

School Recruitment and Selection Policy, Procedure and Toolkit



Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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1 Introduction

1.1 What is the policy about?

The aim of this policy is to ensure that appointments are made in an effective, efficient, consistent and safe way.

1.2 Who does the policy apply to?

This policy applies to all school based employees, the Head Teacher and/or Governing Bodies who are responsible for recruitment and selection within the school. The policy is also recommended to all other groups associated with the school who have the discretion in their employment to adopt the policy; this will include such groups as voluntary sector organisations. The Recruitment and Selection Policy, Procedure and Toolkit should be used except in cases of honoraria (for non-teaching employees), acting allowances (for teachers undertaking leadership responsibilities) and school restructures.

2 Responsibilities

All schools should ensure that they comply with the Keeping Children Safe in Education statutory guidance for schools and colleges and have regard to it when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it in matters of recruitment, selection and pre-vetting unless exceptional circumstances arise.

In maintained schools, the Governing Body is responsible for deciding who is appointed to a post, their hours of work, the duration of the contract and within certain parameters, their grading and level of pay. Where the successful candidate receives a contract (statement of particulars) from the Council and is not directly employed by the school, the Council remains the legal employer and is responsible for ensuring that the requirements of equal pay legislation are complied with.

The Governing Body and Head Teacher have separate and particular responsibilities for selecting and managing employees. At any time when a school has a delegated budget, the Governing Body has extensive powers over staffing, which can be delegated.

All employees with a responsibility for recruitment and selection must be aware of their legal obligations under existing employment legislation.

2.1 Safer recruitment practice

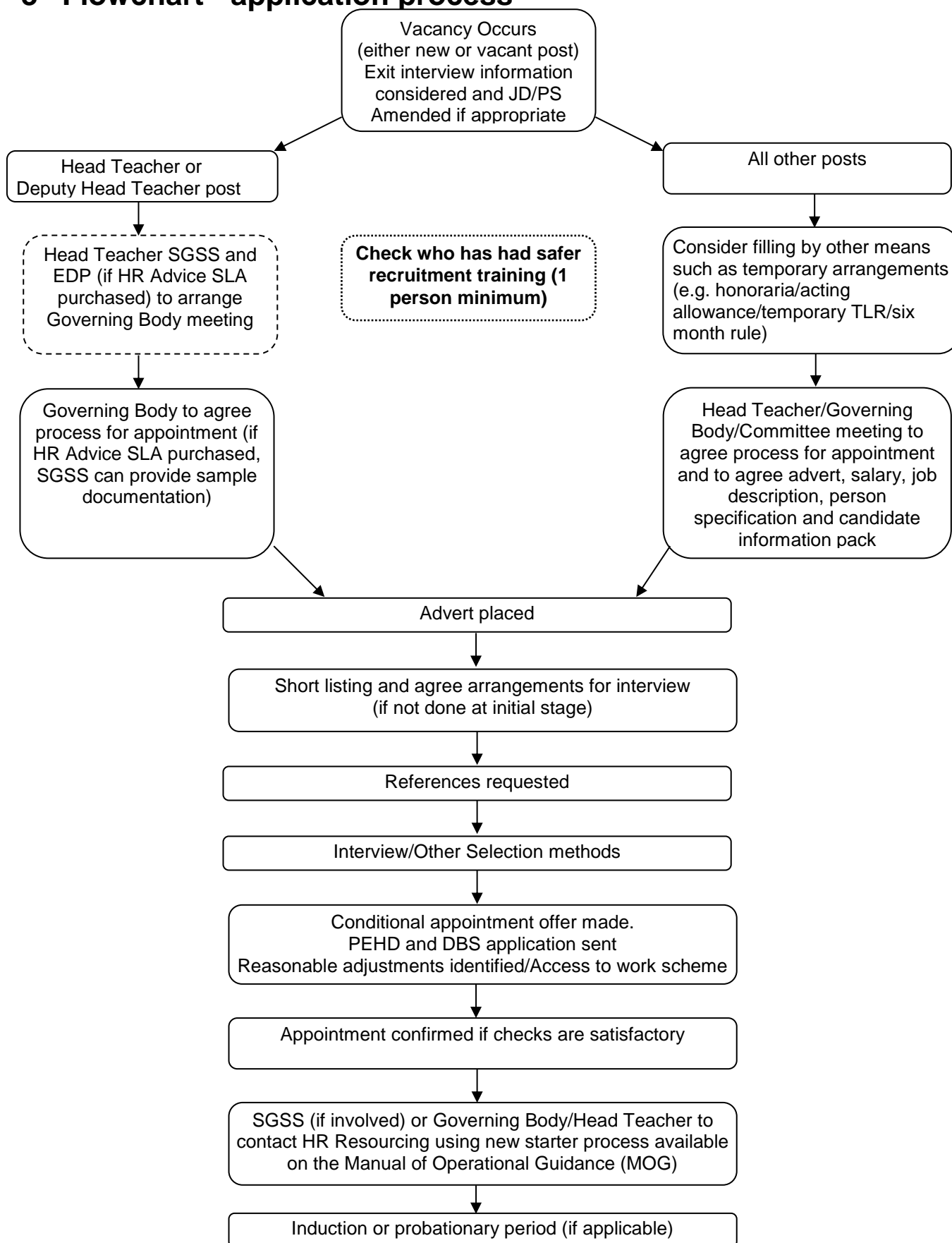
This organisation is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment.

The School's Recruitment and Selection Policy, Procedure and Toolkit complies with national and local guidance on key safeguarding employment standards and safer recruitment practice.

From 1 January 2010, the School Staffing (England) Regulations (2009) states that the Governing Body must ensure that any person who interviews an applicant for any position or where there is a selection panel established for that purpose, at least one member of that panel or group should have completed the safer recruitment training as approved by the Secretary of State. In addition, the Safeguarding Children and Safer Recruitment in Education Documents advises refresher training to ensure that knowledge and skills are kept up to date.

It is recommended that the Governing Body involve the person who has undergone the safer recruitment training at all stages in the recruitment process. The Durham Local Safeguarding Children Board delivers safer recruitment training. Further details can be obtained by contacting the LSCB directly through the following link [Durham Local Safeguarding Children Board](#) or telephone 03000 265 770.

3 Flowchart - application process



4 Procedure

4.1 Appointment of casual employees (non-teaching)

Schools may decide that there is a need to recruit casual employees to deliver non-permanent services such as summer schools, prevent the disruption of services by covering employee absences or provide additional support to meet school demands such as during exams.

'True casual workers' supply services on an irregular or flexible basis. If a casual worker is appointed with the intention of working as a 'true' casual but is offered and accepts regular work, then regardless of the intention of the original arrangement, they can be deemed 'employees' by law with statutory and additional contractual rights.

In a redundancy/restructure exercise, individuals with casual status may be included in the process and potentially receive a redundancy payment, depending on the individual circumstances.

Schools should monitor the appointment and subsequent use of casual workers and determine whether a temporary part-time contract would be more appropriate.

Schools who recruit casual workers should not rely on 'informal word of mouth' recommendations and follow the school recruitment and selection policy. Safer recruitment procedures will apply to casual employees.

4.2 The Lead Officer (LO)

Under the School Staffing (England) Regulations 2009, Governing Bodies may delegate all appointments (other than the Head Teachers and Deputy Head Teachers) to:

- the Head Teacher, or;
- one or more Governors, or;
- one or more Governors acting together with the Head Teacher.

Where the Governing Body has made any delegation to one or more governors and the function being delegated does not directly concern the Head Teacher, the Head Teacher may attend and offer advice at all relevant proceedings; and the governor or governors to whom the delegation has been made must consider any such advice.

The Lead Officer (LO) for recruitment is the person(s) who has the delegated powers for appointments within the school.

4.3 Information to be kept

Schools should keep a file for all recruitment exercises. The recruitment file should contain the following documents for all applicants (successful or not) for a minimum of 12 months:

- all notes made by the recruitment panel;
- Lead Officer/Recruitment Officer Checklist;
- any information from the Occupational Health Service;
- record/notes of any reasonable adjustments made (if applicable);
- summary interview record forms for unsuccessful applicants;
- shortlisting matrix;
- test results with any associated paperwork (if applicable);
- all application forms

- correspondence for unsuccessful applicants (successful candidate information is kept on personal file);
- references for unsuccessful applicants where applicable; and
- reference request letters.

4.4 When a vacancy occurs

Before advertising a vacancy, consideration could be given to whether the post could be filled by other means, e.g. job share or redeployment. Schools should also ensure that the job description and person specification is up to date incorporating information obtained from previous jobholders via an Exit Interview (if applicable).

For all school-based support jobs up to and including spinal column point 49, which are covered by the National Joint Council (NJC) for Local Government Services Agreement (referred to as Green Book employees for the purposes of this agreement), any changes made to the duties and responsibilities of the position should be considered by the school for re-evaluation to ensure that the grade of the post is appropriate. For further information, please refer to the Job re-evaluation Policy, Procedure and Toolkit available on the extranet.

In line with the council's Job Share Policy, all posts are open to job share unless there is a valid business case why this is not appropriate. For further information, please refer to the Job Share Policy on the extranet.

4.4.1 Honoraria/Acting Allowance

Operational situations can arise when there is a need to cover a post on a short term basis (not exceeding 6 months) while more formal arrangements (temporary or permanent) are pursued and put in place. In these situations, it is acceptable to advertise internally within the school as an honorarium/acting allowance arrangement. In the first instance, it may be appropriate for to offer the additional duties to an employee that is currently in receipt of protected salary.

4.4.2 Expressions of interest

In exceptional circumstances, where opportunities arise within the school, the Lead Officer can decide to restrict the applications through 'expressions of interest' in school rather than advertise the post externally. Exceptional circumstances may include a short-term vacancy e.g. up to three months' work on a specific project. Details regarding 'expressions of interest' posts should be provided to all school employees even if they are absent from work. The absence from work may include long-term sickness, maternity, adoption or paternity leave and may also apply to employees who are in their notice period. If there are any doubts, advice should be sought from the School's HR Advice and Support Team.

4.4.3 Redeployment

The Redeployment Register is list of Durham County Council employees whose employment has been identified as being 'at risk' of compulsory redundancy, or for reasons of ill health. Employees identified as at risk and registered on the Redeployment Register have access to posts which are restricted to Redeployment Only and are responsible for checking the North East Jobs website themselves to identify and apply for appropriate posts. Further information can be provided by the School's HR Advice and Support Team.

4.4.4 Six-month rule

If, following an appropriate recruitment exercise to consider employees 'at risk' through redeployment, no appointment has been made, the Lead Officer has the discretion to consider a

candidate documented as 'appointable' from a previous recruitment exercise, where this is within six months of the original interview date where the panel have 'ranked' the candidates. The 'sixth-month rule' can be applied where the vacancy details are the same as those that were originally advertised and interviewed for.

4.4.5 Brokerage

During staffing reduction exercises in schools, opportunities for brokerage can be considered. The Brokerage Scheme does not apply to Voluntary Aided Schools and may be available to all employees who are deemed to be 'at risk'. Further information about the Brokerage Scheme can be obtained from School and Governor Support Service by email SGGS.Administration@durham.gov.uk or by telephoning 03000 265 688.

4.4.6 Apprenticeships

Schools should consider apprentices as part of workforce planning and review school-based posts prior to advert to determine if they can be converted into apprenticeship opportunities.

4.5 Code of practice on the English language requirement for public sector workers

Under Part 7 of the Immigration Act 2016, public authorities are subject to the Code of practice on the English language requirement for public sector workers to ensure that every public sector worker operating in a customer-facing role must speak in fluent English. School employees who, as a regular and intrinsic part of their role are required to speak to members of the public in English are considered as working in a customer-facing role. 'Members of the public' should be given its usual dictionary meaning for members of the general population. The degree of interaction with the public needs to be regular and planned to be an intrinsic part of the job role, as defined in the job description and covers both face-to-face and telephone conversations.

As the fluency duty applies to new recruits as well as to existing employees, the school will need to determine whether a role is customer-facing before the job goes to advert.

4.5.1 Customer-facing roles

When determining whether a role is customer-facing or not, the school should consider the following aspects of the work involved:

- is there a business need for interaction with the public;
- what is the frequency and form of the interaction;
- what is the level of service quality and responsiveness expected by the public;
- what is the proportion of the role which would require spoken interaction with members of the public;
- what is the nature of the role; and
- is English language the primary language required for the role?

If the post is deemed to be customer-facing, the following descriptor should be used in the advert to explain to candidates the necessary level of fluency required for the role:

Where our roles are customer facing and you are required to speak to members of the public, the ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post. As a disability confident employer, we are committed to employing disabled people and people with health conditions making reasonable adjustments to support disabled applicants when required.

The level of English language skills required for all customer-facing roles will need to be reflected in the person specification for the role. Suitable wording is included in the job description/person specification template, which is available as a supporting document.

4.5.2 Fluency duty

As part of the fluency duty, the LO and interview panel must satisfy themselves that a candidate has the necessary level of fluency appropriate for the role they will be undertaking.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer-facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations. Care must be taken however not to discriminate directly or indirectly against a person under the Equality Act 2010. People from particular nationalities or ethnic backgrounds should be treated in the same way as people from an English ethnic background for example.

Reasonable adjustments should be provided for disabled candidates as part of the equality duty. For example, where an applicant's first language is signed language, the fluency duty could be met by the provision of a sign language interpreter who speaks English to the necessary standard for the role. For a candidate with autism for example, additional time may be allowed to think about and respond to interview questions as part of reasonable adjustments.

Where the fluency duty is met by the provision of a sign language interpreter, the interpreter should be registered with the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD).

4.5.3 Level of language proficiency

There are a number of ways a job applicant can demonstrate their fluency in English including:

- possessing a relevant qualification for the role attained as part of education in the UK or by a recognised institution abroad e.g. NVQ in Health and Social Care or equivalent;
- specifying a minimum spoken English qualification such as GCSE English (A*-C) or equivalent;
- passing or possessing a relevant English spoken English qualification such as International Speaking and Listening Diploma (IESOL); and/or
- competently answering questions in English during the interview process; and
- using an additional method of assessment such as in-tray exercise as part of the recruitment exercise.

Where there are any concerns, advice should be sought from the School's HR Advice and Support Team.

4.6 Advertising

4.6.1 Wording of adverts

The LO is responsible for the wording in the Body of the advert. Care needs to be taken to ensure the wording in all adverts/job descriptions/person specifications is not or could be interpreted as discriminatory. Please note if a vacancy is subject to an Occupational Requirement this must be

stated in the job advert. Further information about occupational requirements can be found in section 10.2.7.

Should a position require a Disclosure and Barring Service (DBS) check, this requirement must be reflected in the advertisement and job description/personal specification.

All job adverts should contain the following wording:

- *As a disability confident employer, we are committed to employing disabled people and people with health conditions making reasonable adjustments to support disabled applicants when required.*
- For all customer-facing posts, additional wording should be used as stated in section 4.5.1.
- The following statement is provided to ensure that candidates are aware of their duty to disclose **all** information related to outcomes involving them and the police, and should be attached to job adverts and application forms. This statement also ensures that schools are meeting their obligations under the Rehabilitation of Offenders Act 1975 (Exemptions) Order 1975 and DBS Code of Practice.

“To protect the public, the post for which application is being made is exempt from Section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. It is not, therefore, in any way contrary to the Act to reveal any information you may have concerning convictions which would otherwise be considered as “spent” in relation to this application and which you consider relevant to the applicant’s suitability for employment. Any such information will be kept in strictest confidence, and used only in consideration of the suitability of this applicant for a position where such an exemption is appropriate.

4.6.2 Actions for advertising

Prior to an advert being created and placed, a job description and person specification must be prepared on the templates, which are available as supporting document B.

Durham County Council’s Education Development Service (EDS) offers a Service Level Agreement (SLA) to support with advertising of school posts, which offers press advertising for Head Teacher, Deputy Head Teacher, Assistant Head Teacher, teaching posts (excluding supply teachers) and advertising for support staff posts. The SLA includes electronic advertising for all posts on the Durham County Council website and North East Jobs website www.northeastjobs.org.uk.

Schools who have bought into the HR (Operations and Data) SLA but not the Advertising of School Posts SLA can still request electronic advertising only on the North East Jobs Portal at a set fee through EDS. Schools that do not hold either of these SLAs cannot place adverts through EDS.

Where schools have bought into either or both SLAs, adverts should be placed by completing the School Advert Template, which is available as supporting document A. The advert should be uploaded with the job description and person specification in suitable format and forwarded to schooladverts@durham.gov.uk

Further information with regard to job descriptions and person specifications can be found in sections 4.7 and 4.8.

Full details of the post including job description and person specification, requirements for checks such as DBS checks as applicable and any other relevant information applicable to the post should be available on the job advert. This information will also be available in alternative formats upon request.

4.7 Job description

A job description must be prepared on the template which is available as supporting document B. The job description should provide a comprehensive statement of what the job involves and deliver a clear outline of the duties, responsibilities and functional framework of the job. As well as providing a factual account of the duties of the post, it also should form the basis upon which the skills, knowledge, experience, qualifications and personal attributes can be identified for the person specification. The length and complexity of the job description will vary according to the work involved.

The language used in job descriptions should:

- be in plain English to avoid jargon and unexplained acronyms and abbreviations;
- be readily understood by the candidate regardless of ability or background;
- avoid ambiguity about responsibility and be clear about the post holder's accountability; and
- be non-discriminatory. Care should be taken that any aspect of the advert is not interpreted as being discriminatory.

For new posts, the LO should prepare the job description so that it achieves what will be required in the new job in the future rather than describing the current or last post holder's preferred duties, taking into consideration how the job can be altered to make it more flexible and therefore open to a wider section of the community.

For existing posts, information from the previous jobholder obtained through an Exit Interview (if applicable) may need to be reflected in the job description and person specification.

4.7.1 What to include in the job description

The job description for the post should include the following information:

- **School name**
Reference should be made to the name of the school.
- **Post title/Post number**
This is the title by which the job is officially known.
- **Grade**
This should be the substantive grade of the post as agreed as part of the job evaluation process (where posts are within scope) or the relevant pay spine for teaching employees.
- **Location**
School address and location.
- **Relevant to this post**
Standard statements should be included here if applicable, for example Disclosure and Barring Service (DBS) requirements and flexible working.

- **Organisational relationships**
State the job title(s) to whom the post holder would be accountable.
- **Description of role**
This part of the job description is a statement, which outlines the overall purpose and objectives of the post. This should be stated in clear, unambiguous terms. Care should be taken to keep it as brief as possible since it represents only the aims of the job not an in-depth description or analysis of the duties involved.
- **Duties and responsibilities specific to this post**
This section gives a detailed description of the day-to-day activities of the post. The duties and responsibilities should be individually described in such a way as to provide a clear picture of the individual activity to be undertaken. Any generic responsibilities should also be included here (if applicable).
- **Common duties and responsibilities**
These duties and responsibilities are applicable to all council employees and must be included on every job description. These are already listed and included in the corporate template.

4.8 Person specification

The person specification must be prepared on the template, which is available as supporting document B. This is a profile of the ideal candidate who has the right skills, experience and qualifications and forms the criteria against which candidates must be assessed. It helps to translate the duties of the post into a description of the person who should be recruited by identifying the experience, skills, qualifications and other attributes needed to do the job. These should be divided into essential and desirable criteria for the job.

Before going to advert, the existing person specification should be reviewed and if necessary updated accordingly.

For school-based support employees, where there are common groups of occupational areas within the school such as administration assistants or cleaners, care should be taken to ensure that there is no variation in standards or levels of requirements. Great care should be taken to include only criteria which are relevant and affect job performance. Any conditions which cannot be justified and that may discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation must not be used.

The person specification criteria should remain consistent and be realistic in order to meet the skills available in the local labour market.

4.8.1 Essential criteria

These are the minimum criteria that a candidate would be required to have in order to undertake the duties of the post. If a candidate does not meet all of the essential criteria, they would not be able to fulfil the duties of the job role and would not be able to be shortlisted.

- **Qualifications/attainments**
For some jobs a particular qualification may be essential, while for others no single qualification may be most appropriate and experience may be of just as much importance as a formal qualification.

For posts below Grade 8 it is recommended as good practice that the LO reviews each post to decide how important qualifications are for the particular job role, and if appropriate, would it be possible to attract the right candidate by placing more emphasis on appropriate experience and skills rather than qualifications. Removing minimum level qualifications could assist in some posts being more open to a wider section of the community. Should qualification requirements be removed in favour of experience and skills, it is recommended that the LO is clear in terms of quantifying the other post requirements.

For higher graded posts (grade 8 and above for those in scope of Job Evaluation) where qualifications are deemed essential, these should reflect the minimum basic educational requirements necessary to carry out the job to an acceptable standard, and should always include the words 'or equivalent' in order to accommodate the range of suitable level and subject area qualifications a candidate may have attained at the same level to those requested. In some situations, a commitment to 'working towards' a qualification may be deemed appropriate, this would normally require candidates to commit towards undertaking a qualification on appointment and within a specific timeframe, subject to funding requirements.

- **Experience**

This is occupational or other experience and can include voluntary or non-job related experience. This should be described in quality, level and type and not length as this could leave the council open to legal challenge as stipulating the length of service could be seen as discriminatory.

Asking for a specific number of years' experience could potentially discriminate against some candidates on the grounds of age.

- **Skills/knowledge**

It is recommended that the skills criteria on a person specification is given as much weight as qualifications and/or experience and must also be used as a measure of a candidate's ability for shortlisting purposes, where this can be measured from the application form. For some jobs, it will be a legal requirement that the candidate has certain qualifications in order to practice.

- **Personal qualities**

This should include the necessary criteria that the performance of the post requires. However, consideration should be given to reasonable adjustments that would enable a person with a disability to fulfil the criteria. Standards of physical fitness are permissible but only when they are essential to the post.

- **Other requirements**

Any special occupational requirements e.g. ability to work overtime or unsociable hours, live in specified accommodation or carry out specific physical demands, for example heavy lifting should also be included in this section. Results of any job specific hazards/risk assessments should be shared with the applicant and their attention brought to any tasks or activities that may require any special abilities, for example ability to work at heights, lone working, deal with aggression etc. and working outside of normal office hours. These standard statements must be used if applicable to the post.

4.8.2 Travel as an essential requirement of a post and reasonable adjustments

It is consistent with the application of the discrimination legislation that if someone cannot drive they should not be prevented from applying for a post. However, this does not mean that this same applicant should be appointed to the post, just because they can use for example public transport as an alternative to a car. The applicant should be given the opportunity to demonstrate

how they could carry out the role using other means of transport, but the alternative means needs to be assessed against the requirements of the role.

If the speed of response is not a requirement, the use of a slower means of transport could be a reasonable adjustment for the employer to make for a disabled candidate. However, where the speed of response is an essential requirement of the role, the use of a slower means of transport would not be a reasonable adjustment that the employer would be required to make. For example, for a Social Worker vacancy where the post involves responding at speed to emergency situations which could entail undertaking visits with vulnerable children/families it would be legitimate and reasonable at the appropriate stage of the application process, for the panel to conclude that an applicant stating that they would use public transport, would not fulfil the requirements of the role.

4.8.3 Desirable criteria

These are not essential but would enhance job performance. In cases where a large number of applicants meet the essential criteria, the desirable criteria can be used to further shortlist candidates. If the desirable criteria are to be used in this way, it must be consistently applied to assess all candidates; however, disabled candidates must not be shortlisted against the desirable criteria as the council's commitment to the Disability Confident Scheme requires any candidate who has declared a disability be guaranteed an interview if they meet the essential criteria for the post.

- **Method of assessment**

The person specification should indicate the methods by which the criteria will be measured i.e. application form, sight of certificates, work-related testing and references.

4.9 Selection methodology

The recruitment process must involve a face-to-face interview together with information collected from other sources such as the job application form and references. Although not essential, it is strongly recommended to use another method of assessment to give unbiased information on shortlisted candidates.

The various methods can be used in two ways:

- as a technique for 'sifting' a large number of applicants on the basis of job relevant skills, for example the use of clerical aptitude tests in the recruitment of administration officers; and
- as a technique for the individual assessment of applicants used in conjunction with a traditional interview or part of an 'assessment centre' style approach (where a range of assessments can be used to provide a more detailed picture of candidates skills and abilities).

The decision to use tests should be taken as early as possible in the recruitment process and the chosen test must measure skills and/or abilities related specifically to the requirements of the job.

4.10 Testing

When a vacancy occurs it will have been determined on the person specification (under method of assessment), that testing of the candidates is going to be used either before or during the interview stage.

4.10.1 Group exercises

Group exercises usually involve a group of candidates trying to solve a real or imaginary problem. They may be used to assess a candidate's ability to get on with and influence people, leadership qualities and to produce ideas in a real life situation.

4.10.2 Group discussions

This usually involves a group of candidates being assigned a topic to discuss and agree a solution/common position. The performance of a candidate can be assessed in a number of roles and allows a comparison to be made between candidates. Assessment of group discussions is a highly skilled activity and should not be attempted without necessary training to identify and measure behavioural skills.

4.10.3 In-tray exercises

The in-tray exercise is a situational task, which attempts to simulate the administrative aspects of a job. In-tray exercises must always be relevant to the job and be realistically assessed.

4.10.4 Presentations

Candidates are asked to present information to a group of people such as the recruitment panel, to enable them to demonstrate their presentation skills and also allows the panel to assess a candidate's knowledge in a particular area. When using a presentation, the LO should consider the following:

1. timing - keep presentations between 5-20 minutes long with time for questions;
2. location – ensure the room is the appropriate size and the layout is adequate. Try to avoid outside noise and any interruptions;
3. equipment – let candidates know in advance what equipment will be available to them and provide any instructions necessary in operating the equipment. Let candidates know that setting up of the presentation is or is not included in the time allocated to them;
4. subject – the subject must be relevant and appropriately complex to the post; and
5. audience – ensure that the candidate knows in advance who the audience is (both the hypothetical audience and the actual audience on the day). This enables the candidate to demonstrate their presentation skills and also allows the panel to assess a candidate's knowledge in a particular area.

4.10.5 Written report

A candidate would be asked to submit a written report on a particular subject. However, it is recommended that the subject needs to be relevant and appropriately complex to the post. A scoring mechanism will need to be designed for the assessment. which needs to be communicated to the candidates in advance.

In some circumstances, it may be possible to provide candidates with topic to research in advance then write a report under controlled conditions. However, if this is to be used, it must be clear to the recruitment panel how the results of this can be measured.

4.10.6 Work sample/observed practice

This allows a candidate to demonstrate their knowledge/skills within a particular area. Practical work samples of tests of practical skills such as using computer programmes, making telephone calls, creating documents, delivering training etc. can provide valuable information with regard to a candidate's ability to perform a role. All tests should be relevant to the post and appropriately complex. Care should be taken to ensure that the testing conditions are the same for all candidates. All documents relating to work samples/tests must be kept in the recruitment file.

4.10.7 Typing tests

These are available for clerical posts when a designated typing speed is stipulated on the post criteria as being required as part of the job.

4.11 Testing candidates with a disability

When using tests, consideration must be given to reasonable adjustments for candidates with a disability, for example, the format of the material, equipment to be used, the location of the tests along with any additional time required to complete the test. If a test is being used to reduce the number of candidates to be seen at the interview stage, then candidates who have stated that they consider themselves to have a disability must be put through directly to the interview stage and not made to take the test as part of the council's commitment to the Disability Confident Scheme.

If the test is to be used as part of the interview process i.e. an in-tray exercise to assess candidates' ability to carry out the role, then candidates with a disability can be tested. Where there is any doubt around the availability or effectiveness of a reasonable adjustment, the LO must seek advice from the School's HR Advice and Support Team.

4.12 Looked After Young People

The council has a responsibility as a corporate parent towards young people who are leaving care and making the transition to adulthood. Young people who are Looked After at the time of application will be guaranteed an interview if they meet the essential criteria for a post within a school. Candidates will be expected to identify themselves within the application form as being registered as Looked After and this should be taken into account by the LO when shortlisting.

4.13 Action plan for appointment process

The LO should complete the Lead Officer/Recruitment Officer Checklist which is available as supporting document K to discuss and agree an Action Plan and identify a panel (which may include Governors where appropriate) that will assist in the recruitment and selection process. The following should be agreed:

- wording for the Body of the advert taking into account equality and diversity issues;
- any additional information to be sent to candidates;
- closing date for advert;
- contact details for candidates to request additional information about the post;
- confirm the interview panel members;
- selection methodology;
- dates for shortlisting;
- dates, times and venue for interviews- interview dates must be included in all adverts;
- support required for the interview process; and
- interview questions (if appropriate).

4.14 Recruitment and selection panel (shortlisting and interview)

Except for the appointment of Head Teachers, Deputy Head Teachers, Acting Head Teachers and Deputy Head Teachers where the formation of the interview panel is a minimum of three people the recruitment and selection panel for other posts should consist of:

- a minimum of two people;
- wherever possible males and females, one of whom should be from outside the specialism/team;
- ensure that any person who interviews an applicant for any position or where there is a selection panel established for that purpose, at least one member of that panel or group should have completed the safer recruitment training (or refresher training if applicable);
- panel members who ideally are at either the same or a higher grade than the vacant post;
- the same members throughout the recruitment and selection process to ensure consistency. If a panel member is no longer able to participate due to exceptional circumstances, a suitable replacement should be nominated by the LO as soon as possible and a record of such changes and the reasons recorded in the recruitment file;
- a representative of a partnership organisation if the post is part of a partnership arrangement. If there is a specific requirement for the representative from the partnership organisation to be the LO, further advice should be sought from the School's HR Advice and Support Team.

The panel should not include any persons who are related to an applicant or in a close personal relationship with them or their immediate family. Any relationships between candidates and councillors/council officers should be declared to the panel prior to interviewing the shortlisted candidates.

For some posts it may be beneficial to involve a panel of stakeholders or service users to provide feedback to the main recruitment panel. This panel should be supported by a member of the main recruitment and selection panel.

4.15 Application stage

All applications must be made using the appropriate standard application forms. The application form for support staff is available as supporting document C and the accompanying guidance notes is available as supporting document D. The application form for teachers is available as supporting document E and the accompanying guidance notes is available as supporting document E.

For posts in Catholic schools, the LO may wish to use the Catholic Education Service (CES) application forms. The application form for support staff is available as supporting document G and the application form for teachers is available as supporting document I. The guidance notes for both the application forms is available as supporting document H. Catholic schools may wish to download the forms directly from the CES website at

<http://www.catholiceducation.org.uk/employment-documents/application-forms/>

4.16 Appointing the Head Teacher

The Education Act (2002) requires all maintained schools to have a Head Teacher or a person appointed to carry out the functions of a Head Teacher during an absence of the Head Teacher or pending the appointment of a Head Teacher. This means that the Governing Body must ensure that a member of staff is appointed to carry out the functions of a Head Teacher if the outgoing Head Teacher leaves before a replacement is appointed. This should be an interim arrangement only until a replacement Head Teacher can be recruited, which should be done as practically possible.

All Head Teacher posts should be open to job-share.

In maintained schools, it is the legal responsibility of the Governing Body to select a Head Teacher. The Governing Body may appoint a selection panel of at least three of its members to select for interview for the post of Head Teacher. There is no limit to the number of governors who can sit on the selection panel. The council should then be informed in writing of the names of the applicants that have been selected. The selection panel should then interview applicants and where they consider it appropriate, recommend to the Governing Body for approval one of the applicants interviewed by them.

Where a governor has a pecuniary interest in the recruitment process, he or she should withdraw and a record of this kept in the recruitment file.

A representative of the council has a right to attend relevant meetings of the selection panel to offer professional advice, but only governors on the selection panel can vote.

The decision of the selection panel must be approved by the Governing Body to appoint the person, unless the person is to be appointed otherwise than on a contract of employment or does not meet any relevant employee qualification requirements.

If the selection panel does not recommend a person to the Governing Body for appointment, the Governing Body declines to approve the person recommended, or the council declines to appoint the person that the Governing Body approves, the selection panel may re-advertise the vacancy and require the panel to conduct another selection process as stated above (but this does not prevent the selection of the existing applicant) until a permanent Head Teacher is appointed even where an Acting Head Teacher is in place.

At Voluntary Aided schools with a religious character, the Governing Body may take into account any candidate's suitability and ability to preserve and develop the religious character of the school.

At voluntary-aided schools with a religious character where the Governing Body is the employer, the selection panel may give preference to any candidate whose religious opinions and worship are in accordance with the tenets of the religious denomination of the school.

4.16.1 Council representations about Head Teacher appointments

The council is entitled to make written representations to a Governing Body if it considers that an unsuitable person is being short listed for appointment. If the Council writes to the Governing Body within a period of seven days beginning with the date when written notification of the names of those selected for interview are received about an applicant's unsuitability for the appointment, the Governing Body should consider the views of the Council. In all cases, the Council's written representation should explain why it has concluded that the candidate is not suitable and the evidence on which it has based its conclusion. If the Governing Body still decides to interview that candidate, it must notify the council in writing of its reasons.

In the case of foundation, foundation special or voluntary aided schools, where the Governing Body has not agreed advisory rights with the Council, the selection panel's notification of applicants selected for interview should be accompanied by enough information to enable the council to determine each applicant's suitability for appointment.

4.16.2 Head Teacher Qualifications

Whilst it is no longer mandatory for all first-time Head Teachers appointed to a post in local authority maintained schools and non-maintained special schools in England, to hold the National Professional Qualification for Headship (NPQH) it is recommended by the Education Development Service prior to appointments to first headship positions.

4.16.3 Appointing Deputy Head Teachers

There is no legal obligation for maintained schools to have Deputy Head Teachers or to be limited to just one. Therefore, if a serving Deputy Head Teacher leaves, there is no automatic obligation for a Governing Body to replace him/her. The Governing Body may wish to consider reorganising management responsibilities within the school or meet any employee resource needs by some other means. However, if a Deputy Head Teacher vacancy is identified, it is important that they come to the attention of as many suitable persons as possible to ensure the correct person is selected for the post.

With the exception of the council's right to make representations about unsuitable Head Teacher candidates, the procedure for appointing Deputy Head Teachers is the same as that for Head Teachers set out above. The Governing Body decides how many, if any, Deputy Head Teachers the school should have.

4.16.4 Acting Head Teacher and Deputy Head Teachers

If the Head Teacher is absent from the school, the 'School Teachers Pay and Conditions Document' requires the Deputy Head Teacher should undertake the professional duties of the Head Teacher as required. This arrangement should only be used short-term and where a Head Teacher is absent for a long period, the Governing Body should appoint an acting Head Teacher rather than require the Deputy Head Teacher to undertake the Head Teacher's duties.

The Governing Body may engage a person to provide his or her services as acting Head Teacher, or acting Deputy Head Teacher. 'Engagement' means otherwise than under a contract of employment with the Governing Body or council. The use of an acting Head Teacher is a temporary measure and does not remove the Head Teacher vacancy or remove the Governing Body's duty to fill that vacancy. The Governing Body should be proactive in filling the vacancy as soon as practicably possible.

Where an appointment is to be made under a contract of employment with the council, the council must appoint the person recommended unless he or she does not meet any employee qualification requirements. If the Council declines to appoint a person recommended by the Governing Body because of failure to meet qualification requirements, the Governing Body should recommend another person for appointment.

4.16.5 Advertising requirements for Head Teacher/Deputy Head Teacher posts

The School Staffing (England) Regulations (2009) states that the Governing Body must advertise the vacancy or post for Head Teachers and Deputy Head Teachers in such manner as it considers appropriate unless it has good reason not to. The Governing Body should consider the most

appropriate way of advertising the post and should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive.

A decision not to advertise should only be taken if the Governing Body can demonstrate there is good reason not to and that it does not leave them open to challenge. All decisions should be documented fully, as the Governing Body will need to demonstrate that it has acted reasonably if it is challenged. The Governing Body should seek advice from the SGSS Team or School's HR Advice and Support Team before making a decision not to advertise.

When a vacancy is advertised, the advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children, and reference to the need for the successful application to undertake a DBS check, as well as the usual details of the post including salary and qualifications.

4.17 Disqualification from Caring for Children (DCCR)

The Disqualification for Caring from Children Regulations originate from the Children Act 1989 and Care Standards Act 2000 stipulate that an individual who has been disqualified from caring for children for certain reasons cannot work with children either in an employed capacity or voluntary basis: As a statutory requirement, all job applicants for school-based posts must complete a DCCR declaration available as supporting document J and return it with their completed application form.

4.18 After the closing date

Consideration may be given for a late application in exceptional circumstances at the discretion of the LO.

4.19 Prior to shortlisting

The person who is administering the vacancy should number all the application forms received and remove the front sheets. The front sheets and the Equal Opportunities Monitoring Form should all be kept separate from the information given to the Selection Panel. Any additional sheets supplied by the candidate should be 'depersonalised'.

The application forms, the Job Description and the Person Specification together with the shortlisting matrix should be given to the LO and sent to each of the governors on the shortlisting panel, which may be the committee. The shortlisting matrix is available as supporting document L.

If a candidate has indicated that they meet the definition of disability, as described by the Equality Act 2010, then the application form should be marked with a 'D'. Disabled candidates are guaranteed an interview if they meet the essential qualification, experience and skills criteria of the person specification as part of the council's commitment to the disability confident scheme.

Applicants who have declared themselves as a Looked after Young Person will also be guaranteed an interview if they meet the essential criteria. Further details can be found in section 4.12.

4.20 Shortlisting

It is the ultimate responsibility of the LO, in consultation with panel members to identify suitable candidates to go through to the next stage of the selection process. Shortlisting is a matching

process that measures the information provided by candidates in their application forms, against the qualifications, experience and skills criteria of the person specification.

The LO and panel members should complete the shortlisting matrix in respect of each candidate. The shortlisting matrix must be signed and kept in the recruitment file.

If it is identified from the application form that a candidate is related to a panel member then this must be declared and that panel member should be replaced.

All applications should be reviewed carefully to ensure that they are fully and properly completed, that the information provided is consistent, does not contain any discrepancies and to identify any gaps in employment. Any anomalies, discrepancies or gaps in employment identified by scrutiny should be noted, so that they can be taken up as part of the consideration of whether to shortlist the applicant or, if the applicant is short-listed, clarified at interview. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to agency work, supply teaching or temporary work, also needs to be explored and verified.

Those candidates who meet the essential qualifications, experience and skills via the application form will be eligible to go through to the next stage of the selection process. However, if the LO decides due to the high number of applications received, that all or a reduced number of the desirable criteria will be used as a method of de-selection, the same desirable criteria must be applied to all candidates with the exception of those candidates who have stated that they have a disability or are Looked After.

4.21 Vindictive applicants

A vindictive applicant is an individual who applies for a job only in order to seek compensation for discrimination, and not to obtain employment.

If the LO believes that they have received information from a vindictive applicant at any stage in the recruitment process, advice should be sought from the School's HR Advice and Support Team in the first instance.

4.22 Voluntary disclosure of a disability

The Equality Act 2010 Code of Practice – Employment Statutory Code of Practice specifies that where a disabled applicant voluntarily discloses information about their disability or health either on the application form or in the interview, the employer must ensure that in responding to this disclosure they only ask further questions that are permitted as stated in section 4.23.1 below.

If the interview panel wishes to ask any questions arising from the person's disclosure of a disability they would need to confine them to the permitted circumstances, and this can be explained to the candidate. In this instance, this might include asking about the type of adjustment that might be required to enable him/her to prepare reports and briefings.

4.23 Interview questions

Prior to the interview, the LO and the interview panel should discuss and agree the questions to be used in the interview, and the roles of the panel members in asking the questions. The interview questions should be appropriate in number and complexity to measure the specific criteria on the job description and person specification. A series of core questions should be asked which should remain consistent throughout the interview process. Supplementary questions could be asked to clarify answers or check specific facts. Questions should be 'open-ended' so they cannot be

answered 'yes' or 'no'. The interview should be so planned so the candidates do most of the talking.

Questions should be asked around the criteria in the job description and person specification. A copy of the questions may be offered to candidates at the start of the interview as a reminder and if this approach is followed then it must be consistently offered to all candidates and provided in alternative formats if required.

When one interview is identified for multiple posts, the questions should allow a fair and equal opportunity for all candidates involved. If further interviews are held on other days, the LO must ensure that interview questions are kept consistent and the question order is not changed.

4.23.1 Prohibition of pre-employment health questions

There are significant restrictions on the type of questions and information relating to a person's health or disability, which can be asked or considered during the recruitment and selection process. In most cases questions cannot and should not be asked until the person has been offered a job individually or as part of a pool of candidates. This means that recruitment panels cannot routinely ask for or consider information on sickness absence as part of their decision-making. This requirement is intended to make recruitment fairer by ensuring candidates are considered on their ability to do the job.

It is lawful to ask questions relating to a person's ability to carry out a function that is intrinsic or fundamental to the job. However, this should take account of reasonable adjustments intended to enable a disabled person to perform the fundamental aspects of a job so there are few situations where this question needs to be asked in order to select the best candidate. The LO must seek advice in advance if it is believed that health or disability questions may be relevant to ensure they are acting lawfully. Advice should be sought from the School's HR Advice and Support Team in advance if health or disability questions are being considered by the LO.

Questions are allowed to be asked about health or disability in order to:

- find out about any reasonable adjustments required during the process;
- ensure the health and safety of candidates during the process, for example, to check whether a pregnant candidate can safely take part in a physical test;
- monitor the diversity of applicants and candidates;
- ensure that disabled applicants are guaranteed an interview if they meet the essential criteria; and
- identify applicants who meet an occupational requirement, for example, if a deaf support worker is required.

4.24 Prior to interview

4.24.1 Invite to interview

Shortlisted candidates should be invited to the next stage of the process. A template interview invite letter is available as supporting document N. The school should request that candidates bring evidence of 'Right to Work in the UK' and qualification certificates or any documents confirming any educational and professional qualifications that are necessary or relevant for the post to the interview. If the candidate cannot produce original documents or certified copies, it is their responsibility to obtain written confirmation of this from the awarding Body. Necessary arrangements should be made by the school for disabled candidates if required. Further information relating to the Right to Work in the UK can be found on the guidance on the extranet.

4.24.2 References prior to interview

Every effort should be made to obtain all necessary references from any or previous employers prior to interview on all short-listed candidates, including internal ones, 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. The job advert and the application form will state that the school reserves the right to seek references prior to interview and this may include references from the current or most recent employing local authority. All references will be verified by the Council with the referee to ensure authenticity. A letter request for confidential references and pro-forma is available as supporting document M.

When references are received prior to interview it is essential that the sickness absence information is removed to prevent the LO and panel members inadvertently considering previous sickness absence before an offer of employment has been made.

The LO will assess the appropriateness of the selected candidates named referees. Panel members cannot act as referees. Further information regarding restrictions on acting as a referee can be found in section 6 of this policy.

4.25 Interview process

All interviews should be face to face and take place even if there is only one applicant who is eligible to be interviewed. Rearranging an interview for a candidate will be at the discretion of the LO.

The aim of this stage of the process is to afford the opportunity for two-way communication to occur. The interviewing panel needs to be able to obtain as much information as possible with regard to the candidate's ability to fulfil the criteria for the post. The interviewee needs to feel that they were afforded the opportunity to give their best and also to make a determination as to whether the post is appropriate for them.

Involving pupils and students in the recruitment and selection process in some way, or observing shortlisted candidates' interaction with pupils is common and recognised as good practice as part of safeguarding children and safer recruitment in education. There are different ways of involving young people, for example, shortlisted candidates for teaching posts might be asked to teach a lesson and might be shown round the school or college by pupils or students.

4.25.1 Prior to seeing candidates

The LO should arrange that the arrival of the candidates is expected. Someone should be available to greet candidates and take them to the appropriate room.

The LO should make necessary arrangements to make any reasonable adjustments for disabled candidates if required and obtain and set up any equipment required for any tests. Prior to seeing candidates, the LO should make panel members aware of any reasonable adjustments for disabled candidates in relation to the way the interview is carried out, as necessary. The LO should brief the panel of the findings of any preliminary selection activities, if applicable.

4.25.2 Interview format

The LO will arrange to introduce members of the panel to each candidate, explain the objectives of the interview and explain that the interview panel will be taking notes. The LO should also check the correct contact details are on the application form for each candidate and their preferred

contact telephone number. The LO must ensure that the hard copies of the application forms are signed by each candidate.

The interview panel needs to be aware that candidates are from diverse cultures or may have a disability. The panel should not make assumptions with regard to certain types of behaviour, for example, lack of eye contact, as this could be due to the cultural background or disability of the candidate.

After each candidate has been asked the core questions, time needs to be allowed in order to give the candidate the opportunity to ask questions and/or add any points they wish to make.

Each panel member should complete the interview recording sheet for each candidate and take appropriate notes so that objective decisions can be made. The interview recording sheet is available as supporting document O. The panel member who has made the notes should sign the interview recording sheet. A numbered scoring system must not be used.

The LO should always explore any gaps in a candidate's employment history for posts working directly with children and vulnerable adults, though such questions should be handled in a sensitive manner. Reasons for gaps in employment should be documented as part of the interview process.

At the end of the interview, candidates should be informed when and how they should expect to receive a decision from the interview, allowing the panel a suitable amount of time to consider their selection.

4.26 Interview venues

When deciding where the interviews will be held the following points need to be considered:

- where practical, interviews will be conducted at the work place where the vacancy is held, as this will allow the candidates to view the workplace;
- try to ensure there is a seated waiting area close to the room where the interview is taking place;
- the room used for interviews will be soundproof and the furnishings will be appropriate;
- when interviewing, where possible the chairs will be arranged so that the interviewing panel does not appear to be dominating the candidate;
- try to avoid artificial/sun light shining into the eyes of the candidate;
- water should be available for the candidate where possible;
- there should be complete freedom from telephone calls (mobile phones should be switched off) and other interruptions whilst the interview is in progress;
- ensure the room where the interview and/or test are taking place and the route to and from it, is easily accessible to candidates with a disability;
- the LO has checked in advance that any equipment or other reasonable adjustments have been made; and
- ensure that any equipment for presentations is already set up if needed.

4.27 After the interview

The LO should ask each panel member for their views as to how each candidate met the person specification using the notes from the interview recording sheets. The LO should then express their own views as to how each candidate met the person specification and lead the discussion to reach a panel view as to the most appointable candidate. The LO should complete and sign the Interview Summary Record Form for each candidate and retain in the recruitment file. The Interview Summary Record Form is available as supporting document P.

The interview panel should rank the candidates and agree the successful candidate. The successful candidate should be offered the job as soon as possible subject to clearances. If the successful candidate declines the offer, the job should be offered to the next appointable candidate etc. until the offer is accepted or no other appointable candidates remain. As soon as possible after this, all other applicants should be informed that they have been unsuccessful in the current recruitment exercise. The interview panel should consider that the reasons for appointing or not appointing a candidate might be challenged under discrimination legislation. Advice should be sought from the School's HR Advice and Support Team if there are any concerns.

The LO should offer interview feedback to unsuccessful candidates as soon as practicably possible. Feedback should be constructive and focus on the degree to which the candidate met or failed to meet the person specification criteria. An accurate and written record of feedback notes should be kept in the recruitment file.

Any candidate wishing to make a complaint should contact the LO within five working days from when they received the interview decision/interview feedback.

The relevant sections of the LO/Recruitment Officer Checklist should be updated throughout the process.

4.27.1 Starting salary

Qualified and unqualified teachers must be paid in line with the School Teachers' Pay and Conditions Document.

All newly appointed support staff should be placed on the lowest point of their salary scale. Exceptions are allowed in certain circumstances. The LO should take advice from the School's HR Advice and Support Team, if they propose to offer more than the bottom of the grade and this must be in line with the Local Collective Agreement.

4.28 Conditional Letter of Appointment

The school should notify HR of a new appointment through the Schools and Academy Link (SAIL) system. The school will issue a conditional offer of employment letter to the successful candidate, which states that the offer is subject to clearances. The letter outlines that the conditional offer of appointment is subject to successful clearances. It will request information regarding any previously issued redundancy payments by the council within the last 12 months. A template Conditional Offer of Appointment Letter is available as supporting document Q.

The school must ensure that all information required in the conditional offer letter is sighted and recorded before agreeing a start date with the successful candidate. The Conditional Offer of Appointment Letter also states that in the event that any of the above required elements are not satisfactory, the school will consider withdrawing the conditional offer, taking advice from the School's HR Advice and Support Team in the first instance.

5 Pre-employment clearances

Satisfactory clearances include the following:

- check of previous employment history;
- check of any information disclosed on the application form;
- verification of the identity of the successful applicant (if that could not be verified at interview);

- evidence of the Right to Work in the UK;
- sickness absence information;
- pre-Employment Health clearance:
- at least two satisfactory references;
- evidence of essential qualifications;
- Disclosure and Barring Service (DBS) or Home Office checks, where appropriate;
- Disqualification from Caring or Children Regulations (DCCR) disclosure;
- prohibition Order check (Teaching positions only);
- proof of current driving licence (if applicable);
- proof of Professional Registration (if applicable) and
- Food Handler Questionnaire (if applicable).

All checks should be confirmed in writing and retained on the personnel file in school. If any of the checks are unsatisfactory or where there are discrepancies in the information, they must be followed up by the LO. The conditional offer of employment should be withdrawn where:

- the candidate is found to be barred from working with children;
- an applicant has provided false information in support of his/her application; or
- any other clearance raises concerns.

The school should seek advice and follow relevant DBS guidance if a disclosure reveals any information that a candidate has not disclosed in course of the selection process.

The facts must be reported to the police and/or the DBS where there are serious concerns about an applicant's suitability to work with children.

Once successful clearances have been received, the School's Payroll and Employee Services Team will write to the candidate confirming the appointment and enclosing a Statement of Particulars (if not already sent) and asking for confirmation of acceptance.

5.1 Disclosure and Barring Service (DBS)

The school must use the DBS Disclosure vetting process for all relevant groups of employees, particularly those that are employed in regulated activities with children and/or adults to help safeguard the welfare of those accessing its services. Any DBS requirement and the level of disclosure will need to be stated in the job advert.

Successful candidates who require a DBS check will need to complete the online DBS application form and provide the necessary original documents to the LO to validate the application form. This is a crucial part of the recruitment process and the appointment cannot be confirmed until appropriate clearance has been received. It is the responsibility of the LO to validate the ID documents and complete the verification details on the DBS application form.

5.1.1 Application process E-BULK

The e-bulk system has replaced the paper application form for school-based staff with an online DBS application. Online DBS checks can be completed by accessing the internet from any PC or laptop. Applicants will need to login to the system to complete their DBS applications. The applicant is required to enter an Organisational Reference Number (see below) and a password of 'DCC'.

When issuing a conditional offer of appointment letter to a successful applicant and a new DBS check is required, the school must email the applicant the following link, which includes the relevant guidance notes <http://disclosure.capitarvs.co.uk/nereo> to enable them to access the

online application. Applicants must be advised of the need to present their identity documents for verification into the school. Once the applicant has brought their ID into the school the ID checker will be required to access the system with their own password and verify the ID, just as they would on a paper application form. Separate guidance for ID checkers is available from the Manual of Guidance (MOG) on the extranet.

5.1.2 Applicant Only Certificate process

The DBS operate an Applicant Only Certificate process, which means that the school and the School's Payroll and Employee Services Team do not receive copies of the applicant's certificates. The E-Bulk system will however, advise the School's Payroll and Employee Services Team of one of the following results:

- no information disclosed; or
- please wait to view applicant's copy of the certificate.

The school will be notified of "no information disclosed" results via the schools secure email address, and the applicant should then present their original certificate to the school to verify the certificate and content. The disclosure details provided (certificate number and date of issue) will then need to be recorded on the Schools Single Central Record (SCR).

When a certificate results in the outcome "Please wait to view applicant's copy of the certificate", this means that information has been disclosed on the certificate. The School's Payroll and Employee Services Team is not provided with details of what the disclosure(s) is/are. In these cases, the LO **must** view the certificate by requesting this from the applicant and risk assess the details disclosed **prior to the individual taking up post**. The School's Payroll and Employee Services Team will provide the LO with a DBS risk assessment pro forma for completion when notified of the requirement for completion.

5.1.3 DBS Update Service

Individuals can subscribe to the DBS Update Service, which means that a certificate may become portable across organisations (only where the level of check and barred list check is relevant to the post applied for). If an applicant has subscribed to the update service, a prospective employer **may** be able to accept the existing check without the need to complete a new disclosure. To determine whether the existing check can be used for the new role, the school must carry out a "Status Check" prior to appointment to ensure the details on the applicant's copy of the certificate remain unchanged since the certificate was issued and to confirm that they have indeed subscribed to the update service. Should the applicant state that they have subscribed to the update service, please contact the School's Payroll and Employee Services Team for advice.

5.1.4 Portability of DBS disclosures

Durham County Council **does not** support portability of DBS disclosures (use of a DBS disclosure from a different registered Body) – except where the individual has subscribed to the Update Service, referred to in section 5.1.3.

However, DBS checks are unique to registered bodies, not to individual schools. This means that if an employee moves to a different school within County Durham, and without a break in service may not need to apply for a new disclosure unless there is a significant change in job role. A break in service is determined to be three months or more. To confirm whether the existing DBS check can be used, please contact the School's Payroll and Employee Services Team.

It is the responsibility of the LO to sight the original DBS Certificate once the applicant has received it. The employee should retain the DBS Certificate and produce the document if

requested. Candidates who subscribe to the DBS Update Service and are applying for a job within the same workforce as their current DBS check, will need to give permission to the council to carry out an on-line status check and be required to present the original DBS Certificate to the LO.

5.2 DBS checks on overseas candidates

When recruiting candidates from overseas, applicants who have not had permanent residence in the UK should still be subject to an enhanced DBS Disclosure following the normal guidelines. It must be noted that the DBS can only access criminal records (convictions, cautions, reprimands and warnings) held on the Police National Computer. A DBS check may not provide a complete picture of any criminal record that may exist for overseas applicants.

Criminal history checks may be available from the relevant Authorities for the country in which the applicant has resided. Further guidance can be sought via the DBS at

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The information provided by overseas authorities may be in the language of the country to which the application was made. It may therefore be necessary for the school to have this information translated.

As there is no consistent approach to sharing criminal records throughout all countries; the LO must be satisfied that all relevant checks have been rigorously pursued and that verification of employability within the UK has been sought from the Home Office or the UK Borders Agency.

If an individual has been living abroad within the past five years a Certificate of Good Conduct must be obtained at the applicant's own cost from the embassy of the country where they were based. A Soldiers, Sailors, Airmen and Families Association (SSAFA) check will be required for all applicants and partners of employees who are who are or were in the armed forces based abroad.

5.3 Volunteers

Although it is recognised that parents and other volunteers help regularly in the school, not all will require a DBS check depending on the frequency of their volunteering activity and the contact they have with children. The Safeguarding Children and Safer Recruitment documents does not recommend checks for existing volunteers continuing with their old duties, unless they have cause for concern.

For new volunteers, or those changing duties to ones that will bring them into increased contact with children, Head Teachers should consider obtaining enhanced DBS Disclosures where the volunteering is regular and involves contact with children. Regular contact is defined as three or more times in a 30 day period, or once a month or more, or overnight. In coming to a decision, schools will need to make a risk assessment and use their professional judgement in deciding whether a DBS Disclosure is necessary.

The following points should be considered:

- the duration, frequency and nature of contact with children;
- what the school knows about the volunteer, including formal or informal information offered by employees, parents and other volunteers;
- whether the volunteer is well known to others in the school or community who are likely to be aware of behaviour that could give cause for concern;

- whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability; and
- any other relevant information about the volunteer or the work they are likely to do.

Under no circumstances must a volunteer who has not obtained a DBS Disclosure, because perhaps he or she does not require a Disclosure due to infrequent contact with children, be left unsupervised with children.

5.3.1 Volunteer Profile

Where an individual volunteers in a school on a regular basis, it is good practice to develop a role profile for the volunteering position. The volunteer profile will avoid confusion with regard to roles and responsibilities and could include a brief description of the role, an outline of the duties, training offered and whether the volunteer can claim any expenses.

5.4 Single Central Record (SCR)

It is a requirement of Ofsted that every school maintains a safeguarding file, demonstrating evidence of safeguarding practice within schools. Within the safeguarding file, details of all DBS checks completed on all employees and volunteers (although not actual certificates) must be recorded.

5.5 Teacher Prohibition Orders (also known as Teacher Status Check)

Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. For Registered Teachers, it is an Ofsted requirement that a check of the prohibition orders list is undertaken at the point of entry into employment, and recorded on the SCR. Checks may also be conducted periodically after appointment if the school deems this appropriate.

Upon receipt of the relevant new starter paperwork, a Prohibition Order Check is completed by the Schools Payroll and Employee Services team, and any issues highlighted by this check will be highlighted to the relevant Head Teacher for further discussion and action. A school can undertake their own checks of the Prohibition Orders by accessing the "secure Employer Access Online" provided in the MOG via the extranet.

5.6 Right to Work in the UK

The LO will need to verify original ID document(s) for the successful candidate during the appointment process to confirm a candidate's legal right to work in the UK or have the right to carry out the type of work that is being offered. The LO will need to sight the original documents, check them in the presence of the holder and make a clear copy. The copy will need to be signed by the LO including the date of the check and retained in the recruitment file. Details will be obtained via the SAIL system when schools wish to notify the Schools Payroll and Employee Services Team of a new appointment. Further information can be obtained from Right to Work in the UK Policy available on the extranet.

5.7 Criminal convictions

For posts which require a DBS check as stated on the job advert and job description, the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and therefore cannot be taken into account. Applicants are asked to declare if they have any convictions, cautions,

reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (amended in 2013) and to provide relevant details of the offence, date of offence and sentence. Applicants are further requested to declare that they have read the guidance notes including the information regarding criminal convictions and declare that the information given is true in all respects.

5.8 Non-Fraud Declaration

Durham County Council is under a duty to protect the public funds it administers and has a responsibility to create a strong anti-fraud culture within the organisation. In order to meet these responsibilities, the council is committed to an effective Counter Fraud and Corruption Strategy and aims to ensure that it does not unwittingly engage organised criminals through the recruitment and selection of its employees.

As a preventative measure, all job applicants are requested to sign a non-fraud declaration on the application form stating that the information that they have provided on the application form is true and complete. The council may check the details provided with other agencies, including local authorities and the police for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for this purpose.

5.9 Pre-Employment Health clearance

As part of the pre-employment process, the conditional offer letter includes a Pre-Employment Health Declaration (PEHD) to be completed by the successful applicant and returned to the LO. Upon receipt of the completed PEHD, if the candidate has indicated that they do require specific aids, adaptations or adjustments to the job role, the LO should refer to Occupational Health Service (OHS) for advice.

Where the applicant answers that they do not require specific aids, adaptations or adjustments, there will be no requirement for any OHS involvement and the PEHD will be held on the Recruitment file. A copy of the guidance notes for the LO in identifying the requirement for referral to the OHS for PEHD can be found as supporting document S. A copy for reference of the PEHD can be found as supporting document R.

For job roles which have been formally identified by risk assessment as requiring OHS intervention, such as Health Surveillance, the LO will refer the applicant to the OHS irrespective of the candidate's declaration. A copy for reference of the consultation form can be found as supporting document .T.

Additionally, where the job role involves working with vulnerable clients, the candidate will be required to complete a further questionnaire which should be returned directly by the candidate to the OHS. A copy for reference of the questionnaire for such job roles can be found as supporting document V.

Where applicable following the health assessment, the OHS will provide a statement of fitness including any appropriate advice on 'adjustments'. The school must consider any adjustments required and seek further advice if there are any concerns as to their feasibility.

5.10 Food handler questionnaire

A 'Food Handler Medical Questionnaire Form' should be sent to the successful candidate by the if the post involves directly touching open food, touch food contact surfaces or other surfaces in rooms where open food is handled as part of their work. The questionnaire will help reduce the spread of infection by advising which illnesses and symptoms the applicant has suffered from and

should be returned directly to the OHS who will advise further where appropriate. The Food handler questionnaire is available as supporting document U.

5.11 Risk assessment for young persons

A risk assessment must be carried out before any young person under the age of 18 starts work in accordance with the Council's Code of Practice for the Protection of Young Employees, which is available in the Schools Health and Safety Policy and Procedure Manual on the extranet.

5.12 Sickness absence information checks

The sickness absence information check proforma is available as supporting document W. It is essential that once sickness absence information has been revealed, any reasonable adjustments are made to accommodate any disability to avoid discrimination. Disabled applicants should only be asked about workplace adjustments if selected for the job. The job offer should be made on the condition that adjustments are reasonable. If there are any concerns regarding reasonable adjustments, further information can be obtained from the School's HR Advice and Support Team.

If the medical information simply reveals a poor sickness record with no explanation and the absences are not related to disability or maternity, due consideration must be given before any conditional offer is withdrawn and notes kept in the recruitment file as to the reasons why.

If the successful candidate is considered to be unsuitable, based upon the sickness absence information, the LO in conjunction with the interview panel must justify the reasons as why they are unsuitable and this information must be included in the recruitment file. If there is any doubt, further advice should be sought from the School's HR Advice and Support Team.

5.13 Disqualification by Association

If a Head Teacher receives information that an employee is living in a household with a person who lives or works with a person who would fall within the category of disqualified under the Childcare Act 2006, then the Head Teacher must notify Ofsted within 14 days of the school becoming aware of the situation. The employee can then make an application to Ofsted to consider a waiver to allow them to continue to work. Further information can be obtained from the Disqualification by Association Guidance available on the extranet.

5.14 Pre-employment protection of whistle-blowers

The council does not discriminate against any applicant because it appears that they have made a protected disclosure.

5.15 Continuous service

Continuous service means continued employment with a previous council or related employer without a break. Successful candidates (both internal and external) who are eligible for continuous service should ensure that their continuous employment will not be broken by any week. A week is defined as "a week ending with Saturday". If there is a gap in service between the two posts of more than one calendar week (running from Sunday to Saturday) continuity is broken.

5.16 Personal file

The school should create a personal file for the successful applicant to include:

- application form;
- notes made during the interview with regard to any gaps in employment (if applicable);

- copy of interview questions;
- conditional offer of employment;
- copies of qualification certificates;
- copy of signed Statement of Particulars;
- copy of evidence used to verify the identity of the successful applicant
- evidence of Right to Work in the UK;
- interview notes/documentation;
- job description;
- person specification;
- offer of employment;
- Pre-Employment Health Declaration;
- Occupational Health clearance, (where applicable);
- references; and
- test results and any associated paperwork (if applicable).

The school should process removal expenses, where applicable.

5.17 Agency workers

All schools who wish to use agency workers must carry out a number of checks to ensure that any agency worker engaged has gone through the same process as if the school had employed the individual directly. These checks involve the following:

- DBS checks (where applicable);
- qualifications;
- references;
- registration with Professional Bodies (where appropriate);
- proof of eligibility to work in the UK;
- confirmation that a confidentiality clause has been signed (where applicable); and
- to explore any gaps in employment history.

Originals of the above documents should be sighted by the school prior to the agency worker being hired. Where agency workers are successfully recruited to the school, one reference should be provided from the agency and one from the manager of their current assignment, where applicable.

5.18 Qualifications

Original qualification certificates/proof of qualifications should be sighted by the LO and copies retained in the personal file. The School's Payroll and Employee Services Team will check to ensure that proof of essential qualifications has been received prior to sending out appointment letter and Statement of Particulars.

Qualifications in England, Wales and Northern Ireland are grouped into levels, from entry level to level 8. Qualifications at the same level are a similar level of difficulty, but the size and content of the qualifications can vary. The levels are used in education and work to compare different qualifications - they also show how one qualification can lead to another. The frameworks show how the most common qualifications compare. Further information with regard to comparing equivalent qualifications can be obtained from comparing [different qualifications government website](#) or by contacting the School's Payroll and Employee Services Team.

If the LO requires information on equivalences of qualifications gained outside the United Kingdom further information can be obtained from the School's Payroll and Employee Services Team.

5.19 Qualified Teacher Status (QTS)

The Education (Teachers' Qualifications and Health Standards) (England) Regulations (1999) states that all teachers must have qualified teacher status (QTS) to take up a teaching post in England in a:

- maintained primary school
- maintained secondary school
- maintained special school
- non-maintained special school

The National College for Teaching and Leadership (NCTL) is the competent authority in England for awarding QTS and awards QTS to trained teachers from the European Economic Area (EEA). Teachers from the independent sector will need QTS to teach in the maintained sector

Once awarded, teachers can obtain the QTS certificate online from the [teacher self-service](#) website.

If a teacher completed the initial teacher training in Wales, they will be awarded QTS by the Education Workforce Council (EWC), which is automatically recognised in England and the information is held on the database of qualified teachers. If a teacher trained in either Scotland or Northern Ireland, they must apply for QTS to take up a teaching post in a maintained school or non-maintained special school in England.

Teachers who are recognised as qualified teachers in an EEA member state can apply for QTS in England under the terms of Council Directive 2005/36/EC. Teachers who trained outside the EEA can also apply for QTS in England. Swiss nationals are also eligible to apply for QTS in England.

From the 19 December 2016 teachers who are recognised in the EEA but who are only qualified to teach pupils with special educational needs and disabilities (SEND), can apply for partial QTS in England.

A teacher with partial QTS can be appointed to a qualified teacher post in a special school or to teach pupils in a specialist unit in mainstream schools. Partial QTS exempts a teacher from the requirement to serve a statutory induction period in England. This change is due to an amendment to Council Directive 2005/36/EC. EU Member States must recognise qualifications when they entitle a professional to work in specific areas of a regulated profession.

Further clarification can be obtained from qts.enquiries@education.gov.uk.

5.20 Qualified teacher learning and skills (QTLS)

Qualified Teacher Learning and Skills (QTLS) is post-qualification for post-16 education and training obtained by successfully completing professional formation. Qualified teachers, who have QTLS status and membership with the Society for Education and Training, are eligible to work as a qualified teacher in schools in England.

It is the responsibility of the LO to decide whether an applicant with QTLS will be suitable for a post and to teach a particular subject. Teachers with QTLS are exempt from serving a statutory induction period in schools.

Further information about QTLS and working in maintained schools can be obtained from the [Society for Education and Training website](#) or by telephone 0800 093 9111 or 020 3092 5001

5.21 Non-Qualified teachers

The Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012 amend the Education (School Teachers' Qualifications) (England) Regulations 2003,

An unqualified teacher is someone who has not passed the QTS process in England. As of September 2012, schools wanting to appoint someone without QTS, no longer need to consider whether or not there is a teacher with qualified status available.

The decision to employ an unqualified teacher is at the sole discretion of the LO.

5.22 Newly Qualified Teachers (NQTs)

The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 apply to all NQT induction.

A newly qualified teacher cannot be employed as a teacher in the following schools unless they have satisfactorily completed an induction period in accordance with the Regulations and the Statutory Guidance Induction for Newly Qualified Teachers (England) 2016:

- a maintained school;
- a non-maintained special school;
- a maintained nursery school;
- a nursery school that forms part of a maintained school;
- a local authority maintained children's centre;
- a pupil referral unit (PRU); and
- a non-maintained nursery school

An NQT has only one chance to complete statutory induction. An NQT who has completed induction, and is judged to have failed to meet the relevant standards at the end of their induction period, is not permitted to repeat induction. While such an NQT does not lose their QTS, they cannot be employed lawfully as a teacher in any of the above schools, including any post where they would carry out specified work. Their name is included on the list of persons, held by the National College for Teaching and Leadership, as having failed to satisfactorily complete an induction period.

It is the responsibility of the LO to check that NQTs have successfully completed the induction period.

5.22.1 Qualified teachers who do a cover supervisor or teaching assistant role

The relevant rate of pay is determined by the nature of the job not the qualifications of the teacher. If a supply worker is a qualified teacher and expected to carry out the role of a cover supervisor or teaching assistant, they would be paid as a cover supervisor or teaching assistant.

5.22.2 Qualified teachers who are hired to do a teaching role in a maintained school

If a school asks a temporary work agency to provide a teacher to carry out 'specified work' (planning, preparing and delivering lessons and courses to pupils and assessing and reporting on the development, progress and attainment of pupils) in a school and the person engaged to do the work is a qualified teacher, they should be paid as a qualified teacher. If the person is engaged to do the work as an unqualified teacher, they should be paid as an unqualified teacher.

5.23 Induction

The induction programme will apply to all new starters to the school and will support employees moving between posts within the school. It is the responsibility of the school to conduct induction.

5.24 Probationary period

Successful applicants who are new to Local Government (as defined in the appropriate National Terms and Conditions) will be subject to a six month probationary period. This will be stated on the Statement of Particulars if applicable. Further details relating to induction periods for NQTs can be found in section 5.22.

6 References

All references received for successful candidates must be in writing. References cannot be received by telephone. It is the responsibility of the LO in conjunction with the panel to ensure that the references are satisfactory.

6.1 Restrictions on acting as a referee

Applicants are required to state in writing on the application form whether to the best of their belief they are the parent, grandparent, partner, child, step-child, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of a partner of such persons.

So far as possible, an employee who is involved in an appointment process should try to avoid giving references to any candidates. In these situations, additional references should be sought. It is appreciated, however, that in some circumstances this may be unavoidable and a reference from a manager within a school may be regarded as essential information for the recruitment process.

Where a referee is part of the interview panel, a further reference should be sought in addition. In exceptional circumstances where all referees form part of the interview panel a reference would still be requested, however, it would be expected that it would be factual in nature.

6.1.1 Elected members

Canvassing of Members of the council or any committee of the council or any appointing officer directly or indirectly for any appointment with the council or the school is prohibited and shall, if deemed appropriate, disqualify the candidate for that appointment. No Elected Member of the council will provide any testimonial for a candidate in support of an application for appointment with the council in any capacity including for school based employees. This applies to both internal and external posts.

6.2 Providing a corporate reference for former or current school/council employees

There is no obligation on behalf of an employer to provide a reference for a former or current employee except if the terms of employment of the individual are covered by the Financial Services Act 1986. If a reference is provided, it must be a fair reflection and accurate.

A corporate reference is a reference given on behalf of the council or school. Anyone giving a corporate reference for a former or current council employee should ensure that it contains no

material mis-statement or omission relevant to the suitability of the applicant for the post. All references will be treated with confidence within the school/council.

If an employee of the school/council provides a personal reference for a former or current school/council employee and this is given on the school's/council's headed notepaper giving the author's job title, it will be considered as a corporate reference under the Data Protection Act 1998.

The person giving a corporate reference for a former or current school/council employee should be satisfied that the employee wants this and should take steps to ensure that the reference request is genuine – for example by checking that the request is from a recognised and reputable organisation or by checking with the individual concerned.

6.3 Access to references

If a former or current employee asks for a copy of a confidential reference you have written about them, you do not have to provide it because of an exemption in the Data Protection Act. However, you may choose to provide the information. It would seem reasonable to provide a copy if the reference is wholly or largely factual in nature or if the individual is aware of the appraisal of their work or ability.

However it is important to note that references received from another person or organisation are not treated in the same way. Therefore former or current employees can make a subject access request to a new employer to obtain any reference sent from the council even though it may be marked 'in confidence'.

Where there are any concerns regarding the content of references, advice should be sought from the School's HR Advice and Support Team.

6.4 Sickness absence information in references provided by the council

If a school/council employee (referee) is providing a corporate reference and sickness information is requested from an external organisation as part of that reference, the referee must ensure that consent has been given by the individual concerned for that information to be released. Steps should be taken to verify with the organisation requesting the information/reference that the current or ex-employee has given consent to them to approach the council for the information. No sickness information should be provided without written proof of consent from the individual concerned for this information to be released either directly from the individual or from the requesting organisation.

7 Letter of Appointment

Once all successful clearances have been received by the LO, the school should notify the School's Payroll and Employee Services Team through the SAIL system. The School's Payroll and Employee Services Team will produce Statement of Particulars for the successful candidate on behalf of the school.

A Letter of Appointment should be sent to the successful candidate together with the Statement of Particulars and a copy of the job description. A template Letter of Appointment is available as supporting document X. The successful candidate should confirm in writing that they accept the post on the terms that are outlined in the job description and statement of particulars by returning a signed copy of the written statement of particulars to the school.

An Employee Emergency Contact Details Form should be sent together with the Letter of Appointment and returned to the school on the start date which is available as supporting document Y.

8 Secondments

8.1 Internal secondments/transfer

Durham County Council does not have a Corporate Transfer Policy or operate internal secondments. Secondment arrangements are only made between the school/council and other external organisations.

Employees wishing to undertake a temporary post within the school should seek the approval of the Head Teacher/Governing Body to undertake this temporary post with the guarantee to return to their substantive post at the expiry of the temporary post. The agreement for an employee to return to their substantive post will be reflected in their new, temporary contract. Any employee undertaking a temporary post will automatically relinquish that post if they move to another temporary post, therefore at the end of the last temporary contract they will return to their substantive post (if applicable).

8.2 Durham County Council school based employees seconded to external organisations

A Durham County Council school based employee who is seconded to an external organisation (seconded), will retain their employment with the council, including all related terms and conditions whilst carrying out work for the other organisation (the Host).

Once the seconded has been offered the post, a representative of the school will need to meet with the seconded and a representative from the Host to prepare a secondment agreement. Although the seconded will participate in the meeting and can negotiate any terms and conditions of the secondment, the secondment agreement will be made between Durham County Council (school) and the host. Careful consideration will need to be given to the terms of the secondment agreement in advance to reduce the risk that the seconded may, as a matter of fact, become the Host's employee. A checklist is available as a supporting document Z to consider the information required before the meeting. A template secondment agreement can be found as a supporting document Z1. Once the secondment agreement has been finalised and signed, a letter should be sent to the seconded confirming the arrangements. A template letter can be found as a supporting document Z2.

If the period of the secondment is extended, the employee will need to seek agreement to a further seconded period with their Head Teacher.

In situations where the seconded employee's substantive post is subject to organisational change, they will be fully involved in the consultation process throughout.

8.3 Employees seconded to Durham County Council or the School

In the case where an employee is seconded to Durham County Council or the school from an external organisation, the process should be carried out in the same way as a normal recruitment exercise. This will involve an advertisement, an application process and assessment of each candidate against selection criteria based on a job description and person specification. Failure to follow an objective selection process could lead to legal challenges to the council.

Where Durham County Council or the school is the Host, it is important that there is a secondment agreement in place to mitigate the risk of the secondee being found to have become an employee of the council (school). If the seconding organisation does not have their own secondment agreement in place, the template secondment agreement can be used which accompanies this policy.

9 Politically restricted posts

The Local Government and Housing Act 1989 (LGHA) sets out categories of council employees who are to be regarded as holding politically restricted posts. Such employees are prevented from holding various elective offices or from standing for election to those offices and prevented from engaging in a range of political activities. All job adverts and job descriptions must state whether a post is politically restricted. Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

9.1 Sensitive posts:

A sensitive post is one which meets one or both of the following duties-related criteria:

- giving advice on a regular basis to the council itself, to any committee or sub-committee of the council or to any joint committee on which the council is represented; or where the council is operating executive arrangements, to the executive of the council; to any committee of that executive; or to any member of that executive who is also a member of the council; and
- speaking on behalf of the council on a regular basis to journalists or broadcasters.

Teachers and Head Teachers are all exempt from political restrictions under s 2(10) LGHA, and will not be regarded as holding political restricted posts whatever their role or remuneration level.

10 Equality issues

It is the school's policy to meet equality law requirements and to treat people fairly regardless of age, disability, gender, gender reassignment, race, religion or belief and sexual orientation. The policy also applies to pregnancy and maternity, marriage and civil partnership. Every employee has a responsibility to treat other people in a fair and lawful way.

Any employee involved in recruitment and selection should make sure that:

- they understand that equality law applies;
- they follow relevant policies and procedures;
- all documentation, information or activity is lawful;
- they consider reasonable adjustments and other requirements relating to disabled applicants;
- they challenge discrimination and unfair treatment, reporting it where appropriate; and
- they ask for advice where necessary.

The Equality Act 2010 has replaced and extended previous equality legislation. The key aspects of this Act in relation to recruitment and selection are:

- introduction of 'protected characteristics';
- prohibition of pre-employment health questions;
- updating of discrimination law;
- updating of occupational requirements; and

- duty to make reasonable adjustments.

10.1 Introduction of ‘protected characteristics’

The Equality Act applies to the following list of ‘protected characteristics’:

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

10.2 Discrimination law

Unlawful discrimination can take a number of different forms; it is important that the LO and all recruitment panel members are aware of the protected characteristics and avoid the following types of discrimination:

10.2.1 Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below) or because they associate with someone who has a protected characteristic (see associative discrimination below).

Examples of direct discrimination are:

- a job advert states ‘this job is unsuitable for disabled people’;
- refusing to employ a pregnant woman; and
- refusing to offer a job to a person with the required skills because they belong to a particular ethnic group.

10.2.2 Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination is unlawful but may be justified if you can show that you have acted reasonably in managing your business i.e. that it is ‘a proportionate means of achieving a legitimate aim’. Advice should always be sought if there any doubts.

Examples of indirect discrimination are:

- where a person specification includes the requirement for five years’ experience;
- qualification experience, (this is likely to disadvantage younger applicants so unless it is a professional or justifiable requirement this could be challenged as indirect discrimination);
- requiring applicants to use a car for work travel where alternative transport would also be appropriate for people with a disability or younger applicants who may not be able to afford a car; and

- where an employer requires applicants to have graduated in the last five years possibly having an adverse impact on older candidates.

10.2.3 Discrimination by association

This is direct discrimination against someone because they are related to or associate with another person who possesses a protected characteristic. For example, a candidate is refused a job because they have a disabled partner.

10.2.4 Discrimination by perception

This is discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. For example, a candidate is refused a job because the interviewer thinks the candidate is gay.

10.2.5 Harassment

Harassment is unwanted conduct relating to a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This is unlawful and may lead to claims for compensation. Employees will be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. It is important to bear in mind that different people have different cultural and social perceptions as to what they consider hostile or degrading.

An example of harassment is where an interviewer makes a joke about a colleague's religion when introducing the recruitment panel.

10.2.6 Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so. If an employee has brought a discrimination claim, acted as a witness in someone else's claim or raised issues relating to potential discrimination, any negative action taken against them because of this will be unlawful. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. An example of victimisation is where an applicant is not shortlisted because they have previously raised a grievance about unfair treatment.

10.2.7 Updating of occupational requirements

If you can show that a particular protected characteristic is central to a particular job you can include this occupational requirement in a person specification and use it to select candidates. Occupational requirements often apply to situations where intimate personal care is provided or on grounds of decency or safety. For example, a women's refuge advertises for a female worker because the clients are all women who have experienced domestic violence committed by men. However, managers must be able to justify the characteristic is essential otherwise the requirement may be challenged as unlawful discrimination.

10.3 Duty to make reasonable adjustments

A person is disabled if he/she has a physical or mental impairment which has a substantial and long-term (has lasted or is likely to last 12 months or more) adverse effect on his/her ability to carry out normal day to day activities. This definition is intentionally broad and includes mobility, learning disabilities, mental health, sensory impairments and diabetes. A person automatically

meets the disability definition from the day they are diagnosed with HIV infection, cancer or multiple sclerosis.

The Equality Act 2010 includes a duty to make reasonable adjustments for disabled people. This includes adjustments to the way employment is structured, removing physical barriers and providing specific support. The duty aims to provide disabled people the same access to employment as a non-disabled person, as far as is reasonable. The school is required to take positive and proactive steps to prevent, remove or reduce barriers to employment.

In addition to this duty, Durham County Council has made a commitment to the Disability Confident Scheme, which includes making reasonable adjustments and guaranteeing an interview for disabled applicants who meet the essential criteria on person specifications. It is lawful to treat disabled people more favourably or better than non-disabled people. Guaranteeing interviews for disabled candidates meeting the essential criteria is one example of this practice.

The school must make reasonable adjustments to recruitment and selection procedures to give disabled people an equal opportunity. These can include providing documents in other formats, accepting applications in other formats, allowing people extra time to complete applications or to take tests at interview, providing a support worker or other aid at interviews and tests, providing communication support and ensuring the interview venue is accessible. An applicant can include requests for adjustments on their application form or tell us at any stage during the process; whenever this happens we must make every effort to make adjustments as far as reasonably possible.

What is 'reasonable' is different in each case and depends on a number of things including health and safety, effectiveness of the adjustment, practicality, available resources and cost.

Assessment of cost takes into account the availability of funding, for example Access to Work funding is available to cover costs of reasonable adjustments in the workplace, and it can sometimes be applied to adjustments for interview and selection.

Arrangements for reasonable adjustments must be made early in the process to ensure that the council has made every effort to meet the candidate's requirements, for example a British Sign Language interpreter may need to be booked weeks in advance or a new venue may be needed if the room or route to it is inaccessible. The LO may need to contact the candidates, using their preferred method, to check that they understand the adjustment(s) they need or to explain the interview and/or test format to see if any further adjustment is required. The LO does not need to ask questions about the nature of the disability, just simply need to ask about the adjustment they require (see section on health questions). Even if a candidate requests an adjustment on the day of the interview the LO should still make reasonable efforts to help, however what is reasonable in this circumstance will be different to adjustments you could make if you were told in advance. The LO should seek advice as soon as possible if there are any questions about what is reasonable, appropriate adjustments or support and legal issues.

It is unlawful to discriminate in recruitment arrangements, the terms on which employment is offered or by refusing or deliberately omitting to offer employment. The onus is on the employer to make reasonable adjustments, if needed, to ensure less favourable treatment does not occur.

The LO need to discuss any reasonable adjustments that need to be made for the selection process and also that may be needed in the workplace with the disabled applicant, such as where advice has been provided by the Occupational Health Service.

All correspondence/communication regarding reasonable adjustments must be kept in the recruitment file.

10.4 Positive action

This is action to encourage people with protected characteristics to apply for jobs, it applies to those with particular needs such as disability or those who are underrepresented in the workforce, for example people from some ethnic minorities. The Equality Act 2010 allows positive action before or at the application stage so that people from the identified group are encouraged to apply but are not given an unlawful advantage over others in the process. The exception to this is in the case of guaranteed interviews for disabled applicants, which is a lawful reasonable adjustment.

Positive action is designed to increase the diversity of those applying for jobs. Examples of positive action include targeted advertising, targeted training, and work experience, open days to help people with application forms or interview skills.

Decisions to take positive action must be based on evidence so advice should be sought when considering any action to ensure actions are lawful. Positive discrimination or affirmative action which seeks to select candidates purely on the grounds of their protected characteristic is unlawful.

10.5 Disability Confident Scheme

The Disability Confident scheme aims to help employers make the most of the opportunities provided by employing disabled people. It is voluntary and has been developed by employers and disabled people's representatives. By building a reputation as a Disability Confident employer (level 2) that actively seeks out and hires skilled disabled people, Durham County Council aims to help to positively change attitudes, behaviours and cultures, not just in its immediate business but also in its networks, supply chains, and the surrounding communities.

As part of the commitment to the Disability Confident employer, Durham County Council is:

1. actively looking to attract and recruit disabled people;
2. providing a fully inclusive and accessible recruitment process;
3. offering an interview to disabled people who meet the minimum criteria for the job;
4. demonstrating flexibility when assessing people so disabled job applicants have the best opportunity to demonstrate that they can do the job;
5. proactively offering and making reasonable adjustments as required;
6. encouraging suppliers and partners to be Disability Confident; and
7. ensuring employees have appropriate disability equality awareness.

10.6 Access to Work

Access to Work is a publicly funded employment support program that aims to help more disabled people start or stay in work. It can provide practical and financial support for people who have a disability or long-term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments.

Access to Work can help:

- hire disabled people with skills needed by the school;
- retain an employee who develops a disability or long-term condition (keeping their valuable skills and saving both time and money recruiting a replacement); and
- show that the school values and supports its employees by having good employment policies and practices.

Job applicants can get help paying for support they may need because of their disability or long-term health condition, for example:

- communication support at interviews;
- travel to interviews/work;
- a wide variety of support workers;
- aid and equipment in the workplace; and
- other support such as a sign-language interpreter.

Access to Work does not provide the support itself but provides a grant to reimburse the cost of the support that is needed.

Any new starters to the school may be eligible for grants up to 100% if they apply within six weeks of starting their new post. The school may need to share any costs if the person applies after six weeks employment.

Further information including eligibility can be found on the following website:

<https://www.gov.uk/access-to-work/overview>

10.7 Complaints procedure

10.7.1 What is a complaint?

The guidance notes issued to candidates states:

The aim of the Recruitment and Selection Procedure is to afford every candidate a fair and appropriate process which accommodates the individual needs and give the opportunity to compete on a level playing field.

If a candidate feels that they were not afforded this provision, he/she should contact the Lead Officer responsible for the appointment. This must be done within 5 working days of being told that they have been unsuccessful or alternatively within 5 working days of receiving feedback. The candidate should state clearly why he/she believed that they were not given this opportunity.

10.7.2 How can a complaint be made?

The complaint from the candidate can be made in any way that he/she deems appropriate which may include verbally (verbally or face to face), through a third party or in writing, including email. The LO must make alternative arrangements available to complainants if it is known that the LO may be unavailable at a time when a complaint might be received, e.g. during the school holidays.

10.7.3 Dealing with a complaint

It is hoped that the issue raised by the complainant can be dealt with by explanation from the LO. The LO must respond to the complainant within 10 working days of receiving the complaint. The response can be via the same method as used by the complainant. However a written note of the nature of the complaint and the LO's response to it must be placed in the vacancy file and retained in the school for audit purposes. In responding, the LO must make the complainant aware of the procedure they can follow should they not be happy with the response.

10.7.4 Complaint to the Governing Body

Should the complainant not be happy with the response from the LO, he/she can contact the chair of the Governing Body who will:

- maintain a log of the receipt and outcome of complaints;
- nominate an investigation officer;
- set timescales to the complainant within 25 working days;
- ensure that the investigating officer contacts the complainant at an early stage of the investigation;
- monitor the progress of the investigation and subsequent developments;
- the Council's School Governor Support Service (SGSS) should be notified that a complaint has been made, is being investigated and should be advised of the outcome of the investigation.

Further guidance regarding complaints relating to recruitment and selection in schools can be obtained from the School's HR Advice and Guidance Team

11 Supporting documents

The following documents, which support this policy, can be downloaded from the intranet:

A	School Advert Template
B	Job description/Person specification Template
C	Application Form - Support
D	Application Form – Support – Guidance notes
E	Application Form – Teaching
F	Application Form – Teaching - Guidance notes
G	CES Application Form - Support
H	CES Application Form – Guidance notes
I	CES Application Form - Teacher
J	Lead Officer/Recruitment Officer Checklist
K	Disqualification from Caring for Children (DCCR)
L	Shortlisting Matrix
M	Request for confidential reference letter and proforma
N	Invite to Interview Letter Template

O	Interview Recording Sheet
P	Interview Summary Sheet
Q	Conditional Offer of Appointment Letter
R	Pre-employment health declaration
S	Guidance Notes for Lead Officers in identifying the requirement for referral to the Occupational Health Service for Pre-defined Health Intervention
T	Pre-employment Health Declaration Occupational Health Consultation Form
U	Food handler medical questionnaire
V	Job roles involving working with vulnerable people
W	Sickness absence information form
X	Confirmation of Appointment Letter
Y	Employee Emergency Contact Details Form
Z	Checklist of issues for a secondment
Z1	Secondment agreement
Z2	Letter to secondee template

12 Associated documents

The following documents associated with this policy can be downloaded from the intranet:

Re-evaluation Policy, Procedure and Toolkit
Manual of Guidance (MOG)
Schools Health and Safety Policies and Procedures Manual
Job share Policy
Right to Work in the UK Policy
Disqualification by Association Guidance

13 Further information

13.1 Confidentiality

The school complies with all relevant statutory obligations. For more information please contact the school directly.

The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

13.2 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The school takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

13.3 Equality and diversity

The school is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

13.4 Contact details

13.4.1 School Payroll and Employee Services Team

The Schools Payroll and Employee Services Team can be contacted on 03000 264321 or via email PESSchools@durham.gov.uk

13.4.2 HR Advice and Guidance Team

The Schools HR Advice and Support Team can be contacted on 03000 266 688 or via email schoolshradviceandsupportteam@durham.gov.uk

13.4.3 School and Governor Support (SGSS)

SGSS can be contacted by email on 03000 265 688 or via email SGSS.Administration@durham.gov.uk

13.4.4 Health and Safety Team

The Health and Safety Team can be contacted on 03000 263 430 or via email: h&steam@durham.gov.uk.

13.4.5 Occupational Health Service (OHS)

The council's OHS can be contacted on tel: 03000 268 999 or via email:

occhealthadmin@durham.gov.uk

13.4.6 Telephone Counselling Service

To access Telephone Counselling Service an employee can:

- call Freephone: 0800 716 017 day or night and quote the scheme number 33679, or
- advice and information is available via the on-line service www.employeecare.com - enter the scheme number, 33679, into both the 'Access Code' and 'Password' boxes to log in.

13.5 Alternative format

If you would like any further advice or would like the document in an alternative format, please contact the HR Advice and Support Team using the contact details below:

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
Français (French) Türkçe (Turkish) Melayu (Malay)

schoolshradviceandsupportteam@durham.gov.uk
03000 266 688

 **Braille**  **Audio**  **Large Print**