensure that arrangements are in place for candidates with a disability. Due diligence is necessary to ensure that any additional needs are accommodated at the interview.
- Give all interviewees a comparable amount of time.
- Supplement their understanding of the candidate's responses by the use of probing questions.

**Note:** Where possible interviews should be carried out on the same day. Where this is not possible, the gap between interviews should be minimised.

The panel should follow the interview questions as set out on the Candidate Assessment Interview Form. Depending on the responses given, supplementary questions may be asked. These and the subsequent answers should be noted on the Candidate Assessment Interview Form.

Obvious gaps in employment or any history of repeated changes of employment without any clear career progression should be fully explored and reasons verified.

As references will have been obtained prior to the interview, ask the candidate if there is anything they would like to declare or discuss in light of the requirement for a DBS check (if applicable) and the questions that will be put to their referees.

Depending on the amount of contact with children, young and vulnerable people, the interview may need to explore issues relating to safeguarding and promoting the welfare of children.

**Note:** It is not the School's policy to pay travel expenses incurred by the candidates invited to interview.

## 8.6 Selection tests

It is recommended that a selection test is used in addition to interviews. This will provide the selection panel with additional information on the suitability of candidates for the role. Selection tests can often be designed to assimilate certain aspects of the role and test how the candidate performs in those scenarios. Examples can be in-tray exercises, presentation skills or an observed teaching lesson.

It is important that these exercises are designed so the candidates can be scored against criteria in the job description and can be used alongside the interview to assess the candidate's suitability for the role.



## 9. Decision to appoint

The decision is based on the amalgamation of the individual interview scoring sheets and any selection testing results. The highest scoring candidate should be offered the post, providing minimum acceptable standards have been met.

If there are two or more candidates who are closely matched in scoring following the selection stage, the recruiting manager may decide to carry out an additional stage of the selection process such as a second interview. The panel members of a 2nd stage interview can be different to the 1st stage interview but any additional interviews should be consistent for all candidates.

If none of the candidates are considered suitable, thought should be given to reviewing the advertising/shortlisting/interviewing process and/or the Job Description itself and if necessary re-advertising the vacancy.

If the post is re-advertised without material changes to the Job Description, previous applicants may still apply.

The emphasis for filling a post should be on putting the “right person” in the job and not the person being available at the “right time”. Candidates should be appointed based on their ability to do the job for which they were interviewed and not because of the need to fill the post.

Interview records for unsuccessful candidates must be retained for a period of six months following the interviews. Records for successful candidates will be filed on their Personal file.

## 10. Making a conditional offer

### 10.1 Unsuccessful applicants

The School will notify unsuccessful applicants in writing. If feedback is requested, a Panel Chair should provide a valid reason why the candidate was not successful and feedback to support the unsuccessful candidate to identify areas for development. Candidate details will be kept on file for six months.

**Note:** Documentation relating to the applicants will be treated with the utmost confidentiality and in accordance with the Data Protection Act (DPA) 2018. Please see the [HR Records Policy](#) for further details.

Applicants will have the right for feedback from the Recruiting Manager after the interview and to access documentation held on them in accordance with the DPA, including shortlisting and interview notes.

### 10.2 Offer of employment

A contract comes into effect once a verbal offer has been made and accepted. A member of the interviewing panel should make the offer verbally, followed up by a written conditional offer of

employment. The successful applicant should receive a verbal offer no later than 5 working days after the interview.

Written offers of employment will only be produced by the School upon receipt of all required documentation and authorisation by the Headteacher.

This must include:

- Relevant Job Description and Person Specification.
- Signed interview and selection testing notes

Conditional Employment Offer letters are sent to the selected candidate with the following documentation:

- DBS Application Form, including candidates from overseas (if applicable to the role)
- Applicant's Guide to Completing the DBS Form.
- Job Description and Person Specification.

This approach will guarantee:

- A structured approach to recruitment across the School.
- Auditable outcomes of recruitment campaigns.
- Individual file management.

All offers will be conditional upon the School receiving all relevant pre-employment checks.

## 11. Pre-employment checks

The School should ensure all pre-employment checks are complete prior to the successful candidate starting employment. Candidates should not begin employment without all checks being clear (for exceptions see section 9.2).

[Teacher Services](#) is a free service to check the record of a teacher school's have employed or are considering employing.

**Please see Appendix B for further guidance on recruiting candidates who have lived or worked outside the UK.**

All offers of employment will also remain conditional until the following have been received:

- Two satisfactory references covering at least 5 years of the candidates most recent work experience (see 11.1 for more information).
- Verification of the applicant's identity. Identification checking guidelines can be found on the [GOV.UK](#) website
- Obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role
- Verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the [GOV.UK](#) website.
- If the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see Appendix B);
- Verify professional qualifications, as appropriate. The Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.
- Declaration of Personal and Pecuniary Interest (where required).
- Verification of professional status, where required.

In addition:

- Schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012; and
- Independent schools, including academies and free schools, must check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

If any of the above checks are not satisfactory, the offer may be revoked. Where this is necessary, written reasons will be supplied.

All pre-employment checks will be confirmed in writing, documented and retained on the employee's Personnel file. Where they are unsatisfactory or there are any discrepancies in the information provided, these must be followed up with advice from HR at Hackney Education

If a candidate is found to be on the DBS Children's Barred List, the Headteacher will be informed by the DBS Team and this person will **not** be able to be employed.

If a candidate has an unclear DBS Disclosure, HR at Hackney Education will be informed by the DBS Team. They must discuss the circumstances with the School and the applicant, and decide whether to continue with the offer of employment. The ultimate decision will be made by the Headteacher. Please refer to the [DBS Policy](#) for further information.

**Childcare Disqualification:** DfE statutory guidance: [Disqualification under the Childcare Act 2006](#).

People who have been convicted of certain offences are disqualified from providing childcare under the Children Act 2006 and the Childcare (Disqualification) Regulations 2018.

These arrangements apply to staff working with young children in childcare settings. This includes:

- **Early years** - Staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes or any supervised activity (e.g. breakfast clubs or after schools clubs provided by the school) both inside school the normal school day and outside of school hours.
- **Late provision (for children under 8)** - Staff who are employed in childcare provided outside of the normal school day but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before-school settings, such as breakfast clubs, and after school provision.
- Staff who are involved in the management of early or later years provision are also covered by this legislation.

It is the responsibility of the school to define which roles are covered by the legislation. There is further guidance on staff who [are covered](#), [maybe covered](#) and [are not covered](#) by this legislation available at [GOV.UK](#). The guidance includes individuals employed by the school, those undertaking training in schools (both salaried and unsalaried), casual workers and volunteers.

Schools must make staff who are covered or may be covered by these regulations aware of what information will be required of them and how it will be used to make decisions about disqualification.

The criteria under the 2006 act and the 2018 regulations that would disqualify a member of staff can be found under the [disqualification criteria section](#) in the DfE's statutory guidance: [Disqualification under the Childcare Act 2006](#).

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a 'relevant' offence). The list of offences and orders that result in disqualification is included in the [guidance](#) by the DfE (set out in Appendices A and B).

For new employees an up to date enhanced DBS certificate will help schools establish whether offences committed by individuals are relevant offences and schools must make the appropriate checks for staff who have lived or worked overseas (see Appendix A).

If schools require any further guidance, please contact their HR Business Partner or Advisor.

## 11.1 References

Every effort must be made to obtain references for all shortlisted applicants before they are interviewed. Schools should seek permission from the candidates before they approach the candidates references.

There are occasions when a candidate will request "no contact with current employer unless they are preferred candidate after interview" Although the recruiting manager may accede to such a request, it is **not recommended as good practice**.

Further information on obtaining references is available in the [Keeping Children Safe in Education guidance](#).

A sample [Reference Request Form](#) is available in the Services for Schools website.

## 11.2 Criminal records

Candidates who have access to children and vulnerable people will normally not be employed until a clear DBS Disclosure is received. In exceptional cases, candidates may commence employment prior to DBS clearance provided there is **no** unsupervised access to children or vulnerable people, and following a clear check of the DBS Children's Barred List. The Headteacher is responsible for the final decision. Please refer to the [DBS Policy](#) for further information.

## 11.3 Convictions

The Headteacher will be responsible for ascertaining whether a candidate's criminal record does or does not render them unfit for the post.

Posts which are exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020 (in which case criminal convictions never become "spent") should be identified at the start of the recruitment campaign and should be confirmed in the job advert.

## **11.4 Occupational Health**

Once the conditional offer of employment has been made, all successful candidates must be cleared by Occupational Health before confirmation of appointment can be made. Depending on the particular circumstances of a candidate, Occupational Health may require a personal appointment with the candidate to ascertain fitness for work. This may delay the appointment process.

In some cases, Occupational Health may declare that a candidate should not be employed on medical grounds. In this event, the offer will be retracted.

## **11.5 Eligibility to work in the UK**

The school has a responsibility under the provisions in s.21 of the Immigration, Asylum and Nationality Act 2006 to check before they start, that an individual has the right to work in the UK.

As an employer, the School is required to make basic document checks to make sure it does not break the law by employing illegal workers. Guidance on checking a job applicant's right to work is available on the [GOV.UK](https://www.gov.uk) website

See also *Appendix A – Recruit teachers from overseas*.

## **11.6 Evidence of qualifications required for the job**

In posts where qualifications are an essential requirement, successful candidates must provide proof in the form of a certificate of achievement, membership number or other documentary evidence that may be relevant.

For centrally-employed teaching staff, you can contact the HR Team at Hackney Education who have access to an online service which enables a quick verification of qualifications, induction and registration status of all teachers, via the DfE –Teaching Agency.

## **11.7 Performance and conduct checks**

For centrally-employed teaching staff, the HR Team is able to check whether there is an active disciplinary order or prohibition against them via the DfE –Teaching Agency.

## 12. Commencement of employment

Prior to commencement of employment and once in receipt of satisfactory pre-employment checks, employment can be confirmed and the candidate can be sent the following:

Confirmation of employment and start date.

- Contract of employment.
- New Starter form for payroll.
- Pensions form.
- P46 form
- Job Description and Person Specification.
- Personal and Pecuniary Interest Form, if applicable.
- The Safeguarding and Child Protection Policy

The Recruiting Manager must complete the New Starter Form, get it authorised and return to the Payroll/HR Team.

## 13. Induction

The Line Manager of the appointee will be responsible for the planning of the induction programme. For early career teachers, please refer to the DfE's guidance: [Induction for newly qualified teachers \(England\)](#). Further details on induction can be found on the [Recruitment, joining and leaving page](#) on the Services for Schools.

Please also refer to the [Induction Policy](#) and the [Induction Checklist for Schools](#)

## 14. Evaluation

It is extremely important to evaluate the success of the recruitment and selection process at each stage to see whether mistakes were made and whether a repetition of them can be avoided in the future.

Effective monitoring is essential as a key element to inform the recruitment strategy and is an important tool in fulfilling the responsibility to provide equality of opportunity to all job applicants. Data collected for monitoring should not be used for any other purposes.

It is also advisable to monitor where applicants have heard about vacancies in order to identify which source is most effective.

## 15. Data collection and protection

Special care should be taken regarding all information supplied by job applicants. Data must only be collected that is relevant to the purpose. In addition, any 'sensitive' data should only be collected where the applicant's express consent has been gained.

Therefore the School should ensure the following steps are taken:

- All information gathered is stored securely and used only for the stated purposes.
- Applications and interview notes for unsuccessful candidates are destroyed when they are no longer needed (it is recommended that this is done after six months).
- Names of unsuccessful applicants should only be kept on file if the applicants have been informed.
- Job applicants should be given a chance to provide an explanation if any checks on their application details produce discrepancies.

In addition, the interview panel should be aware that interviewees have the right to access their interview notes and therefore any opinions noted must be based on fact.

Candidates have the right to request feedback on the status of their application at any stage of the recruitment process.

Please see [HR Records Policy](#).

### 15.1 Records and monitoring

All records in relation to recruitment and selection exercises must comply with the provision of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Records will be kept relating to all applicants, candidates interviews and new appointees in respect of:

- Internal applicants.
- External applicants.
- Grade (of vacancy).
- Gender.
- Disability.
- Age.
- Race/ethnic origin.

Refer to the [Human Resources Records Policy](#).

### 15.2 Analysis

The School will analyse recruitment data to identify trends in relation to the above factors for evidence of disparate impact.



Data will also be analysed for budget projection purposes and to identify service improvements.

## **16. Summary of roles and responsibilities**

### **16.1 Recruiting Manager**

As Recruiting Manager you must adhere to the deadlines agreed and submit paperwork on time, otherwise you may affect the overall recruitment timescales.

It is your responsibility to:

- Discuss the vacancy with the Headteacher (to ensure it is necessary and all alternatives have been considered, and agree details of the campaign and the timescales).
- Approve the final version of the job advertisement.
- Arrange the Selection Panel and the contact person for interviewees on the interview day; book rooms/equipment.
- Shortlist candidates for interview.
- Check if any of the shortlisted candidates require any reasonable adjustments and ensure that these are arranged.
- Prepare questions and selection tests for the interviews.
- Conduct interviews, select the successful candidate and complete the interview paperwork.
- Provide feedback to unsuccessful candidates.
- Authorise references received for the successful candidate.
- Agree a start date and time for the new employee and inform relevant colleagues.
- Ensure the New Starter Form is sent to Payroll.
- Prepare for the employee's first day and induction programme.

The Recruiting Manager is accountable for their recruitment campaign and must take action as appropriate to ensure that the recruitment campaign is conducted appropriately and to the highest standard.

### **16.2 Human Resources**

The HR team at Hackney Education will:

- Assist with writing job descriptions and person specifications, evaluating and advising on salary where appropriate.
- Give advice on contractual obligations.
- Provide advice on creating adverts, application packs and placing adverts.
- Place adverts on behalf of the School on the Hackney Education website.

## 17. Toolkit

### **Vacancy arises**

- [Vacancy Checklist](#)
- [Job Description and Person Specification Templates](#)

### **Vacancy is live**

- [Teaching Application Form](#)
- [Support Staff Application Form](#)

### **After Interview**

- [Offer Letters](#)
- [Contract Templates](#)
- [Reference Request Form](#)
- [Confirmation of Start Date Letter](#)
- [New Starter and Induction Checklist](#)

## 18. Further information

In addition to the material in the toolkit, please refer to:

Government guidance:

- [School workforce planning](#)
- [Keeping children safe in education](#)
- [Disqualification under the Childcare Act 2006](#)
- [Staffing and employment advice for schools](#)
- [Recruit teachers from overseas](#)
- [Statutory framework for early years foundation stage \(EYFS\)](#)
- [Working together to safeguard children](#)

Hackney Education guidance:

- [Recruiting a new Headteacher](#)
- [DBS Policy](#)
- [Organisational Change Policy](#)
- [Inclusive recruitment and selection](#)

Further information and advice may be obtained from Hackney Education HR Team.

## Appendix A – Recruiting staff who have lived or worked overseas

Schools who are considering applications from teachers who are not UK or Irish nationals will need to check if these individuals will need sponsoring under the [points based immigration system](#).

Hackney Education has a sponsorship licence and can sponsor visas for overseas staff on behalf of a school. Please contact your HR Business Partner/Advisor for further advice.

The DfE have provided further information on sponsoring teachers from overseas and other types of visas that do not require sponsorship in the [recruit teachers from overseas](#) guidance.

### Pre employment checks

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools (as outlined in Section 9). This includes obtaining (via the applicant):

- an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK.

In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

- [criminal records checks for overseas applicants](#) - Home Office guidance can be found on [GOV.UK](#); and for teaching positions
- carry out additional checks for teaching roles, which may include information about their past conduct, for example, by checking documents issued by overseas teaching authorities - you should also consider this evidence together with other information which you have obtained through other safer employment checks.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

### Checking a job applicant's right to work

Guidance on checking a job applicant's right to work is available on the [GOV.UK](#) website

Further information can be found in DfE Guidance: [Recruit teachers from overseas](#).

## Appendix B - Volunteers

It is recommended that as volunteers are also seen by children as safe and trustworthy adults, schools should apply a safeguarding process when recruiting volunteers to work with children.

### Recruitment

The criteria for when a recruitment process for a volunteer is required should be applied with common sense and the process may need to be adapted to cater for particular roles and sensitivities. For example, if a parent volunteer is one of a group helping out on a one-off occasion such as a day trip, a sports day or a school disco, with a reasonable level of supervision, there is no need for a formal recruitment and selection process, or for a DBS certificate.

On the other hand, if the volunteer is going to have an ongoing role that involves regular contact with children, or means that the person will be on the premises when children are present regularly or frequently, a similar recruitment process should be adopted as would be used to recruit a paid member of staff filling a similar role.

There are certain circumstances where schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk).

Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The process might need to be presented differently, or adapted to be more informal, but the principal safeguards and features of the recruitment and selection process should be the same.

In those cases the process should include:

- Information about the organisation's commitment to safeguarding children.
- Completion of an application or 'registration' form.
- Obtaining reference.
- A face-to-face interview
- Pre-employment checks similar to those which would be applied in the case of paid employment including a DBS certificate and, if the volunteer will be in regulated activity, a check of the DBS barred list.
- Evidence of right to work in the UK

When volunteers are recruited from another institution, the School should obtain evidence and assurance from the institution that the person has been subject to a proper recruitment process that includes the necessary safeguards.

## Interviews

Safeguarding principles should also apply when interviewing volunteers, but it is important to make interviews more informal than for paid staff. They should be very much a two-way process about selling the volunteer role to them. However, this does not mean that the interview should not probe into candidates' attitudes and motives and their suitability for work with children. This is even more important for candidates who perhaps have no previous experience of working with children.

## Induction

Schools should ensure volunteers are given a clear induction programme which includes their responsibilities for safeguarding, what is and what is not acceptable behaviour towards children, what to do if they believe there is a safeguarding concern and what reasonable steps they can take to avoid creating concerns themselves.

Volunteers should be given a [code of conduct](#) document.

There is further information on volunteers in the [Keeping children safe in education](#) guidance.

## Appendix C - Contracts of employment

**All employees and, from 6 April 2020, all workers too, have a statutory right to a written statement of particulars of employment setting out certain key employment terms on their first day of work.**

A contract of employment is a legally binding agreement between an employer and employee. In the UK, the term 'employee' is defined by the Employment Rights Act 1996 as an individual who has entered into or works under a contract of service or apprenticeship.

**Additional hours:** There may be an opportunity for an existing member of staff to work additional hours above their contracted hours. If these hours are infrequent and relatively small, these may be covered by TOIL (time off in lieu) arrangements, where the employee takes the equivalent of the additional hours worked off at a time agreed between the member of staff and their manager. If the additional hours are for a longer term arrangement e.g. to cover an increase in workload for a few months then the member of staff can agree to a temporary variation of their contract. This increase will mean their holiday entitlement and pension contributions are increased.

If the employee is taking on extra hours in a role in addition to their substantive post, they should receive a separate contract setting out the terms and conditions for this role.

**Apprenticeships:** Apprentices combine work and study to gain skills and knowledge in a specific job. The apprentice agreement is a contract of employment and will contain specific information in relation to the skill, trade or occupation the apprentice is being trained for, the name of the apprenticeship they are working towards and the amount of study the apprentice is expected to undertake. The duration of the apprentice agreement must be sufficient to allow the apprentice to complete their training and gain their apprentice related qualification. Please see further guidance, including templates for both teaching and support staff Apprenticeship agreements on the [Apprentices](#) page on the Services for Schools website

**Casual contracts:** Casual contracts are agreements where there is normally no obligation on the employer to offer work to the individual and no obligation on the individual to accept work that is offered to them. This means that the mutuality of obligation does not arise and, therefore, the individual does not have employee status. These types of contract are typically used by employers where the demand for work is unpredictable and fluctuating.

Casual workers have entitlement to certain employment rights and may also have entitlement to some types of statutory pay. Further details are available [here](#).

Schools should be aware that if an individual is on a casual contract and has accepted all the work offered to them over a significant period of time, even if they have the contractual right to refuse it, in the result of a tribunal claim it may be considered that a mutuality of obligation exists and an employment relationship has been established under an overarching or "umbrella" contract.

**Fixed term contract:** A fixed-term contract is one that ends on a specified date or on the occurrence of a particular event such as the loss of funding or the completion of a task. A temporary replacement for an absent employee whose contract is to terminate when the regular employee returns is employed on a fixed-term contract. The reason for the fixed term contract should be clear and should be stated on the job advert for the role and also in the contract of employment.

The termination of the contract is automatic and neither party needs to give notice. The expiry of a fixed-term contract is a dismissal and fixed-term employees will have employment rights on being employed for two years.

Employees on fixed term contracts are also entitled to the same statutory rights, such as family-related leave, as employees whose employment is deemed to be permanent. They also have the right to the same pay and conditions and benefits as permanent staff doing an equivalent role, though some of these may be subject to a qualifying period).

Fixed-term employees who have been continuously employed for four years or more on a series of successive fixed-term contracts will automatically be treated as permanent employees (that is, employed under an indefinite contract), unless the continued use of a fixed-term contract can be objectively justified.

**Job share:** A job share arrangement is where two (or more) members of staff share the duties, responsibilities, pay and benefits of a full-time post. Each job sharer receives pay and benefits in proportion to the hours they work. The pattern worked will be determined on a case by case basis. It may be determined by the needs of the school (e.g. the need for continuity); the preferences of the job sharers; or a combination of both. Examples include split days, split weeks or alternative weeks.

Job share is a form of part-time working and employees will receive pay and benefits proportionate to the hours worked – see **Part-time workers**. Job-share partners will be treated as individuals in terms of their contractual rights, responsibilities, obligations and conduct.

For further guidance on the management of job share posts, please speak to your HR Business Partner or Advisor.

**Part time workers:** Part-time workers are individuals who are engaged to work under a contract for fewer hours than the employer's normal full-time hours. Part-time workers are entitled to the same statutory employment rights as full-time workers.

Part-time employees will receive pay and benefits proportionate to the hours worked i.e. in accordance with the full-time equivalent (fte). Exceptions that are not prorata are:

- **Training:** Part-time employees will have the same access to training opportunities as full-time employees. When attending a training course outside their contracted daily hours, the employee will be paid on the same basis as full-time employees (i.e. they will be paid for the additional hours or given time off in lieu at a later date).
- **Special leave:** Whether or not special leave is pro rata will depend on what is reasonable in the circumstances. In some cases, the full entitlement may be required to meet the purpose of the leave. It is important to judge the circumstances and ensure that a part-time employee is not disadvantaged when compared to a full-time employee.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 give part-time workers the right not to be treated less favourably than comparable full-time workers in terms of current workforce practices and also opportunities for training, development and progression.

**Permanent contract:** Permanent contracts are typically for an indefinite term, i.e. a contract will remain in force until one of the parties terminates it. Permanent contracts may be either full time or part time.

Most employment contracts could be termed "indefinite contracts". Indefinite contracts are not a type of contract as such. However, this term can be used to describe the standard contractual arrangements under which most employees are typically engaged.

As indefinite contracts may last for some time, employers should consider whether or not to include some flexibility in terms such as the work, hours or location, either through a power to change those terms, or by including some machinery to enable terms to be changed, such as incorporated collective agreements

**Term time only:** Under a term-time only contract, the employee works only during the periods that coincide with school terms and is not required to work during school holidays. Term-time only contracts are commonly used in the Education sector.

Although employees who are employed on a term-time basis work for only part of the year, they remain employees throughout the whole year and the whole year counts toward their continuity of employment. Payment may be by 12 monthly or 52 weekly equal instalments, with the pay for the term-time periods of work spread out over the calendar year. Alternatively, a term-time employee may be paid only during the periods of actual work (and during annual leave).