

# Savile Park Primary School

## Recruitment Policy



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## **1. Introduction**

- 1.1 The policy is based on the premise that the governors will ensure that fair, consistent and objective processes exist for matters relating to recruitment and selection of staff and volunteers.
- 1.2 Regardless of the size or nature of an organisation, processes require not only to be robust but also to be applied in a consistent manner to ensure the safest levels of staff recruitment. Accordingly, this policy is designed to develop and maintain an underlying culture of safeguarding awareness by observing appropriate principles of risk assessment and strategic management throughout.
- 1.3 The policy is designed to ensure that the best possible staff are recruited on the basis of their individual merits, abilities and suitability for the available advertised position; and to ensure that all job applicants are considered equitably and consistently, thus fully embracing the principles of the Equality Act 2010.

## **2. Purpose and scope**

- 2.1 This document underlies the principles enshrined in “Inspecting safeguarding in early years, education and skills settings” (guidance for inspectors undertaking inspection under the common inspection framework – last updated August 2016) and in “Working together to safeguard children” (statutory guidance on inter-agency working to safeguard and promote the welfare of children – last updated February 2017) as well as the documents entitled “School Staffing (England) (Amendment) Regulations 2012” and “Keeping Children Safe in Education” (2016).
- 2.2 The purpose is to ensure that a fair and consistent procedure is applied to all employees, having regard to the nature of their employment.
- 2.3 The purpose is also to ensure that safer recruitment procedures are followed in line with best practice to identify people who may be unsuitable to work with children, and additionally to ensure that those who come into regular contact with pupils (this may include individuals such as volunteers, contractors (and their employees) and supply staff) are checked as to their suitability.
- 2.4 It is important that all staff have appropriate training, induction and appraisal so that they understand their roles and responsibilities and are confident about carrying them out.
- 2.5 These procedures apply to all employees in the school. Nothing in these procedures is intended to contravene the statutory rights, duties and obligations of employees.

## **3. Job review**

- 3.1 A vacancy presents an opportunity to consider restructuring or to reassess the requirements of the post within the context of the school’s development plan and budgetary elements.
- 3.2 Valid questions to ask relate to a change in the functions of the post, alterations to the post with regard to new technologies or new work patterns etc. Answers to these questions will help to clarify the requirements of the post and how it fits into the organisation.
- 3.3 Conducting exit interviews or discussions with the current (ie departing) job-holder will provide information about any useful changes or indeed whether there is scope for a new post.

- 3.4 If an exit interview cannot be arranged prior to the employee leaving, the questionnaire can be posted to their home address (or emailed) for an opportunity to respond. In exceptional cases the employee may wish the exit interview to be conducted by someone other than their line manager and this should be accommodated where possible (eg an HR Advisor could undertake that task).

#### **4. Planning process**

- 4.1 It is important that time is allowed to plan for the recruitment. Such activities include: preparing the job description and person specification; deciding on the media for advertising; drafting the advertisement and preparing recruitment pack information; ensuring that staff involved in the recruitment process are fully aware of their responsibilities.
- 4.2 For some posts there may be in-tray exercises and other activities which need to be factored into the timeline. (For an example of timescales see Appendix 10.)
- 4.3 In maintained schools the governing body must, in accordance with School Staffing Regulations, notify (in writing) the local authority of any headteacher or deputy headteacher vacancy before advertising the post (as appropriate) and appointing a selection panel.
- 4.4 In maintained schools the panel established to make the headteacher appointment must additionally advise the local authority as to the identity of the shortlisted candidates and should, before appointment of any candidate, seek ratification of its decision from the full governing body.

#### **5. Selection panel**

- 5.1 The selection panel should normally consist of at least two managers (or senior postholders) who have the authority to make appointment decisions. It is not considered good practice for members of the governing body to involve themselves in recruitment decisions below the level of leadership posts.
- 5.2 For appointments to leadership posts there should be at least three panel members and governor representation would normally be anticipated for such appointments.
- 5.3 For appointments to the post of headteacher there should be at least three governors on the panel **in addition to** any external appointees or representatives.
- 5.4 The panel members must:
- agree the job specification before carrying out the shortlisting process
  - agree the questions to be asked at interview (and any assessment activities that are part of the recruitment process)
  - agree a chairperson whose role is to co-ordinate
  - ensure that the interview process is conducted fairly and without discrimination.
- 5.5 In line with safeguarding requirements it is recommended that **at least** one member of every recruitment panel has undergone appropriate training in safer recruitment. Such training courses are no longer accredited at a national level (ie approved by the Secretary of State), however training providers must cover, as a minimum, the content of the document 'Keeping Children Safe in Education'.

## 6. Job description

- 6.1 This should detail the purpose and tasks of the job and it should be regularly reviewed to ensure that the duties accurately reflect the role. It should also be reviewed whenever a post becomes vacant. A good job description should be free of bias such as age, gender and disability and should include:
- the main purpose of the job
  - the main tasks of the job
  - the scope of the job – expanding on the main tasks and importance of the job, including the number of people to supervise
  - the grade of post (applicable to support staff only).
- 6.2 A good job description is essential for all jobs. It can help with induction and training. It provides the basis for drawing up a person specification - a profile of the skills and aptitudes considered essential and desirable in the job-holder. It should also include a statement of responsibility and requirements for safeguarding. It enables prospective applicants to assess themselves for the job and provides a benchmark for judging achievements (see proforma job description and person specification Appendices 1 and 2).

## 7. Person specification

- 7.1 Drawing up the person specification allows the organisation to profile the ideal person to fill the job. It is very important that the skills, aptitudes and knowledge included in the specification are related precisely to the needs of the job; if they are inflated beyond those necessary for effective job performance, the risk is that someone will be employed on the basis of false hopes and aspirations, and both the employer and employee will end up disappointed in each other.
- 7.2 Another good reason not to set unnecessary requirements is to avoid any possibility of discrimination against particular groups of potential applicants. The very process of writing a job description and person specification should help the employer to develop and implement a policy of equal opportunity in the recruitment and selection of employees.
- 7.3 Factors to consider when drawing up the specification include:
- the skills, knowledge and aptitudes directly related to the job
  - the type of experience necessary
  - the competencies necessary (including, where appropriate, any requirement for fluency in spoken English)
  - the required level of education and training (but only so far as is necessary for satisfactory job performance).
- 7.4 Any criteria relating to personal qualities or circumstances must be essential and directly related to the job, and must be applied equally to all groups irrespective of age, sex, race, age, nationality, religion or belief, disability, membership or non-membership of a trade union. To do otherwise is potentially discriminatory.
- 7.5 The criteria must be categorised as either essential or desirable; essential being those criteria which the applicant must have in order to do the job and desirable being those criteria which would enhance performance at the outset but could be developed over time with training.

## 8. Advertisement of the post

- 8.1 Any advertisement needs to be designed and presented effectively to ensure the right candidates are attracted. Advertisements must be tailored to the level of the target audience, and should always be clear and easily understood.
- 8.2 Advertisements must be non-discriminatory, and should avoid any gender or culturally specific language. To support this, the organisation should include in the advert its statement of commitment to equal opportunities, which will underline the organisation as one that will welcome applications from all sections of the community.
- 8.3 All advertisements should carry the same information, whether for internal or external use. In order to avoid accusations of age discrimination it is advisable not to use such phrases as "young and dynamic", "would suit someone who has just qualified", "minimum of ten years' experience" or similar, as these may lead to age bias.
- 8.4 In terms of a "genuine occupational requirement" (GOR), it is possible to advertise for a person of a particular age, gender, race, religion etc provided the employer can demonstrate there is requirement and that the action is proportionate to the aim ie no other means available. It is good practice that a statement is added to any advertisement that contains a GOR specifying which section of the appropriate act is being used.
- 8.5 An equal opportunities statement should be included in the text and commitment to safeguarding emphasised. An example of appropriate wording would be:
- Savile Park Primary School is committed to safeguarding and promoting the welfare of children and young people and expects staff and volunteers to share this commitment.*
- 8.6 The job description and person specification will enable the selection panel to identify the key functions of the role to be advertised and the qualifications, skills, experience and attributes believed to be necessary in a successful candidate.
- 8.7 Factors to consider:
- keep the text short and simple while giving the main aspects of the job such as: pay, career prospects, location, contract length, suitability for job share, fixed term etc
  - make clear the form of reply and the closing date for applications
  - ensure an appropriate contact name and phone number for further information and enquiries
  - confirm the requirement for a Disclosure and Barring Check appropriate to the post
  - the closing date should be at least 2 weeks after the advertisement has appeared.
- 8.8 Where to advertise
- It is good practice to advertise all vacancies externally to avoid the potential claims of discrimination – however, where there is a reduction in the workforce or developmental reasons, posts will be recruited from existing staff.
- 8.9 Internal recruitment - this method can have the advantage of building on existing staff's skills and training, and provides opportunities for development and promotion. It is a good way to retain valuable employees whose skills can be further enhanced. Other advantages include the opportunity for staff to extend their competencies and skills to the benefit of both the organisation and the individual, and the enhancement of individual motivation ie succession planning.

## 8.10 Examples of places to advertise:

- commercial recruitment agencies - often specialise in particular types of work
- national newspapers - advertising in the national press is expensive, but likely to produce a good response for particular specialist vacancies (remember too there are national ethnic group newspapers which will reach a wide audience)
- specialist and professional journals - less expensive than the national press, these journals can guarantee to reach the precise group of potential applicants for specialist and professional vacancies
- internet, microsites, school website
- local newspapers, radio - for less specialised jobs, or to target groups in a particular local area, advertisements
- Job Centre Plus (DWP) - will display employers' vacancies and refer potential recruits. They also administer some of the Government training programmes. The Disability Service Team staff at Job Centre Plus can help address the specific requirements of attracting disabled people.

## 9. Use of application forms

- 9.1 These can help the recruitment process by providing necessary and relevant information about the applicant and their skills. The design of the form needs to be realistic and straightforward, appropriate to the level of the job.
- 9.2 Use of a well-designed application form has advantages in providing the required information in the format desired by the recruiter, thus providing the basis for the initial sift prior to shortlisting and interview. The application form should provide a record of experience and qualifications which is easy to follow if the form is completed accurately.
- 9.3 A minimum of 2 references should be requested, at least one of which should be from the applicant's current (or last) employer. Any reference from a school should generally be signed by either the headteacher or a senior manager.
- 9.4 Any information such as title (marital status), ethnic origin or date of birth requested for monitoring purposes (eg for compliance with the legal requirements on race, sex, disability, age, etc discrimination) should be clearly shown to be for this purpose only, and should be on a separate sheet or tear-off section. (See section 22 for further information on monitoring of demographics.)
- 9.5 If the applicant's response on the application form declares or suggests that they are disabled, the recruiting employer should take note of this. In the case of disability, the (potential) employer has a legal duty under the Equality Act 2010 to make reasonable adjustments, eg by holding the interview in an easily accessible room or allowing extra time for selection tests.
- 9.6 The (potential) employer may also be under an obligation to follow the 'two ticks' scheme adopted by certain employers. One of the commitments of this scheme is that participating organisations will interview all disabled applicants who meet the minimum criteria for a job vacancy (see clause 11.6) and will consider them on their abilities.

## 10. Applicant pack

- 10.1 The aim of the applicant pack is to convert as many initial enquirers into suitable applicants. The pack may contain:

- a covering letter explaining contents and further information
- a copy of the advertisement (which in turn should specify if fluency in spoken English is a necessary requirement of the post)
- an application form with equal opportunities monitoring form attached
- advice on how to complete the form
- job description and person specification
- organisation chart (reporting lines etc)
- information about the school/profile/prospectus/statistical information
- information about the local area
- outline terms and conditions of employment
- Disclosure and Barring Service (DBS) checks policy (further details given in Appendix 4).

10.2 The applicant pack should explain the application process and give a reminder of the closing date and interview dates, and also confirm that if the applicant has not heard from the school within 4 weeks, they can assume that they have been unsuccessful.

## 11. Shortlisting

11.1 The shortlist should be drawn up as soon after the closing date as possible and to ensure fairness the process of shortlisting should involve an absolute minimum of 2 people from the recruitment panel. Shortlisted candidates are chosen on the basis of a comparison of the information given in their application forms against the person specification, which in turn is based upon the job description.

11.2 The Equality Act 2010 makes it unlawful for employers to discriminate against job applicants (and existing workers) because of a "protected characteristic". The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.3 Application forms should be scrutinised to ensure that they are properly completed and that the information is consistent. Incomplete applications should not be accepted. A decision should be made at the outset of the process as to whether any applications that are incomplete are to be returned for completion or discarded.

11.4 The shortlisting grid/matrix should be used after application forms have been numbered and have had their monitoring information removed (by someone not involved in the shortlisting – see clause 9.4) in order to ensure a systematic and objective process is followed (an example of the format used in a model shortlisting matrix is provided in Appendix 8).

11.5 The chosen criteria for the post should be entered on the grid and each applicant's number should be inserted. The criteria should then be compared to the information supplied in the application form, inserting a tick or a cross to indicate whether met or not. The columns should then be totalled (maintaining a clear distinction between essential and desirable criteria).

11.6 Any candidate who does not meet the essential criteria must not be shortlisted. Desirable criteria can be used to further differentiate between those who have satisfied the essential criteria, if the shortlist is longer than required. However, if a candidate who indicates on the application form that they are disabled meets all of the essential criteria, they should be interviewed.

11.7 If there is a poor field of applicants and there is only one applicant who meets the essential criteria, that person may be appointed but only having undertaken a successful face to face



interview.

## 12. References

- 12.1 Any offer of employment must be conditional upon satisfactory references (in addition to other pre-employment checks).
- 12.2 The application form requests two references, one of which must be from the current (or most recent) employer, and reserves the right to approach any previous employer. If the candidate has previously worked with children but their current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.
- 12.3 References will be sought for all shortlisted external candidates, and should also be requested for internal candidates (although the following clause must be noted) if the new role involves a significant change of responsibilities. They should (where possible) be obtained before interview so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.
- 12.4 References for internal candidates should be sought where appropriate but should always be sourced from an individual manager who is not personally involved in the shortlisting/interview process.
- 12.5 All requests for references should seek objective (and verifiable) information and should not encourage subjective opinion. Sufficient diligence should be undertaken to ensure that all referees are both valid and genuine.
- 12.6 The purpose of seeking references is to obtain information (which must be accurate, factual and not misleading) to support appointment decisions. References should always be sought and obtained directly from the referee. A copy of the job description and person specification should be included with the reference request.
- 12.7 The school will not accept “to whom it may concern” testimonials or letters supplied by the candidate. (For model reference request see Appendix 12.) It is particularly important that the question relating to working with vulnerable groups (as detailed in the pro forma) is asked when a reference is requested.
- 12.8 The current employers of all short-listed candidates will, within the reference request, also be asked for details of any capability history in the previous two years. The reasons for this are as enshrined in the Staffing Regulations (England) (Amendment) 2012:

*“Governing bodies of maintained schools must confirm in writing whether or not a teacher at the school has been the subject of capability procedures within the last two years and, if so, provide details of the concerns which gave rise to this, the duration of the proceedings and their outcome, if asked to do so by the governing body of any maintained school or the proprietor of an Academy School to which that person has applied for a teaching post.”*

- 12.9 It is further recommended that the previous employer should be asked for details of:
- whether or not the applicant has been subject to any disciplinary procedures for which a disciplinary sanction is still current
- and should also (where the applicant’s previous employment has involved working with children or young people) seek details of:
- any disciplinary procedures the applicant has been subject to involving issues related

to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of those

- any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people, or behaviour towards children or young people, and the outcomes of those concerns (for example whether the allegation or concern was investigated, the conclusion reached and how the matter was resolved).

12.10 All references received should be compared to the information supplied in the candidate's application form to ensure consistency and compatibility. Any apparent discrepancies should be taken up with the candidate.

12.11 In any case where a reference has not been obtained on the preferred candidate before interview, the manager will ensure that it is received and scrutinised and that any concerns are resolved satisfactorily, before an offer of appointment is confirmed. If the reference is vague or unspecific, the referee should be contacted and asked to provide written answers or further information as appropriate.

### **13. Invitation to the interview**

13.1 Candidates for interview should be informed of their shortlisting in a letter that contains a detailed programme for the interview day(s) including:

- any preparation required by candidates such as for a presentation or lesson
- an indication of the time the process is anticipated to take
- a location map or instructions relating to the interview venue.

13.2 Disabled candidates should be contacted either through this letter or by telephone to ascertain what arrangements/reasonable adjustments are required to enable them to participate fully in the interview process.

13.3 Where relevant, the invitation should advise candidates that any issues arising from references will be discussed at interview.

13.4 In order to comply with legal requirements in a way that avoids claims of discrimination, all prospective employees should be asked to prove both their identity and their eligibility to work in the UK. Photographic proof of identity (such as a passport) should be presented for verification at interview. Further information and example letters are detailed in Appendix 3.

13.5 It is, therefore, important to enclose, with the invitation letter sent to candidates, advice about the appropriate original documents to be brought to interview in order to establish both proof of identity and proof of the applicant's right to work in the UK. The relevant documents should be copied by the school and kept on file for the successful candidate.

13.6 Candidates should also be asked to bring along to the interview, for verification purposes, original documentation in relation to their qualifications. Once again copies should be made and kept on file for the successful candidate. If originals are not available a letter of confirmation from the awarding institution should be obtained from the candidate.

### **14. Selection process**

14.1 The aim of the selection process is to measure the skills, abilities (competencies) and experience of the shortlisted candidates against the requirements identified in the person specification. An interview should take place with each candidate but it may be appropriate to use selection tests to complement the process.

- 14.2 The school will consider the appropriateness of including the observation of trial lessons as part of an extended interview process (in line with the School Staffing (England) (Amendment) Regulations 2012).
- 14.3 The school will ensure that tests for job applicants are not unlawfully discriminatory. For example, a written English test would discriminate against those whose first language is not English - although this could be justified if having good written English was necessary for the job. Examples of tasks include: in-tray exercises; presentations; observed group discussion or lessons; group problem solving exercises; small panel interviews; practical skills; etc.
- 14.4 In the event of job applications being received from more than one applicant, with a view to performing the role on a job share basis, equal consideration must be given to such candidates, both of whom are required to be assessed for the role on the merits of their individual application.

## **15. Interview**

- 15.1 The key purpose of a selection interview is to assess the skills, experience and general background of a particular candidate in order to make a decision on whether that person is a suitable candidate, or the most suitable candidate, for a particular job. Interviewing is the most commonly used method of assessing prospective employees. Where possible the selection process should always include a face-to-face interview.
- 15.2 It is good practice for candidates to have an opportunity to see the school and pupils at work. This may involve some pupils in showing interviewees around the school along with a senior staff member.
- 15.3 The interview should also be a forum through which each candidate can obtain information about the organisation and the vacant job. The selection interview should thus be structured around a two-way communication process.
- 15.4 The format of the interview should be the same for each candidate to help ensure that they each get a similar experience and receive the same information about the job, but this does not mean identical questions must be asked of each candidate.
- 15.5 Managers involved in recruitment have a duty to conduct selection interviews fairly and without bias for or against any particular candidate. Reasonable adjustments must be made for disabled candidates who have requested special arrangements, to ensure that they are not placed at a disadvantage.
- 15.6 Questions asked at interview should be designed to obtain relevant information about the applicant's experience and skills. They also represent an opportunity to check facts, test achievement and assess aptitude and potential. Questions should also explore attitudes and motives to work with children as well as exploring any apparent gaps within a candidate's employment history as declared on their application.
- 15.7 Safeguarding guidance recommends that competency based questions should be used which ask the candidate to "relate how (he or she) dealt with an actual situation" or questions "that test a candidate's attitudes and understanding of issues".
- 15.8 It is potentially discriminatory (on the grounds of disability) to ask a job applicant questions about his or her health or disability before making a job offer to that person, although there are some exceptions to this rule in that during the interview it is legitimate to:
- establish whether the applicant is able to carry out a "function that is intrinsic to the work"

- make sure the candidate has any specific disability that may be deemed necessary as a general occupational requirement (GOR) for that role eg mental health (counsellor role).

- 15.9 The use of an assessment grid to record conclusions is highly recommended to encourage a systematic and objective approach that can be readily justified. (See model interview grid Appendix 9.)
- 15.10 Ill health pension – The recruitment panel should also be aware of applicants being in receipt of an ill health pension and confirm with the applicant whether they would be eligible to undertake paid work under their pension scheme rules.
- 15.11 Record-keeping – The employer must always be able to justify the decision to recruit a particular person in preference to other applicants. It is therefore necessary to document the recruitment process as much as possible. Sufficient time should be allocated between each candidate for panel members to record appropriate information, and such notes should be retained, along with assessment grids or matrices (as mentioned above) for a period of six months in order that objective evidence is at hand in the event of a recruitment decision being challenged (by an unsuccessful candidate) at a later date.
- 15.12 Candidates interviewed should be informed when and how decisions on recruitment will be communicated to them.

## **16. Pre-recruitment checks**

- 16.1 The school will ensure that robust vetting procedures are in place to minimise the risk of appointing unsuitable staff. Any job offer extended to a candidate should be conditional on these checks proving satisfactory.
- 16.2 Staff will undergo appropriate DBS checks. Candidates will be requested to provide original documentation (or to allow the employer to use the 'updating service' if they have registered for this) in order to be able to verify the authenticity of their certificate before any appointment is confirmed. However, it is not a requirement to obtain a new DBS certificate for newly appointed staff who have come from a similar post in another school and have had no more than three months' break in service, although these individuals must provide evidence of their most recent DBS certificate.
- 16.3 The school will also check that any teacher appointed is not subject to a prohibition order. This check must be carried out before any appointment is confirmed, by means of a free service in which the employer is able to check the record of any teacher who holds QTS, and this can be done by logging onto the 'employer access online system via the DfE website:  
[www.gov.uk/guidance/teacher-status-checks-information-for-employers](http://www.gov.uk/guidance/teacher-status-checks-information-for-employers)
- 16.4 In relation to DBS checks for volunteers and external contractors, further guidance is provided in Appendix 5.
- 16.5 All checks will be confirmed in writing, documented and retained on the appropriate file (see Appendix 7 for DBS Advice on storage and retention of certificates). They will also be followed up, prior to confirmation of appointment, if they are unsatisfactory or if there are any apparent discrepancies.
- 16.6 All temporary agency staff will be both DBS and prohibition order checked by their agency before they start work for the school. The completion of these checks forms part of the agreement between the school and the agency. Written receipt of confirmation is required from the supply agency of a current (within 3 months) and clear DBS check and also of the

certified absence of any prohibition order. These confirmations will be used as evidence on the school's Single Central Record.

- 16.7 Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. Detailed Home Office guidance can be found at: [www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)
- 16.8 Childcare (Disqualification) Regulations 2009 place additional vetting requirements on schools who employ staff in either early years' provision or in later years' provision for children who have not attained the age of 8 (including breakfast clubs and after school provision), or who employ staff who are directly concerned in the management of such early and later years' provision. This includes a check on an employee living in the same household where another person who is disqualified lives or works (disqualification 'by association') as this is included in the wider disqualification criteria. Further details of which staff may be affected by these regulations can be found at Appendix 4b.
- 16.9 Employees working in these settings will be asked to provide relevant information not only about themselves but also about any person who lives (or works) in the same household as they do. This may be effected by requiring every employee to sign a suitable declaration (see Appendix 4c). It is important that any such declaration should contain a proactive clause, placing the employee under a clear responsibility to make their employer aware of any subsequent events or developments that might affect their eligibility to work with young children.
- 16.10 In relation to new employees it is good practice to reference the issue of disqualification by association when advertising any relevant employment vacancy at the school. A declaration should be completed by the candidate either before interview (ie if shortlisted) or before appointment (ie any offer of employment should remain conditional until the declaration has been completed satisfactorily). Alternatively, schools and academies may wish to incorporate a suitable form of wording into any employment contract issued to new employees.
- 16.11 In the event of an unsatisfactory declaration (of disqualification by association) a prospective employee may be required to apply for a waiver before they are permitted to commence employment. If a waiver is not granted, the conditional offer of employment should be withdrawn.

## **17. Right to work checks**

- 17.1 Permission to work in the UK is subject to legislation. It is a criminal offence to employ those who do not have permission to live or work in the UK. Under Section 35 of the Immigration Act 2016 (effective since 12 July 2016) these requirements are enforceable by a fine and potential imprisonment for up to 5 years where the employer "had reasonable cause to believe" that the individual was disqualified from being employed in the UK due to their immigration status.
- 17.2 The school is subject to a legal duty to prevent illegal working. All prospective employees must be required to provide the necessary documentation to demonstrate eligibility for work in the UK (as well as verifying identity). Refer to Appendix 3 for further details.

## **18. Health**

- 18.1 Anyone appointed to a post involving regular contact with children or young people must be medically fit (Education (Health Standards) (England) Regulations 2003). Employers are statutorily responsible for satisfying themselves, before an appointment offer is made, that potential appointees have the appropriate level of physical and mental fitness.

## 19. Conditional offer of appointment

- 19.1 A **conditional offer** should always be made since it makes a job offer dependent on a number of documents being produced, including two satisfactory references (if not already received), a declaration of health issues (where it is appropriate to ask health questions intrinsic to the role), evidence of the employee's right to work in the UK, a certificate issued by the Disclosure and Barring Service (DBS), proof of the employee's stated qualifications and of their identity (such as passport or UK driving licence).
- 19.2 Certain of these requirements may be optional (dependent upon the precise job role) and employers should only insist on those which are applicable to the role in question.
- 19.3 The conditional offer letter should also include: job title and brief description, terms of employment (hours, pay, etc), start date and details of any induction or probationary period.
- 19.4 Providing false information is an offence that could result in the application being rejected, or summary dismissal if the applicant has already been appointed.

## 20. Offer of appointment

- 20.1 The **offer letter** should be issued once the conditions in the conditional offer letter have been met. The Employment Rights Act 1996 requires employers to provide most employees with a written statement of the main terms within two calendar months of starting work.
- 20.2 The contract should include:
- a. employer's name
  - b. employee's name
  - c. job title
  - d. date employment commenced (and date continuous service commenced, if earlier)
  - e. place of work
  - f. pay and interval between payments
  - g. hours of work
  - h. terms and conditions, including notice periods and holiday, sickness and pension entitlements
  - i. whether the contract is permanent or fixed term
  - j. grievance process and appeal arrangements
  - k. disciplinary process and appeal arrangements.

## 21. Feedback

- 21.1 There is no requirement to give feedback to unsuccessful candidates: it should only be given if it is requested and giving constructive feedback can be a difficult task. It is appropriate to 'describe' instead of 'evaluating' - describe what happened during the particular situation that is the subject of the feedback, and use description to draw attention to the areas that made an impression on the members of the interviewing panel.
- 21.2 Any feedback given should avoid making value judgments. Feedback should be specific and should avoid generalities. It is better to be positive (where possible) in preference to being over critical, whilst reminding the candidate of the key criteria you were looking for - quoting examples of things they actually wrote, or said, and how this affected the outcome.
- 21.3 It is good practice (and may be important) to record all feedback that is provided.

## **22. Monitoring**

- 22.1 Monitoring should cover equal opportunities, information on response to application packs, staff turnover and reasons for leaving gained through exit interviews. Information on the equal opportunities monitoring form (attached to the application form) should be recorded on the recruitment summary sheet.
- 22.2 The initial stage of monitoring should be carried out on receipt of the application forms (see clause 9.4) by an administrator independent of the selection panel. The separate elements of each application form should be identified on the recruitment summary sheet using the number allocated to each form.
- 22.3 The monitoring forms should be detached from the application form, recorded on the summary sheet and after the closing date the application forms only should be sent to the recruiters. After shortlisting, the record on the summary sheet for candidates who have been rejected should be updated with the appropriate reason in the non-selection category (see summary sheet Appendix 11).
- 22.4 After interviews and when the offer has been made, the remaining candidate's application forms should be passed to administration for the summary sheet to be updated with the rejection categories. The summary sheet should be kept in the recruitment file.

## **23. Recordkeeping**

- 23.1 For each vacancy a file should be created which will contain:
- job description and person specification
  - advertisement
  - shortlisting matrix
  - interview assessment sheet
  - application forms (for all except the successful candidate)
  - references
  - any other correspondence relating to the vacancy
  - recruitment summary sheet
  - details of the successful candidate.
- 23.2 Each vacancy should have its own set of records, which in the case of unsuccessful applicants should be retained for a maximum of 6 months.
- 23.3 Any documents relating to the successful applicant will routinely be transferred to the (new) employee's personnel file which should be created as soon as the appointment has been confirmed.

## **24. Induction**

- 24.1 The purpose of induction is to ensure the effective integration of staff into or across the organisation for the benefit of both parties. The induction programme has to provide all the information that new employees need, and are able to assimilate, without overwhelming or diverting them from the essential process of integration into a team.
- 24.2 The length and nature of the induction process depends on the complexity of the job and the background of the new employee but induction training should, as a minimum, always include the organisation's safeguarding and child protection processes and procedures.

- 24.3 It is important to keep a checklist of the areas of induction training received, ideally countersigned by the individual. This helps to ensure all employees receive all the information they need. This checklist can be a vital source of reference later in employment - for example to check an employee has been briefed on policies, or to produce evidence of training in the event of a health and safety inspection.



## Appendix 1: Job Description

### JOB DESCRIPTION TEMPLATE

The information given on this job description is intended to provide an understanding and appreciation of the workload of this particular job and its purpose within the organisation.

The job description outlines main duties and responsibilities under broad headings only, as it is not possible to specify every item in detail.

**POST TITLE:**

**GRADE:**

#### **PRIME OBJECTIVES OF THE POST**

*Purpose of the job*

**RESPONSIBLE TO** *Post title of manager/supervisor*

#### **RESPONSIBLE FOR (number of staff)**

*Number, description and grades of staff directly supervised by postholder*

<b>JOB TITLE</b>	<b>GRADE</b>	<b>NO. OF JOBHOLDERS</b>

#### **MAIN DUTIES AND RESPONSIBILITIES**

*Outline of main duties and responsibilities – no more than 10 duties should be itemised*

*Give a very brief summary/comment on the requirements re the following factors:*

## **KNOWLEDGE**

*Level/nature of knowledge required – the technical, specialist, procedural organisational knowledge required for the job, eg could be literacy, numeracy, knowledge of equipment, knowledge of concepts, ideas, cultures, theories, techniques, policies, procedures or practices. Please state any specific qualifications/skill levels that are essential for the post. Please avoid specifying a requirement for a certain length of experience unless it can be objectively justified i.e. it is needed in order to carry out the job properly.*

## **SKILLS**

*Level/nature of skills required – can include analytical, problem solving, judgmental skills; creative, developmental skills (re dealing with/handling people, design, policies, procedures); planning and strategic skills, interpersonal and communication skills, advisory, persuasive or negotiating skills (oral and written); physical skills – co-ordination, dexterity and degree of speed and/or precision. Please state any personal contacts whom the postholder will be expected to communicate with during the course of their work.*

## **INITIATIVE**

*The degree of responsibility of the postholder for taking decisions during the course of exercising the duties of the post; Scope for use of initiative and/or independent actions; level/nature of supervision of the postholder, degree of direction given – by supervisors and/or by policies/procedures/guidelines.*

## **DEMANDS**

*Level of demand placed on the postholder – physical demand, mental effort and concentration, emotional demands arising from the nature of the work; the frequency and on-going nature of demands on the postholder.*

## **PEOPLE RESPONSIBILITIES**

*Responsibility for and/or impact on individuals or groups, public, clients, customers etc, but not staff managed or supervised by the postholder. Emphasis is on the direct impact of the postholder on the well-being of individuals/groups during the course of undertaking the duties of the post.*

## **RESOURCES**

*Direct responsibility for financial resources (budgets, income, cash – please give size of budget etc) and/or physical resources (equipment, stocks, premises), including the levels of responsibility involved, eg frequency of responsibilities, contributory, shared, direct or sole responsibility.*

## **CONDITIONS**

*Is there any exposure to disagreeable, uncomfortable or hazardous working conditions arising from the working environment or from work with people?*

**Appendix 2: Person Specification**

**POST TITLE:**

**POST REF:**

<b>ATTRIBUTES</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>	<b>HOW IDENTIFIED</b>
<b>KNOWLEDGE &amp; SKILLS (INCLUDING ANY RELEVANT OR REQUIRED QUALIFICATIONS)</b>			<i>Application Form Interview References Selection Test Certificates</i>
<b>PERSONAL DEVELOPMENT AND ADDITIONAL LEARNING</b>			<i>Application Form Interview Certificates</i>
<b>EXPERIENCE</b>			<i>Application Form Interview References Certificates</i>
<b>INITIATIVE</b>			<i>Application Form Interview Selection Test</i>
<b>CIRCUMSTANCES</b>			<i>Application Form Interview</i>

## Appendix 3: Right to Work Checks

### Appendix 3a: Eligibility to Work in the UK - Guidance for Managers

This guidance will help you understand which documents you must ask your prospective employees to produce to ensure that they can work for you lawfully and in order that the school can establish a statutory excuse against the payment of a civil penalty if an employee is found to be undertaking work they are not permitted to do.

It explains what steps you should take to satisfy yourself that any documents produced by a prospective employee demonstrate an entitlement to work in the UK. It also explains when you should repeat these checks on those who have limits on their time in the UK.

The Immigration, Asylum and Nationality Act 2006 strengthened the law on the prevention of illegal working by replacing the previous controls under Section 8 of the Asylum and Immigration Act 1996. On 16 May 2014 changes came into force to strengthen and simplify the civil penalty scheme for employers. These includes some changes to the document checks employers are required to undertake.

With effect from 29 February 2008, Section 15 of the Act imposed new civil penalties on employers of illegal workers. (Currently they may be fined up to a maximum of £20,000 for each individual worker employed illegally.) In addition, where employers are found to have knowingly hired illegal workers they may be liable for prosecution under Section 35 of the Immigration Act 2016 (effective from 12 July 2016), for which there is a maximum prison sentence of 5 years and/or an unlimited fine.

Although employers may establish a statutory excuse in relation to Section 15 of the Immigration, Asylum and Nationality Act 2006, there is no such excuse in relation to Section 35 of the Immigration Act 2016 if the employer “had reasonable cause to believe” that the employment was not permissible.

Employers may establish a statutory excuse against liability for a civil penalty in relation to Section 15 if they can prove that they have carried out appropriate document checks.

Managers should read the attached guidance notes (**Appendix 3b**) regarding the status of overseas workers and the documents to be verified and copied as part of the pre-recruitment checking process (**Appendix 3d**).

The attached letter template (**Appendix 3c**) and the list of documents (**Appendix 3d**) should be sent out to **all** shortlisted candidates with their invitation to interview, to ensure that the school complies with its legal obligation under Sections 15 and 21 of the Act in a way that does not result in unlawful race discrimination.

Where employees are transferred in under TUPE arrangements, managers must request, check and copy relevant documentation within 60 days of the transfer date. Employers must not rely on checks made by the previous employer as this will not provide a statutory excuse in the event that any workers acquired are working illegally.

Not all international students (those from outside the EEA) are entitled to work while they are in the UK, but some are allowed to take limited employment in the UK (including work placements), providing the conditions of their permission to study permit this. An employer may be liable to prosecution or a civil penalty if they knowingly employ a student who no longer has the right to work because that student is no longer studying.

Further changes to immigration control were introduced under the Asylum, Immigration and Nationality Act 2006 including:

- the introduction of a points-based five tier immigration system for workers from outside the EEA or Switzerland that replaced all existing routes for those wishing to enter the UK to work, study or train
- an employer led system of sponsorship for the employment of workers from outside the EEA or Switzerland, of which the school is a registered Tier 2 sponsor.

All forms and guidance notes referred to in the attached documents are available from: [www.gov.uk/government/organisations/uk-visas-and-immigration](http://www.gov.uk/government/organisations/uk-visas-and-immigration)

## Appendix 3b

### The Immigration, Asylum and Nationality Act 2006

#### Guidance Notes for Managers

##### Conducting a right to work check

###### Step 1

You must obtain **original** documents from either **List A** or **List B** of acceptable documents at Appendix 3d.

If a person provides you with acceptable documents from List A there is no restriction on their right to work in the UK, so you establish a continuous statutory excuse for the duration of the person's employment. You are not required to carry out any further checks.

If a person provides you with acceptable documents from List B there are restrictions on their right to work in the UK, so you will establish a time-limited statutory excuse. You are required to carry out follow-up checks on this person's right to work in the UK.

The frequency of these follow-up checks depends on whether the documents you are provided with are from **Group 1** or **Group 2**.

###### Step 2

You must check that they are genuine and that they person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering.

This can be carried out as either a physical presence in person or via a live video link.

You must check all of the following points:

1. Photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation
2. Expiry dates for permission to be in the UK have not passed
3. Any work restrictions to determine if they are allowed to do the type of work on offer (for **students** who have limited permission to work during term times, you must also obtain from them, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed). Acceptable evidence includes: printout from student's education institution website, a copy letter/email addressed to student from the education institution confirming term dates
4. The documents are genuine, have not been tampered with and belong to the holder
5. The reasons for any different names across documents (eg marriage certificate, divorce decree, deed poll). Supporting documents should also be photocopied and a copy retained.

### Step 3

You must make a clear **copy** of each document in a format which cannot be altered, and retain the copy securely: electronically or in hardcopy. You must retain a record of the date on which you made the check and must be able to show this evidence if requested to do so in order to establish a statutory excuse.

You must copy and retain:

**Passports:** any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.

**All other documents:** the document in full, including both sides of a Biometric Residence Permit.

You must retain the copy or copies securely for not less than 2 years after the employment has come to an end. For further details regarding correctly carrying out all the steps that need to be taken refer to:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/338399/An\\_employers\\_guide-28-07-14.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338399/An_employers_guide-28-07-14.pdf)

If someone gives you a false document or a genuine document that does not belong to them, you should report the individual by calling the Sponsorship, Employer and Education Helpline on 0300 123 4699.

### **Home Office verification checks**

There are only 3 circumstances in which you are required to contact the Home Office to verify that someone has the right to work in the UK to establish and retain your statutory excuse. These are:

1. you are presented with a Certificate of Application (which must be less than 6 months old and which indicates that work is permitted); or
2. you are presented with an Application Registration Card stating the holder is permitted to undertake the work in question; or
3. you are reasonably satisfied that you have not been provided with any acceptable documents because the person in question has an outstanding application with the Home Office or has an appeal pending against a Home Office decision and therefore cannot provide evidence of their right to work.

In these circumstances, you need to obtain a **Positive Verification Notice** in order to obtain a statutory excuse. A Positive Verification Notice confirms that the named person is allowed to carry the type of work in question. You must check the original Application Registration Card or the Certificate of Application in the usual way. You must make copies of these documents and retain these copies, together with the Positive Verification Notice. In so doing, you will have a statutory excuse for 6 months from the date issued in the Positive Verification Notice.

If you receive a **Negative Verification Notice** you should not employ, or continue to employ this person, as this notice confirms that they do not have permission to do the work in question.

## Employing nationals from the European Economic Area (EEA)

EEA nationals have the right to work in the UK. However, they should not be employed simply on the basis that they claim to be an EEA national. Not all EEA nationals are permitted to work in the UK without restrictions. Any person who claims to be an EEA national will be required to produce an official document showing their nationality. This will usually be either a national passport or nationality identity card which indicates that the holder is a national of an EEA area.

Acceptable documents are included in List A and production of any one of them will provide the employer with a continuous excuse if checked and copied correctly before the person is employed.

EEA nationals who may work without restriction:

Austria	France	Liechtenstein	Romania
Belgium	Germany	Lithuania	Slovakia
Bulgaria	Greece	Luxembourg	Slovenia
Cyprus	Hungary	Malta	Spain
Czech Republic	Iceland	Netherlands	Sweden
Denmark	Ireland	Norway	
Estonia	Italy	Poland	
Finland	Latvia	Portugal	

Whilst they are residing lawfully, their immediate family members are also able to reside and work freely in the UK. However, you should still check their documents and photocopy to demonstrate this entitlement.

Since 1 June 2002, nationals from Switzerland and their family members have also had the same free movement and employment rights as EEA nationals.

### Croatian Nationals

For nationals from **Croatia** (which joined the EEA on 1 July 2013) transitional arrangements apply. Under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 a Croatian national who wishes to work in the UK and who is subject to the worker authorisation requirement will need to obtain an accession worker authorisation document (permission to work) before starting employment. This means that a Croatian national will only be able to work in the UK if they hold a valid accession worker authorisation document (such as a purple registration certificate) or if they are exempt from work authorisation. The employer is required to carry out a document check to confirm whether a Croatian national is either exempt from work authorisation or holds a valid worker authorisation document for the work in question. The employer should check, validate and keep dated copies of original acceptable documents before the candidate starts work.

## **Non-EEA Family members EEA nationals**

You should not employ any individual on the basis that they claim to be the family member of an EEA national. A valid Residence Card can be used to demonstrate that the holder has a right to work in the UK and is included in List B of acceptable documents and provide the employer with a time-limited statutory excuse if they are current, and have been checked and copied correctly.

An Accession Residence Card is issued to non-EEA family members of Croatian nationals who are subject to worker authorisation requirements and is included in List B of acceptable documents. It provides the employer with a time-limited statutory excuse if checked and copied correctly before the person starts work.

A Permanent Residence Card indicates that the person has lived in the UK for 5 years in compliance with the EEA Regulations and is included in the List A of acceptable documents and will provide the employer with a continuous statutory excuse if checked and copied correctly.

## **Non-EEA Nationals with a Derivative Right of Residence**

Some non-EEA nationals have a 'derivative right of residence' in the UK based on their relationship with an EEA (or Swiss) national or British citizen. Derivative residence cards are included in List B of acceptable documents, and will provide the employer with a time-limited statutory excuse if checked and copied correctly. When a Derivative Residence Card is contained in a passport, that passport must be current.

## **Certificate of Application**

Where a non-EEA national applies for a Residence Card or a Derivative Residence Card, the Home Office will provide them with a Certificate of Application pending a decision on their application. In certain circumstances, this certificate will state that the individual has a right to work in the UK whilst their application is being considered.

The Certificate of Application will only give the employer an excuse if it is less than 6 months old, permits work and is accompanied by a Positive Verification Notice issued by the Home Office's Employer Checking Service stating that the holder has permission to do the work in question.

## **Additional Information**

Further guidance on EEA and non-EEA family members of EEA nationals can be found on the European Casework Instruction page and information on asylum seekers can be found on [www.gov.uk](http://www.gov.uk) website.



**Appendix 3c**  
**Interview letter template**

Dear Applicant

**Right to work in the UK**

Before anyone starts work with our organisation we have a legal obligation to confirm a person's right to live and/or work in the United Kingdom. This includes a check on your identity.

All shortlisted candidates must bring with them to interview either one **original** document or a combination of **original** documents as included in either List A or in List B attached. **Combinations of documents cannot be made across the two Lists.**

On arrival for interview, a nominated person will take copies of your documents and verify that you have produced the required evidence of your eligibility to work in the UK and that all your documents are valid and original. Please do not bring photocopies as they are not an acceptable form of evidence.

If you are successful at interview the verified copies will be filed for the duration of your employment with our school.

If you forget to bring your documents to interview you will be asked to produce the originals before an offer of employment can be made.

Further information about working in the UK may be obtained online from:

[www.gov.uk/government/organisations/uk-visas-and-immigration](http://www.gov.uk/government/organisations/uk-visas-and-immigration).

Yours faithfully

## Appendix 3d

### List of Acceptable Documents for Right to Work Checks

#### List A – Acceptable documents to establish a continuous statutory excuse

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the United Kingdom.
- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area (EEA) country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of an EEA country or Switzerland.
- A permanent residence card issued by the Home Office to the family member of a national of an EEA country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government Agency or a previous employer.

## List B – Acceptable documents to establish a statutory excuse for a limited period of time

### Group 1 - Documents where a time-limited statutory excuse lasts until the expiry date of leave

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-EEA national who is a family member of a national of an EEA country or Switzerland or who has a derivative right of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

### Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (EEA) Regulations 2006 to a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old together with a **Positive Verification Notice\*** from the Home Office Employer Checking Service.
- An Application Registration Card (ARC) issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

\* a 'Positive Verification Notice' is official correspondence from the Home Office Employer Checking Service which confirms that a named person has permission to undertake the work in question.

**Appendix 4: Disclosure and Barring Service and Related Checks**

**Appendix 4a**

**Safeguarding Declaration**

The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

In order to help us process your application we require the following declaration to be completed: please read the enclosed documents for further information.

**I declare that I, .....**

(please print your initials and surname)

- am not on the relevant barred lists (a Department for Education list of people whose employment has been barred or restricted on grounds of misconduct or on medical grounds)
- am not disqualified from work with children
- am not subject to sanctions imposed by a regulatory body (for example the DfE)
- have no criminal convictions, cautions or bindovers
- will inform the headteacher/governing body immediately in the event of any of the above clauses becoming applicable during the course of my employment with the school/academy

Signed: ..... Dated: .....

If you are unable to confirm all of the above, we ask that you do not sign the declaration but that you provide written details, which will be discussed if you are invited for interview.

The information should be addressed in an envelope marked Strictly Private and Confidential to:

Named person: .....

## Appendix 4b

### Disqualification by Association

#### Which staff are, or are not, included in the regulations?

##### Staff

Staff are covered by the Disqualification under the Childcare Act 2006 if they are employed, and/or provide childcare, in either early years or later years (although this does not extend to the provision of **education** (rather than childcare) to children in later years)

- Early Years means from birth until 1st September following a child's fifth birthday (ie up to and including reception age)
- Later Years means children under the age of 8.

##### Managers

Staff who are directly concerned in the management of early or later years provision are also covered by the legislation and this will include the Headteacher. It may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of such provision.

##### Staff covered/not covered under the Act:

	<u>During School Hours</u>	<u>Outside School Hours*</u>
Reception age or younger	Covered	Covered
Older than Reception age until age 8	Not Covered	Covered
8 years or older	Not Covered	Not Covered

*\*Outside school hours does not include school clubs, eg. choir or sports teams, or detentions, but does include breakfast clubs or after-school provision.*

Staff **not** covered includes:

Caretakers  
Cleaners  
Drivers  
Transport Escorts  
Catering and Office Staff

Any other workers who are not employed to directly provide childcare are **not** covered by the legislation.

## Appendix 4c

### Declaration of Disqualification (including 'by association')

**Name of Employee:**

**Date of Appointment:**

**Post Held:**

I confirm that I am not disqualified from working with children (included on the Children's Barred list), and that members of my household are not disqualified from working with children, including that:

1. Members of my household (including anybody working within my home) and I have never been cautioned for, convicted of or charged with any violent and sexual criminal offences against children and adults, at home or abroad
2. Other orders have never been made against myself or members of my household relating to the care of children including the Disclosure and Barring Service (DBS)
3. Members of my household and I have never have had a registration cancelled in relation to childcare or children's homes and have never been disqualified from private fostering
4. My children have never been taken into care or been the subject of a child protection order or court order
5. I am not living in the same household where another person who is disqualified lives or works

I confirm that the information above is true and undertake to inform the headteacher immediately if circumstances change.

I understand that if I am 'disqualified' I can apply to Ofsted for a waiver of disqualification, and that I will be suspended from duty while a waiver application is under consideration.

**Signature of Employee:** .....

**Date:** .....

## Appendix 4d

### Disclosure and Barring Service

#### Statement to applicant that Enhanced Disclosure is applicable to post

Post title: **(add post title here)**

As the school meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, the successful applicant(s) to this post will be subject to a DBS check from the Disclosure and Barring Service before the appointment is confirmed. This check will include details of both spent and unspent convictions, as well as cautions, reprimands, final warnings and non-conviction information from local police records if it is thought to be relevant to the position being applied for.

Please note that having an unspent conviction will not necessarily bar you from employment with the school. This will depend on the circumstances and background to your offence(s).

Applicants invited for interview for this post should note that and other associated information will be discussed at the interview in order to assess job-related risks. To facilitate this process applicants will be advised to submit appropriate written details and dates of any criminal convictions and other associated information in confidence to a named person responsible for ensuring the security and confidentiality of any information supplied.

Details regarding the procedure for applying for an Enhanced Disclosure will be forwarded to the successful applicant for the position with the offer letter of appointment.

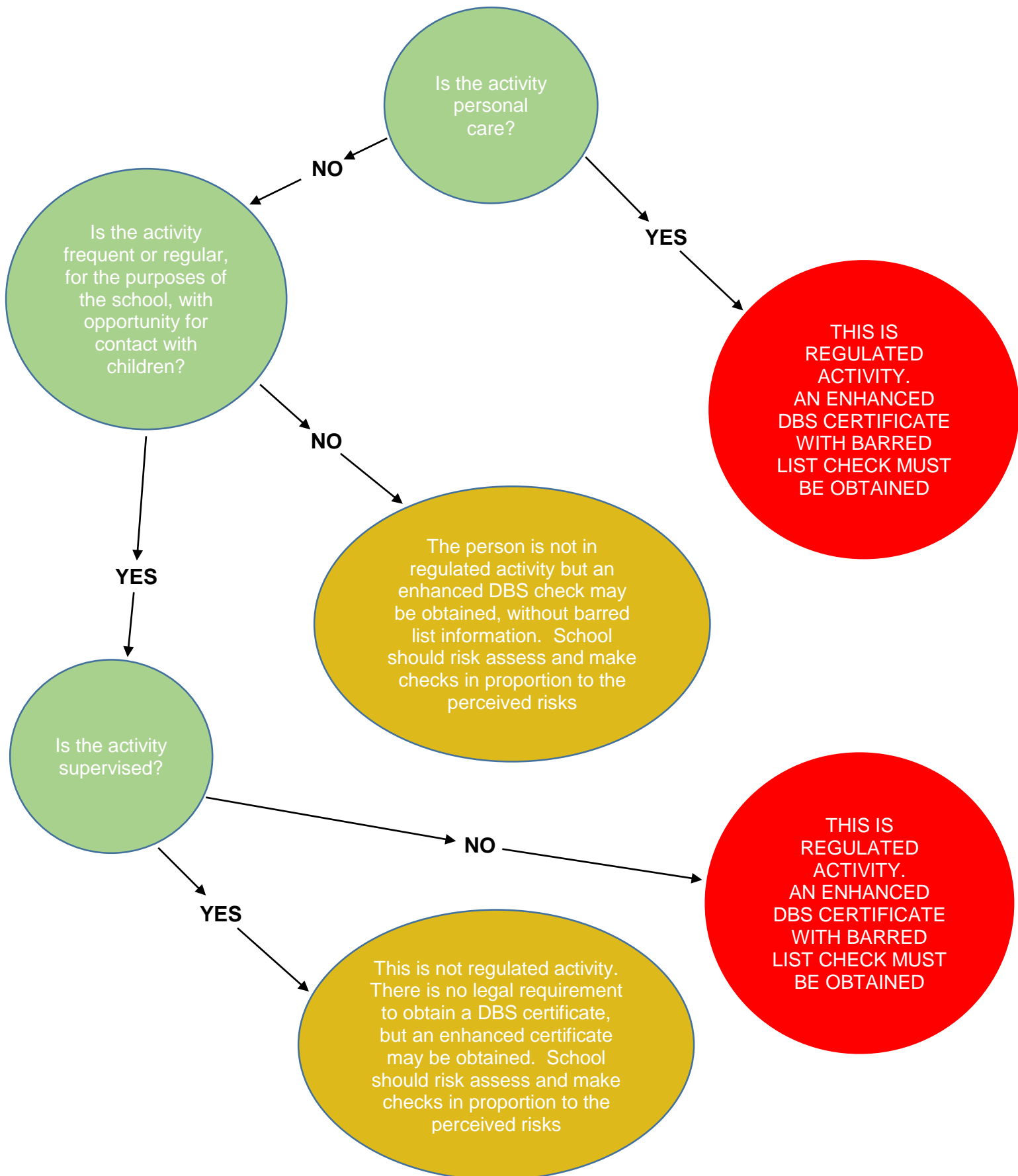
## **Appendix 4e**

### **Policy on employing people with a criminal record**

1. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, the school complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The school undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. We are committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, colour, ethnic or national origin or religion, political views or membership, gender, age, marital status, disability, mental health, trade union membership or sexual orientation either by direct or indirect discrimination.
3. Criminal Records will be taken into account for recruitment purposes only when the conviction is relevant. Unless the nature of the work demands it, applicants for positions within the school will not be asked to disclose convictions which are "spent" under the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to an applicant's offence.
4. The school selects candidates for interview based on their skills, qualifications and experience relevant to the position applied for.
5. For those positions within the school where an Enhanced or Standard Disclosure and or Barred List is required, job adverts will contain a statement that the successful applicant will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed.
6. Where a Disclosure is to form part of the recruitment process, applicants called for interview are encouraged to provide details of their criminal record at an early stage in the application process. The school requests that this information is sent under separate, confidential cover, to a designated person within the school. The information will be seen only by those who need to see it as part of the recruitment process.
7. The school will ensure that staff involved in the recruitment process are provided with information and guidance in relation to the employment and fair treatment of ex-offenders and the Rehabilitation of Offenders Act 1974.
8. At interview, or in a separate discussion, the school will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
9. The school provides a copy of the Disclosure and Barring Service Code of Practice to all applicants who apply for a position that requires a DBS check (Disclosure).
10. The school will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
11. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.
12. All job applicants who apply for a position within the school that requires a DBS check (Disclosure) and barred list check will be provided with a copy of this Policy with the information pack sent out with the school's Application Form.



**Appendix 5 Vetting checks on volunteers and external contractors**



## Appendix 6

### Code of practice for registered persons and other recipients of disclosure information

#### Introduction and purpose

1. This Code of Practice is published under section 122 of the Police Act 1997 (“the Act”) in connection with the use of information provided to registered persons (“Disclosure information”) under Part V of that Act.
2. Disclosure information is information contained in criminal record certificates under section 113 of the Act (which are referred to in this Code as “Standard Disclosures”), or contained in enhanced criminal record certificates under section 115 of the Act (referred to in this Code as “Enhanced Disclosures”), or provided by the police under section 115(8) of the Act.
3. Except where indicated otherwise, the Code of Practice applies to all recipients of Disclosure information - that is to say registered persons, those countersigning Disclosure applications on behalf of registered persons, and others receiving such information.
4. Where reference is made to “employers”, this should be read as including any person at whose request a registered person has countersigned an application, including voluntary organisations and others engaging, or using the services of, volunteers, and regulatory and licensing bodies.
5. Further information in relation to the Code, and other matters relating to registered persons and others having an involvement with Disclosure information, is contained in an Explanatory Guide.
6. The Code of Practice is intended to ensure – and to provide assurance to those applying for Standard and Enhanced Disclosures – that the information released will be used fairly.
7. The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary. Guidance to employers on other matters will be issued separately.

#### Obligations of the Code

##### Fair use of Disclosure information

8. Recipients of Disclosure information shall:
  - observe guidance issued or supported by the Disclosure and Barring Service on the use of Disclosure information – and, in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

9. In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, registered persons shall:
- have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested;
  - ensure that a body or individual at whose request applications for Disclosure are countersigned has such a written policy and, if necessary, provide a model for that body or individual to use.
10. In order that persons who are, or who may be, the subject to Disclosure information are made aware of the use of such information, and be reassured Employers shall:
- ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
  - include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
  - discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment;
  - make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request; and
  - in order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

### **Handling of Disclosure information**

11. Recipients of Disclosure information:
- must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised disclosure is an offence;
  - must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
  - must securely store Disclosures and the information that they contain;
  - should retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in very exceptional circumstances which justify retention for a longer period.

12. Registered persons shall:

- have a written security policy covering the correct handling and safe-keeping of Disclosure information; and
- ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy, and, if necessary, provide a model for that body or individual to adopt.

### **Assurance**

13. Registered persons shall:

- cooperate with requests from the DBS to undertake assurance checks as to the proper use and safekeeping of Disclosure information;
- report to the DBS any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

### **Umbrella Bodies**

14. An Umbrella Body is one which has registered with the DBS on the basis that it will countersign applications on behalf of others who are not registered.

Umbrella Bodies must satisfy themselves that those on whose behalf they intend to countersign applications are likely to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974.

Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure information observe the Code of Practice.

### **Failure to comply with the Code of Practice**

15. The DBS is empowered to refuse to issue a Disclosure if it believes that:

- a registered person, or
- someone on whose behalf a registered person has acted

has failed to comply with the Code of Practice.

## Appendix 7

### Disclosure and Barring Service Advice on Storage and Retention of Certificates

(adapted from...) **Advice on handling of DBS certificate information**

(with regards to...) **Secure storage, handling, use, retention and disposal of DBS certificates and certificate information**

#### Storage and access

DBS disclosure information must not be stored on an employee's personnel file but should be stored separately in lockable storage with access limited to those who are entitled to see it as part of their duties.

#### Handling

DBS disclosure information can only be released to those who are authorised to receive it in the course of their duties. A record should be maintained of all those to whom disclosure information has been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### Usage

DBS disclosure information is only to be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

#### Retention

Once a recruitment (or other relevant) decision has been made, DBS disclosure information should not be stored for longer than is necessary. This is generally for a period of up to six months to allow for consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep such information for longer than six months, full consideration must be given to the Data Protection rights of the individual.

#### Disposal

Once the retention period has elapsed, the organisation (eg school) must ensure that any DBS disclosure information is destroyed and that, whilst awaiting destruction, DBS disclosure information must be kept securely. A record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken should, however, be securely stored (this may be indefinitely) for monitoring purposes

## Appendix 8: Shortlisting Matrix

School name .....

### Short-listing Grid

The purpose of this grid is to ensure that all candidates have demonstrated their ability to fulfil the essential criteria identified in the Person Specification. It is also a means of recording the additional desirable qualities that the candidates will bring to the post.

Post title:								
Post reference:				Post grade:				
<b>Applicant number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
<b>Essential Criteria</b>	Tick if the criteria listed in the person specification as							
Experience								
Qualifications								
Skills								
Specific knowledge								
Training								
Personal attributes								
<b>Total</b>								
<b>Desirable Criteria</b>	Tick if the criteria listed in the person specification as							
Experience								
Qualifications/Skills								
Specific knowledge								
Training								
Personal attributes								
<b>Total</b>								
<b>Shortlisted (Y) (N)</b>								
Signed:				Date:				

The criteria headings only are provided above and these should be replaced by the specific criteria for the post being reviewed.

### Appendix 9: Model Interview Grid

The purpose of this grid is to make a systematic and objective record of the interview process. The questions listed have been agreed in advance and are designed to test the criteria listed in the Person Specification and the Job Description.

<b>Name of School Interview Grid</b>	
<b>Post title:</b>	<b>Post reference:</b>
<b>Candidate name:</b>	<b>Post grade:</b>

<b><i>Test or Exercise, for example Presentation</i></b>			
<b><i>Elements</i></b>	<b>Notes</b>	<b>Comments</b>	<b>Score</b>
Clarity of presentation	Were the messages clear and understandable?		
Logical sequencing	Was the presentation in a logical order?		
Appropriateness of content	Was the material appropriate to the task set?		
Timing	The candidates were allocated (10) minutes – how close was this presentation?		
Other observations, eg quality of slides or handouts			
<b>Section total</b>			

<b>Formal Interview</b>			
<b>Questions</b> (based on person specification)	<b>Notes</b>	<b>Comments</b>	<b>Score</b>
<b>Section total</b>			

**Interviewer's signature:** ..... **Date:** .....

## Appendix 10: The Recruitment Process

1. Review the vacant post	This may take longer for a new post
2. Plan selection process	
3. Book venue if necessary	Ensure this is booked as early as possible. Consider what / whom is involved in any administration / refreshment provision
4. Review / create job description	Ensure that a new / significantly amended job description goes through the job evaluation process which will add to the time required
5. Review / create person specification	These may take longer for a new post and should be sent with job description where evaluation is required
6. Design advertisement	
7. Arrange for advertisement to be placed	
8. Advertisement of post	Leave a minimum of 2 weeks from date of advertisement to closing date
9. Decide content of applicant pack	Include all relevant information including safeguarding information and (where relevant) reference to disqualification by association
10. Prepare and issue applicant packs	
11. Closing date	2 weeks minimum from date of advertisement
12. Prepare application forms for selection panel	To include creation and copying of shortlisting grid
13. Shortlisting	Ensure adequate time allowed to arrange for panel to be available for this process
14. Request references	Where permission given, these need to be requested at least 5 days before they are required at interview.
15. Invite candidates to interview	Allow adequate time if invitation by post. Ensure any reasonable adjustments have been identified and are capable of being met prior to interview date
16. Receive references prior to interview date	
17. Prepare all materials for interview / assessment process	Consider reasonable adjustments
18. Selection of candidate	
19. Notify candidates of outcome	
20. Pre-recruitment checks	Request as soon as successful candidate accepts the offer of employment
21. Feedback to candidates, where requested	A member of the selection panel needs to be available to provide feedback, when requested by candidates
22. Arrange induction	Notify other members of staff involved in the process and gather necessary paperwork.



## Appendix 11: Recruitment Summary Sheet

School –

Applications Received

List below the applications for the advertised post and complete all the boxes in the grid:

Surname	First Name/Initial	Date application received	Disabled	Monitoring form received	Shortlisted	Successful	Reason for non-selection

Reason for non-selection

1. Lack of appropriate experience
2. Lack of relevant qualifications
3. Inability to demonstrate professional or technical ability
4. Poor interview performance
5. Withdrawn application
6. Medical grounds
7. Unsatisfactory references
8. Any other reason

## Appendix 12: Example Reference Proforma

School Headed Paper

Date

Dear XXXX

**REFERENCE REQUEST FOR: XXXXX**

Your name has been given as a referee and we would be grateful if you could complete the attached reference pro-forma and return it as early as possible (or by **XX** date) to aid the recruitment process.

Please give your candid opinion on the candidate's suitability or otherwise for the post, details of which are attached. If possible, please also make reference to any particular strengths and weaknesses you consider the candidate has in relation to the post applied for and other factors which you think are relevant. The information provided should be accurate and factual to the best of your knowledge.

Though this reference is regarded as confidential, it will be shared with other recruiting managers and may be shared with the candidate should the need arise.

Alternatively, if you would prefer you can return the reference by email to **XX** (named person)

Thank you in anticipation for your kind assistance in this matter.

Yours sincerely

Name  
Headteacher

**PRE INTERVIEW REFERENCE FORM**

FOR COMPLETION BY EMPLOYERS OR CHARACTER REFEREES

*Please note that by completing this reference form you are giving consent for this information to be held on the employee's personnel file, which, in accordance with the Data Protection Act, is available to them once employed.*

Applicant Name: \_\_\_\_\_

Position applied for: \_\_\_\_\_

Interview Date: \_\_\_\_\_

Period in your employment: \_\_\_\_\_

Current Grade/Salary when leaving you: \_\_\_\_\_

**1. JOB DETAILS**

What is the applicant's current/most recent position with you?

In what capacity do you know the person?

Please summarise main duties and key responsibilities of current or previous post where applicable

What are/were the applicant's reason for leaving? (if applicable)

## 2. PERSONAL ATTRIBUTES

How do you rate the applicant with regard to:

	Poor	Below Average	Good	Excellent
a. Reliability and trustworthiness?				
b. Relationships with colleagues?				

**Comments in support of your ratings:**

## 3. JOB PERFORMANCE

How do you rate the applicant with regard to:

	Poor	Below Average	Good	Excellent
a. Work quality?				
b. Work output?				
c. Accuracy?				
d. Initiative?				

**Comments in support of your ratings:**

#### 4. VACANCY APPLIED FOR

How do you rate the suitability of the applicant for the position applied for?

(please refer to Job Description and Person Specification) with regard to:	Poor	Below Average	Good	Excellent
a. Relevant skills?				
b. Relevant/similar experience?				
c. Relevant knowledge?				
<b><u>Comments in support of your ratings:</u></b>				

#### 5. CAPABILITY

Has the applicant been subject to capability procedures within the last two years?

If so, please provide details of the concerns which gave rise to this, the duration of the proceedings and their outcome:

## 6. GENERAL

### Timekeeping

Do you regard the applicant's time keeping as satisfactory? Please tick as appropriate:

Yes

No

### Discipline

Has the applicant been subject to any disciplinary procedures for which a disciplinary sanction is current?

Yes

No

If yes, please give details:

Are there any current disciplinary issues outstanding or being investigated?

Yes

No

If yes, please give details:

**Vulnerable Groups - children, young people, vulnerable adults**

**Do you know of any reason why the applicant should not work with any vulnerable groups?**

Yes

No

If yes, please give specific details of your concerns:

***The following question is to be completed only where the applicant's previous employment has involved working with children or young people***

**Please provide full details of any allegations or concerns involving the applicant's previous employment that related to the safety and welfare of children, young people or vulnerable adults, or behaviour towards children or young people, and the outcome of those concerns (ie whether the allegation or concern was investigated, the conclusion reached, and how the matter was resolved):**

Name of Referee: \_\_\_\_\_

Signature: \_\_\_\_\_

Organisation: \_\_\_\_\_

Date: \_\_\_\_\_

**THANK YOU FOR TAKING THE TIME TO COMPLETE THIS REFERENCE**

**PLEASE RETURN BY EMAIL TO:**