



**Model Recruitment and Selection
Policy for Schools and Academies**
(incorporating Safer Recruitment Practices)

Version 1.0

Policy Date: March 2018

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This Policy was adopted by:

The Directors of Ventrus Multi Academy Trust

on 21/03/18 (date)

Signed by.....Chair of Directors

Review Date.....Signed.....

Review Date.....Signed.....

If you require further help in the interpretation of this policy you can contact the HR Team
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1. INTRODUCTION & PURPOSE

- 1.1. This policy is provided for the Directors of Academies to consider for adoption.
- 1.2. This policy is designed to ensure that people who are unsuitable to work with children, young people and their families, are deterred and prevented from working within the school environment. This policy directly endorses and supports the mandatory guidance in 'Keeping Children Safe in Education' July 2016. Recruitment and selection in schools must focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.
- 1.3. This policy provides a consistent approach to recruitment and selection of staff and volunteers in the school, integrating equality objectives and providing a framework to assist schools in meeting their legal obligations.
- 1.4. The Trust is the employer of the staff in Ventrus schools. The Directors have overall responsibility for staffing matters in all Ventrus maintained schools.
- 1.5. The School Staffing Regulations (England) 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. Schools may choose appropriate training and may take advice from their LSCB. The training should cover, as a minimum the content of the Keeping Children Safe in Education guidance. Ofsted will request evidence as part of their inspections that this requirement has been met. For all non-maintained schools best practice would be to have at least one person on any appointment panel who has undertaken safer recruitment training.
- 1.6. There is a legal duty on all public bodies to actively promote equal opportunities, eliminate discrimination, promote positive attitudes to disabled people and to take account of disabilities.

2. POLICY STATEMENT

- 2.1. Ventrus Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- 2.2. The Trust aims to ensure that recruitment effectively and efficiently supports the provision of high quality education to the children of Devon. The school's objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.
- 2.3. No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief.
- 2.4. In adopting this policy Ventrus is committed to:
 - Developing and promoting the school.
 - Appointing on merit.
 - Being open and transparent.
 - Valuing all individuals involved in the recruitment process.
 - Valuing existing staff and helping them realise their potential.
 - Giving appropriate and proper consideration to all applicants.
 - Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
 - Actively engaging with under-represented sectors of the community where possible.
 - Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
 - Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.
 - Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

3. KEY LEGISLATION, POLICY AND GUIDANCE

This Recruitment and Selection Policy is underpinned by:

3.1 Legislation specifying employment rights:

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002
- Education Act 2002
- Equality Act 2010

3.2 Equality legislation:

3.2.1 Equality legislation covers all aspects of the recruitment and employment process and protects applicants with “protected characteristics” against discrimination. “Protected characteristics” are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion of belief
- sex
- sexual orientation

3.2.2 The Equality legislation applies to everyone, including:

- employees;
- workers who are not employees but who work under a contract for services;
- applicants for jobs;
- volunteers;
- agency workers;
- contract workers;
- trainees undertaking or seeking vocational training;
- students.

3.2.3 The Equality Act is supported by a Code of Practice which sets out good employment practice and guidance on how to ensure compliance with legal requirements. Although not legally binding, the Code will be taken into account by Employment Tribunals as evidence of good employment practice. The Code of Practice can be found on the Equality and Human Rights Commission website, and will be amended from time to time.

3.2.4 In addition to the other forms of discrimination set out in the Equality Act, people with a disability, as defined in the Equality Act 2010, are protected from:

- Unfavourable treatment due to something connected with their disability – this differs from direct/indirect discrimination because there does not have to be anyone to compare the treatment of the disabled person with;
- Failure to make “reasonable adjustments” – these must be made if a disabled candidate is placed at a substantial disadvantage, ie anything that is not minor or trivial, by any aspect of the recruitment process. What is reasonable will depend on the effectiveness of the adjustment in overcoming the disadvantage and the ability of the employer to make the required changes. Changes may have to be made to the recruitment process, duties, working practices and terms and conditions of employment, even when that involves treating disabled people more favourably.

3.2.5 It is also unlawful to discriminate against employees, job applicants and trainees because of their age.

3.3 Legislation and guidance for the protection of children:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Rehabilitation of Offenders Act 1974
- Working together to safeguard children March 2015
- Keeping children safe in education DfE July 2015

3.4 Legislation, policy and guidance giving rights of access to information at of all stages of the recruitment process:

- Data Protection Act 1998
- Freedom of Information Act 2004
- Equality Standard for Local Government
- Best Recruitment Practice
- National and DCC Conditions of Service

4. SELECTION PANEL

4.1 The Board of Directors has overall responsibility for all staff appointments in the school. The Board of Directors may delegate these responsibilities to Executive Leadership Team (ELT) members.

4.2 ELT members will normally be expected to lead in determining staff appointments outside the leadership group. Therefore, other than in exceptional circumstances the Board of Directors will delegate the responsibility for these matters to ELT members.

4.3 Prior to the selection process beginning a selection panel of at least two people and ideally three will be identified. The same people should conduct the whole recruitment and selection process.

4.4 The selection panel will, where possible include women and men.

4.5 The training should cover, as a minimum the content of the Keeping Children Safe in Education guidance. Ofsted will request evidence as part of their inspections that this requirement has been met. For all non-maintained schools best practice would be to have at least one person on any appointment panel who has undertaken safer recruitment training.

4.6 It will be checked that the selection committee members are not related to, or have a close personal relationship with any candidate.

5. ANALYSIS OF POST REQUIREMENT

5.1 When a post becomes vacant, an analysis will be undertaken to establish whether the vacancy needs to be filled. If it does, the requirements of the post will be reviewed. This will include the working hours of the post, aspects of the role and how they relate to the overall objectives of the school.

- 5.2 The Executive Leadership Team will need to consider the financial implications of creating a new post, or increasing the working hours of an existing post.
- 5.3 All jobs will be considered suitable for flexible working using the adopted Flexible Working Policy should this be appropriate.

6 REVIEW/PRODUCTION OF JOB DESCRIPTION

- 6.1 The job description for the vacant post will be reviewed to ensure it reflects the requirements of the post. If there is no job description, one will be produced.
- 6.2 The job description will state:
- The main duties and responsibilities of the post
 - The postholder's responsibility for promoting and safeguarding the welfare of children and young persons, including the extent of the contact the person will have with children and his/her degree of responsibility for them.

7. REVIEW/PRODUCTION OF PERSON SPECIFICATION

- 7.1 The person specification sets out the selection criteria - specifying the essential and desirable attributes needed by the successful candidate. These attributes will include:
- Qualifications, experience and any other requirements needed to perform the role
 - Competences and qualities that the successful candidate should be able to demonstrate, including suitability to work with children.

These requirements should be justifiable and clearly defined to show that no section of the community is being unlawfully discriminated against.

- 7.2 Applicants will be made aware that these requirements will be tested and assessed during the selection process.

8 ADVERTISING THE POST

8.1 Where to Advertise

- 8.1.1 The School Staffing (England) Regulations 2009 specify that the governing body must advertise the vacancy or post of Headteacher / Principal in such a manner as it considers appropriate, unless it has good reason not to (Regulations (15(2), 15(7), 27(2) and 27(7)). It is recommended that the governing body seeks advice from their local authority and diocesan authority,

before deciding not to advertise. The governing body should consider the most appropriate way of advertising the post. It should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive. A decision not to advertise should only be taken if the Trust can demonstrate there is good reason not to and that it does not leave them open to challenge. All decisions should be documented fully, as the governing body will need to demonstrate that it has acted reasonably if it is challenged.

8.1.2 Consideration will be given to the most appropriate place to advertise the vacant post which may include professional journals, newspapers, community centres, local newsletters, etc.

8.2 Writing an Advertisement

8.2.1 Advertisements will be appropriate, cost effective and non-discriminatory and will:

- be based on the details in the job description and the agreed selection criteria in the person specification;
- avoid any gender, age or culturally specific language or implication, e.g. for teaching posts, wording specifically targeting Newly Qualified Teachers must not be used as this may imply that a younger person is required.
- be clear and precise to attract applicants to seek more detail.
- Include the statement: ***“We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.”***
- (for schools judged to require Special Measures), state that applications from Newly Qualified Teachers will not be considered unless Ofsted has expressly stated that NQTs may be appointed;
- give reasons for the appointment being temporary if the post being advertised is for a fixed term or temporary period. Advice on wording can be sought from Ventrus HR.

9. SHORTLISTING

9.1 All applicants should complete a Ventrus application form.

9.2 All application forms will be scrutinised to ensure that they are fully completed and that the information provided is consistent and does not contain any discrepancies. Any anomalies or gaps in employment will be noted and taken up as part of the consideration of whether to shortlist the candidate.

- 9.3 Shortlisting will be undertaken by all the selection panel members. A shortlisting template can be accessed in the Recruitment Toolkit for Schools available from Ventrus HR. The panel will agree a final shortlist of applicants to invite to the selection process.
- 9.3 Late applications will not generally be considered and not once shortlisting has commenced.
- 9.4 Shortlisting will be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification.
- 9.5 It is unlawful to eliminate applicants from the shortlist on the grounds of:
- disability;
 - gender;
 - pregnancy;
 - sexual orientation;
 - race;
 - marital status;
 - religion or belief;
 - age; or
 - 'spent convictions' unrelated to the job

other than where an Occupational Requirement applies. These are situations when it is possible to specify the sex, racial background, religion or sexual orientation of the person that you wish to carry out a role, if there is an objective justification for doing so and where this requirement is a proportionate means of achieving a legitimate aim. Advice on this can be sought from the Ventrus HR team or the website of the Equality and Human Rights Commission.

- 9.6 The 2010 Equality Act also limits the circumstances when an employer can ask general health-related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions must only be asked to help the employer to:
- decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;
 - decide whether an applicant can carry out a function that is essential ("intrinsic") to the job once reasonable adjustments are in place;
 - monitor diversity among people making applications for jobs;
 - take positive action to assist people with disabilities;
 - be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

This means that applicants will not be asked, as a matter of course, to complete generic health questionnaires as part of the application process.

10. REFERENCES

- 10.1 The purpose of seeking references is to obtain objective and factual information to support the selection panel's decisions. References will always be sought and obtained directly from the referee, not via the candidate themselves. Open references for example addressed 'To whom it may concern' should not be relied upon.

- 10.2 For posts involving contact with children, young people or vulnerable adults, references covering the previous five years' employment history will be taken up on all short-listed candidates, including internal ones. These references may be obtained before interviews take place so that any issues of concern they raise can be explored further with the referee, if appropriate, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that should be the aim in all cases.

References will not request details about the candidate's sickness record or disability, in order to ensure that they comply with The Equality Act 2010. Further information regarding the candidate's sickness record will be obtained after interview and for the successful candidate only.

- 10.3 On receipt of all references, they will be checked to ensure all the questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if answers are vague.
- 10.4 Any information about past disciplinary actions or allegations will be considered carefully when assessing the candidate's suitability for the post. Further advice can be sought from Ventrus HR.
- 10.5 If a referee fails to provide a reference the candidate will be contacted to provide an alternative referee. If a candidate for a teaching post is not currently employed as a teacher, a check will be carried out with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.
- 10.6 References for candidates for posts not involving children, young people and vulnerable adults, should be obtained after interview, and for the successful candidate only. This is to comply with The Equality Act 2010, which prevents references being taken that require disability or sickness absence details to be provided prior to interview.

11. ASSESSMENT AND SELECTION

- 11.1 Assessment and selection methods will be relevant, non-discriminatory and cost effective.
- 11.2 Appointments will be based on merit and the suitability of each candidate for the job, as evidenced against the person specification, and demonstrated by the selection methods. Selection methods will not disadvantage any particular group and all applicants will be treated in a consistent and a non-discriminatory manner.
- 11.3 Appropriate and effective selection tools and processes will be used and a range of selection methods will be considered in order to test candidates' suitability for the role. For example, teachers will be observed teaching as well as attending an interview.

- 11.4 Selection will be based on a formal structured interview except where this would place a disabled candidate at a substantial disadvantage.
- 11.5 All candidates will be notified in advance of any test procedures.
- 11.6 **Pre-employment health enquiries** can only be made for applicants with disabilities for the specific purpose of allowing the employer to make reasonable adjustments to an assessment that is part of the recruitment process. Applicants will be contacted by the selection panel and informed of the selection process, and checks made of what 'reasonable' adjustments might be required to meet their needs.

11.7 Interview

Ideally each shortlisted candidate will be invited to interview in writing to ensure appropriate documentation is brought to interview for checking of identity and eligibility to work in the UK. A template letter for this can be accessed in the Recruitment Toolkit for Schools available from Ventrus HR.

Each candidate will be asked:

- the same core set of questions and their answers fully noted. Answers may be probed further as appropriate;
- competency questions to assess personal behaviours towards safeguarding, with outcomes being fully recorded;
- from the details on a Schools Application form relating to their full criminal history, discuss the circumstances of their declarations either at interview or in a separate meeting;

- 11.7.1 Questions about health will not be routinely asked until after an offer of employment has been made.
- 11.7.2 Some questions may explore the candidate's suitability to work with children as well as their suitability for the post.
- 11.7.3 Discrepancies or anomalies in the information candidates have provided will be queried and satisfactorily resolved.

11.8 Decision making, feedback and offers of employment

- When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate's suitability will be evaluated on the basis that the equipment is in place.
- Each member of the selection panel will score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these

will be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.

- The selection panel will agree feedback for each candidate and record whether or not each candidate is suitable for appointment, even if not the first choice candidate.
- Offers of employment will not routinely be made at interview.
- All candidates will be notified of the outcome of the interview as soon as possible. However, the selection panel will wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.
- All candidates will be offered feedback on their performance during the selection process and an explanation of the decision, if requested.
- The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:
 - References
 - Medical fitness for successful candidate only
 - Qualifications
 - An enhanced DBS check
 - Proof of identity and eligibility to work in the UK
 - Membership of any appropriate professional body
 - Disqualification under the Childcare Act 2006 for eligible staff see section 15.

Original documents should be produced and a copy of these will be taken and kept on the successful candidate's personal file with the exception of the DBS check.

11.9 Records of interviews

The school has a responsibility to maintain a central record for the complete recruitment process for a minimum of 12 months. The following should be recorded:

- assessment and selection criteria used (person specification);
- application of assessment and selection criteria (e.g. application form);
- interview and other selection method notes (e.g. question proformas, test results);
- reasons for decisions made;
- any additional information such as copies of qualifications, etc.

All recruitment paperwork relating to the successful candidate will be retained and placed on his/her personal file.

Individuals are able to access all the paperwork relating to their recruitment process in accordance with the Freedom of Information Act.

12 ELIGIBILITY TO WORK IN THE UK

- 12.1 Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ someone without entitlement or permission to work in the

UK. Section 15 of the Act requires all employers in the UK to make basic document checks on **every** person before they start work to help ensure that they do not employ illegal workers. Employers are also required to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK. Employers incur a fine of up to £10,000 if they employ an illegal employee. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to two years' imprisonment.

- 12.2 To ensure that recruitment practices are not discriminatory, **all** short-listed applicants, regardless of their colour, race, nationality, or ethnic or national origin, will be asked to produce original documents as evidence of their right to work in the UK. For more information and guidance on appropriate documentation, please see ['Ensuring Eligibility to Work Guidance](#)

13 OVERSEAS TRAINED TEACHERS (OTTs)

- 13.1 OTTs are allowed to work as unqualified teachers for a maximum of four years without the need to gain qualified teacher status (QTS).
- 13.2 Details can be found in Guidance from the DfE Overseas Trained Teachers https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387894/OTTs_web_guidance_10_Dec_14.pdf

14. APPOINTMENTS

Pre-employment checks

- 14.1 An offer of appointment to the successful candidate should be conditional upon:
- the receipt of at least two satisfactory references (if those have not already been received – see section 11);
 - verification of the candidate's identity (original documentation must be seen and a copy taken);
 - where appropriate, a satisfactory Enhanced DBS Check (before working unsupervised with children);
 - pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
 - verification of qualifications (original documents must be seen and a copy retained);
 - verification of professional status where required e.g. Teacher Agency registration, QTS status (unless properly exempted), National Professional Qualification for Headship (NPQH);
 - (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999);
 - (for non teaching posts) satisfactory completion of the probationary period;
 - verification of the right to work in the UK (original documents must be seen and a copy retained – section 13)
 - Declaration by employee that they are not disqualified under the Childcare Act 2006.

Disqualification under the Childcare Act 2006

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following

a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age 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.

Further information can be found in the DfE Statutory Guidance on Disqualification under the Childcare Act 2006 issued in February 2015 <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Contracts of employment

- 14.2 There is a statutory responsibility to give new employees written details of the main terms and conditions of employment within two months of appointment. This is known as the Statement of Particulars. Template Statements of Particulars are available from Ventrus HR.
- 14.3 The type of contract and the terms and conditions of employment will be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this must be written in the contract. Examples of reasons for temporary appointments are available from Ventrus HR.

Administration

- 14.4 All employment checks, including qualifications, DBS, identity and right to work in the UK must be placed on a central record at the school which will be subject to Ofsted inspection.

15. INDUCTION

- 15.1 Headteachers / Principal should make appropriate induction arrangements for all newly appointed staff. An Induction checklist is provided by Ventrus HR.
- 15.2 Within the Statutory guidance Keeping Children Safe in Education there is a minimum requirement for Induction that new staff will read part one of the

guidance and to have read Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.

- 15.3 Headteachers / Principal should follow the statutory induction programme for Newly Qualified Teachers.

16 PROBATIONARY PERIOD

- 16.1 Support staff who are not transferring from a previous school should be monitored through a six month probationary period. The performance of new staff will be rigorously monitored during the probationary period with close attention being paid to learning needs and performance issues. (See Ventrus Probationary Policy for School Support Staff).

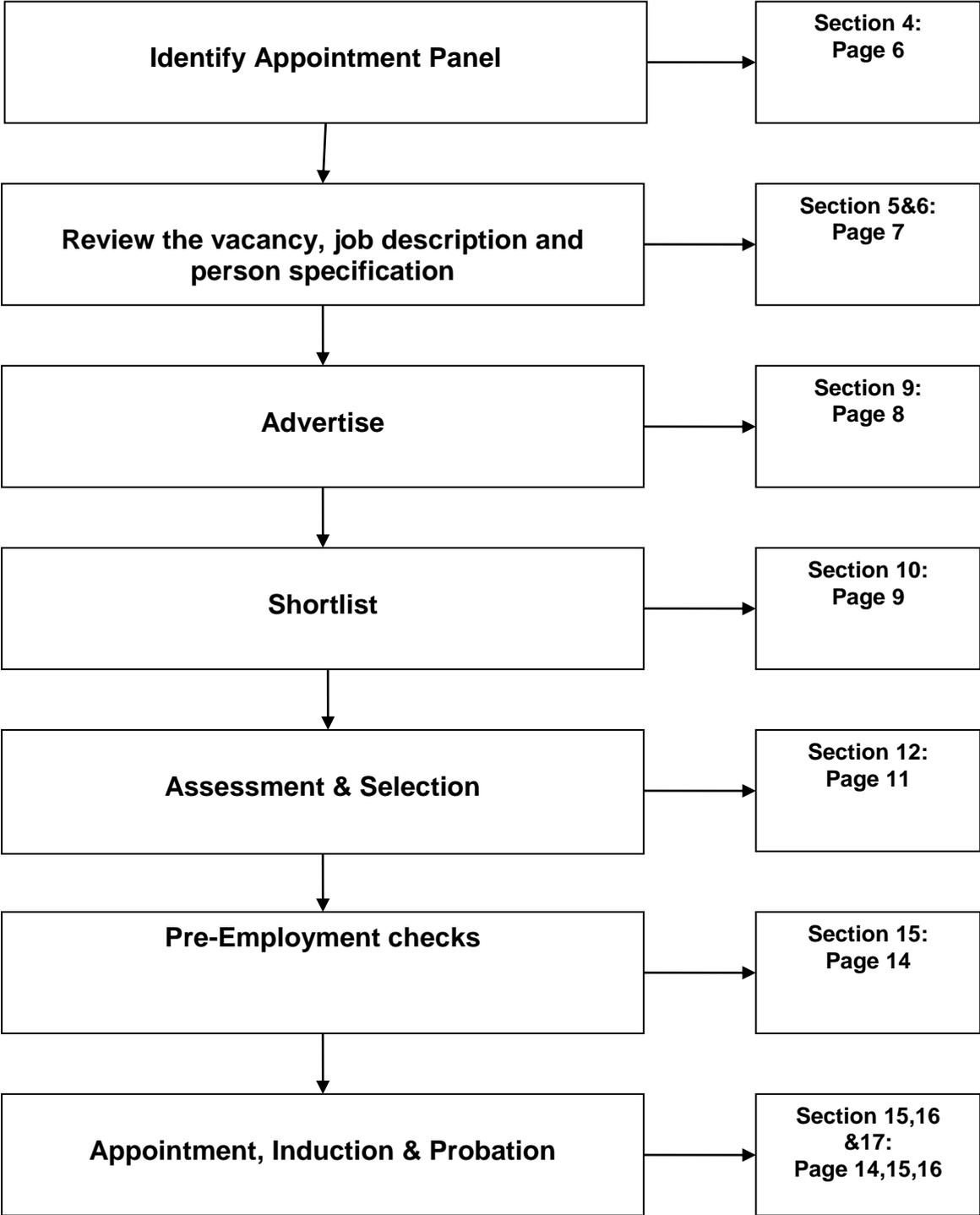
17. VOLUNTEERS

- 17.1 Recruitment of volunteers will be in line with this policy and all appropriate recruitment checks should be made on volunteers as would be done for substantive, fixed term and temporary staff. For further guidance on the use of Volunteers in schools, refer to the Volunteers in Schools document available from Ventrus HR.

18. REMUNERATION

- 18.1 It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g. to take account of current salary levels, experience or qualifications
- 18.2 Teachers' remuneration will be in line with the school's adopted pay policy. in maintained schools this will be in accordance with the School Teachers' Pay and Conditions Document.

APPENDIX 1 - Recruitment and Selection Flowchart



POLICY HISTORY

Policy / Version Date		Summary of change	Contact	Implementation Date	Review Date
		New Schools' HR policy.	Schools' Personnel Helpline		As necessary and appropriate
August 2015					
January 2016		Recruitment and Selection Policy updated in line with Keeping children safe in education guidance	HR One	January 2016	As necessary and appropriate
Jan 15		Revised pre-employment checks	SL	13.5.16	
Mar 18	V1.0	Revised policy to reflect the Trust's Leadership structure and terminology	SL Updated Nov 17 Contact: SS	March 18	2020

