

# RECRUITMENT AND SELECTION POLICY (INCORPORATING SAFER RECRUITMENT PRACTICES)

## Mission Statement

WeST holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in December 2021 in accordance with the schedule overleaf.

Westcountry Schools' Trust will review this policy bi-annually.

Person(s) responsible for updating the policy:	Sarah Stainer
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Date of next review:	December 2023
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## WeST Core Values

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

- **Collaboration**  
Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skillfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.
- **Aspiration**  
Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- **Integrity**  
Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- **Compassion**  
Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

## Providing Accessible Formats

If you are unable to use this document and require it in a different format, please contact Human Resources.

## WeST Policy Suite

All Trust HR Policies are accessible via the WeST Staff Portal. Please contact your local administrative office or Human Resources for log-in details.

HR Helpline: 01752 891754 ext. 1765

HR Email: [HR@westst.org.uk](mailto:HR@westst.org.uk)

# Westcountry Schools Trust (WeST)

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## 1. INTRODUCTION & PURPOSE

This policy provides the approach to recruitment and selection of staff and volunteers in all schools and settings as part of Westcountry Schools' Trust. To support all schools and settings in delivering this policy, a Recruitment Toolkit is available providing templates and guidance documents. These are available in the HR Resources folder and in the HR Matters channel in Microsoft Teams. Please contact your school HR Administrator or [HR@westst.org.uk](mailto:HR@westst.org.uk) for further information.

This policy is also designed to ensure that people who are unsuitable to work with children, young people and their families are deterred and prevented from working within the school environment. This policy directly endorses and supports the mandatory guidance in the latest nationally published *Keeping Children Safe in Education* Document. Recruitment and selection in the Trust will focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.

- Westcountry Schools' Trust is the employer of all staff and has overall responsibility for staffing matters including recruitment.
- Westcountry School's Trust actively promotes equality, diversity and inclusion, aims to eliminate discrimination, promotes positive attitudes to disabled people and takes account of disabilities in any staffing dealings, including recruitment.

## 2. POLICY STATEMENT

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

The Trust aims to ensure that recruitment effectively and efficiently supports the provision of high-quality education. The school's/settings objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.

No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief or pregnancy and maternity.

In adopting this policy the Trust is committed to:

- Developing and promoting our schools and other learning provisions.
- Appointing on merit.
- Being open and transparent.
- Valuing all individuals involved in the recruitment process.
- Valuing existing staff and helping them realise their potential.
- Working towards developing a workforce that embodies the Trust core values of compassion, aspiration, integrity and collaboration.
- Giving appropriate and proper consideration to all applicants.
- Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
- Actively engaging with under-represented sectors of the community where possible.
- Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
- Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.

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- Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

### 3. TRUST VISION AND VALUES

To support its vision that by working together our collective children will be afforded improved life chances through academic success and positive relationships, the Trust is committed to recruiting, retaining and developing talent, at every level of the organisation, that embody the Trust core values:

- **Compassion** - Recognising need in others and acting with positive intention to promote well-being and improve outcomes.
- **Aspiration** - Having high expectations, modelling the delivery of high-quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- **Integrity** - Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- **Collaboration** - Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skilfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.

Those with delegated responsibility to recruit and select will design recruitment campaigns, selection activities and induction programmes that attract, identify, highlight and support the behaviours in candidates that underpin the Trust's core values. The Trust will ensure those delegated with the responsibility to recruit will be equipped to carry out these responsibilities.

### 4. KEY LEGISLATION, POLICY AND GUIDANCE

This Policy is underpinned by:

- Legislation specifying employment rights
- Equality Legislation
- Legislation and guidance for the protection of children
- Legislation, policy and guidance giving rights of access to information at all stages of the recruitment process.

A full list of this legislation can be found at Appendix 2.

The Equality legislation applies to everyone, including:

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

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

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

### 5. SELECTION PANEL

The Trust has overall responsibility for all staff appointments in our schools and settings. The Trust may delegate these responsibilities to the Principal/Headteacher, an individual governor or Director, or a group of governors or Directors in accordance with its Scheme of Delegation:

#### Constitution:

- The Trust Board holds delegated responsibility for determining the appointment of the CEO. Trust HR Committee must be consulted and will retain involvement via membership of the selection panel. The Chair of Trust Board and Director of People will be full panel members.\*
- The Trust Board and CEO hold joint delegated responsibility for determining appointments to the Trust Executive Leadership Team below the level of CEO. The panel will comprise of the CEO, Trust Board Members and the Director of People.
- The CEO holds delegated responsibility for determining appointments at Principal/Headteacher level. The panel will comprise of the CEO, Chair of Governors, Director of Education and Director of People\*.
- The Principal/Headteacher holds delegated responsibility for determining leadership appointments below the level of Principal/Headteacher. The Local Governing Board must be consulted and will retain involvement via membership of the selection panel. The Human Resources Business Partner will also be an advisory panel member.
- The Principal/Headteacher holds delegated responsibility for determining staff appointments outside their own school leadership group and should establish an appropriate panel in accordance with the requirements below.

\*For senior level appointments the panel may wish to consider the merits of engaging an external panel member with specialist knowledge, expertise or experience that would bring an additional dimension and increased level of robustness to the interview process.

#### Requirements for all Panels:

- The Chair of the appointment panel has the overall responsibility for ensuring that the selection process is compliant with the Recruitment and Selection Policy and Safer Recruitment principles. Therefore, before advertising, the Chair should approve the JD/person specification, selection criteria, panel membership, process to be followed/timetable and the advertising strategy, including how best to attract a strong and diverse field of applicants.
- Membership of the panel should be diverse and inclusive to help ensure an equal and fair recruitment process. In particular:
  - Panels should consist of a minimum of 3 members.
  - Will, where possible, consist of a balance of genders.
  - At least one member of the panel (and preferably more) will be current “Safer Recruitment” trained.
- All members will, where possible, conduct the whole recruitment and selection process i.e. shortlisting and interview.
- All panel members will familiarise themselves with the Trust Equal Opportunities and Diversity Policy and Avoiding Decision Making Biases Guidance (available via the HR Resources Recruitment Toolkit) prior to taking part in shortlisting or interviewing.

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- Panel members must declare any conflict of interest including prior knowledge of any applicant and, where it appears an actual or perceived conflict may exist, the Chair must ensure a record is kept of how any such conflicts were dealt with
- At the end of the process the Chair should ensure that there is a record briefly describing the outcome, on what evidence the assessment of appointment was made, whether each candidate was appointable (and the order of merit) and the strengths and areas of development for each candidate to be used for feedback. A Recruitment Summary Template is available in the Recruitment Toolkit.

### 6. ANALYSIS OF POST REQUIREMENT & SEEKING RELEVANT APPROVALS

When a post becomes vacant the Principal/Headteacher/Senior Leader will undertake a thorough review to assess whether a replacement is necessary (like for like or changed/re-focussed) and in the interests of the School/Business Unit as a whole and in light of its financial health and specific needs/objectives. Careful consideration should be given to the financial implications of creating a new post, or increasing the working hours of an existing post. Any review should include the working pattern/hours of the post and suitability for flexible working.

The financial governance that applies to all our schools is set out in the Trust's approved financial procedures policy, available via WeST's website.

Regarding staffing appointments, these financial procedures require that recruitment to any post that is outside of a school's approved budget must be authorised in advance by the Trust's Executive Team (CEO, CFO, and Director of People) no matter what the school's financial health and assigned RAG rating. For those schools identified as amber or red, there is additional governance around changes to staffing meaning that a defined level of approval is needed prior to changing a contract or advertising a post. Full information is available in the Trust's Right to Recruit Guidance and approval should be sought using the Right to Recruit Form.

All jobs will be considered suitable for flexible working using the Trust Flexible Working Policy should this be appropriate.

### 7. REVIEW/PRODUCTION OF JOB DESCRIPTION

The job description for the vacant post will be reviewed to ensure it reflects the requirements of the post. If there is no job description, one will be produced.

The job description will state:

- The main duties and responsibilities of the post
- The postholder's responsibility for promoting and safeguarding the welfare of children and young persons, including the extent of the contact the person will have with children and his/her degree of responsibility for them.

The template available within the Recruitment Toolkit should be used as the basis for reviewing and revising all job descriptions and associated Person Specifications

### 8. REVIEW/PRODUCTION OF PERSON SPECIFICATION

The person specification sets out the selection criteria - specifying the essential and desirable attributes needed by the successful candidate. A person specification template is provided with the Recruitment Toolkit.

These attributes will include:

- Qualifications, experience and any other requirements needed to perform the role
- Competences, qualities and values that the successful candidate should be able to demonstrate, including suitability to work with children and the Trust Core Values of Compassion, Aspiration, Integrity and Collaboration; articulated through our Values-Based Behaviours

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

Where the post is considered ‘customer facing’, i.e. where the post holder is required to speak with members of the public (including children) as a regular and intrinsic part of their role, the ‘fluency duty’ will apply and the person specification will note as an essential criteria the ability to fulfil all spoken aspects of the role with confidence and fluency in English. See the Fluency Duty guidance note in the Recruitment Toolkit for further details.

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

### 9. NEW OR AMENDED POSTS

All changed/new support staff job descriptions will be evaluated under the Job Evaluation scheme used by the Trust. All proposed posts and/or changes to job descriptions should be discussed with the school’s HR Business Partner to assess grading and/or implications.

Any amendments to teachers’ job descriptions will be made in line with the conditions of service and the framework of professional standards for teachers as set out in the School Teachers’ Pay and Conditions Document; HR Business Partners can provide guidance on conditions of service and their implications

### 10. ADVERTISING THE POST

#### Where to Advertise

For each vacancy which may arise, the Trust will consider the most appropriate way of advertising the post and the best way of reaching the most suitable target audience. A decision not to advertise will only be taken if the Trust can demonstrate there is good reason not to. In some circumstances the vacancy may only be advertised internally. All decisions will be documented fully, as the Trust will need to demonstrate that it has acted reasonably if it is challenged.

In the case of a vacancy for a Principal/Headteacher or Deputy Principal/Headteacher, the Trust will consider the most suitable way of advertising and filling this vacancy.

#### Writing an Advertisement [see Recruitment Toolkit for job advert template]

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

- be based on the details in the job description and the agreed selection criteria in the person specification;
- avoid any gender, age or culturally specific language or implication, e.g. for teaching posts, wording specifically targeting Early Career Framework or MPS Teachers must not be used as this may imply that a younger person is required.
- be clear and precise to attract applicants to seek more detail.
- include the statement: “We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.”
- for schools judged to require Special Measures, state that applications from Early Career Framework Teachers (ECFT) will not be considered unless OFSTED has expressly stated that ECFTs may be appointed
- give an agreed reason for the appointment being temporary if the post being advertised is for a fixed term or temporary period. For agreed reasons please refer to the Agreed Reasons for Fixed Term Contracts document in the Contracts Toolkit, via the HR Resources.
- If applicable, state that the “‘fluency duty’ applies to this post, and therefore the successful candidate would have the ability to fulfil all spoken aspects of the role with confidence and fluency in English”.

### 11. SHORTLISTING

All applicants will be expected to complete an application form; CVs will not be accepted.

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

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Each member of the selection panel will score each applicant privately before the overall scores are agreed collectively and the panel agree a final shortlist of applicants to invite to the selection process. A shortlisting template is available in the Recruitment Toolkit.

Late applications will not generally be considered, and not once shortlisting has commenced.

Shortlisting will be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification.

Applicants may be asked to complete an Equal Opportunities Monitoring Questionnaire as part of the application form. This will be detached from the application form prior to shortlisting and the anonymous details recorded by the Trust for monitoring purposes only and will be retained for a period of 6 months, before being securely disposed of. Applicants will not be eliminated from the shortlist on the grounds of:

- disability;
- gender;
- pregnancy;
- sexual orientation;
- race;
- marital status;
- religion or belief;
- age; or
- 'spent convictions' unrelated to the job

other than where a genuine occupational requirement applies. These are situations when it is possible to specify the sex, racial background, religion or sexual orientation of the person that we wish to carry out a role, if there is an objective justification for doing so and where this requirement is a proportionate means of achieving a legitimate aim. Advice will be sought from a school/business units HR Business Partner before advertising a role where it is believed a genuine occupational requirement applies.

The Equality Act 2010 also limits the circumstances when an employer can ask general health-related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions will only be asked to help the Trust to:

- decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;
- decide whether an applicant can carry out a function that is essential (“intrinsic”) to the job once reasonable adjustments are in place;
- monitor diversity among those making applications for jobs;
- take positive action to assist people with disabilities;
- be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

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

## 12. REFERENCES

The purpose of seeking references is to obtain objective and factual information to support the selection panel's decisions. References will always be sought and obtained directly from the referee, not via the candidate themselves. Open references for example addressed 'To whom it may concern' will not be relied upon. A reference request proforma template and cover email template is available in the Recruitment Toolkit.

Regardless of the type of post being applied for, references from the previous two employers covering at least the previous three years' employment history will be taken up on. This also applies to internal candidates. Where candidates do not have 3 years of employment history appropriate alternative references must be obtained e.g. from education providers. For posts involving children, young people and vulnerable adults, the references may be obtained before interviews take place on all short-listed candidates so that any issues of concern they raise can be explored further with the referee, if appropriate, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that will be the aim in all cases.



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References will not request details about the candidate's sickness record or disability, in order to ensure that they comply with The Equality Act 2010 and the Data Protection Act 2018..

References should be scrutinised, and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate. Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. Employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are received, employers should ensure they originate from a legitimate source.

In line with best practice safer recruitment guidance, WeST policy requirements are that all references are followed up by telephone.

On receipt, all references will be checked to ensure all the questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Any information about past disciplinary actions or allegations will be considered carefully when assessing the candidate's suitability for the post.

If a referee fails to provide a reference the candidate will be contacted to provide an alternative referee. If a candidate for a teaching post is not currently employed as a teacher, a check will be carried out with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

References for candidates for posts not involving children, young people and vulnerable adults, should be obtained after interview, and for the successful candidate only. This is because these posts are not involved in regulated activity under the Safeguarding Vulnerable Groups Act 2006.

Appointing Officers will read the Managers Guidance on Requesting References that is available in the Recruitment Toolkit before requesting and considering references.

The Reference Request template letter and form available in the Recruitment Toolkit will be used to seek references to ensure legal compliance.

### **13. ASSESSMENT AND SELECTION**

Assessment and selection methods will be used to assess the candidates' suitability to the role and whether the candidate meets the criteria for the role. The selection methods used will be relevant, non-discriminatory and cost effective. Assessment and selection methods should be discussed with the school's HR Business Partner prior to any choices being made.

Appointments will be based on merit and the suitability of each candidate for the job, as evidenced against the person specification, and demonstrated by the selection methods. Selection methods will not disadvantage any particular group and all applicants will be treated in a consistent and a non-discriminatory manner.

Appropriate and effective selection tools and processes will be used and a range of selection methods will be considered in order to test candidates' suitability for the role. For example, teachers will be observed teaching as well as attending an interview.

Selection will be based on a formal structured interview except where this would place a disabled candidate at a substantial disadvantage.

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All candidates will be notified in advance, with reasonable notice, of any test/assessment methods to be used.

### **Pre-employment health enquiries**

Pre-employment health enquiries will only be made for applicants with disabilities for the specific purpose of allowing the Trust to make reasonable adjustments to an assessment that is part of the recruitment process. Applicants will be contacted by the selection panel and informed of the selection process, and checks made of what 'reasonable' adjustments might be required to meet their needs.

### **Interview**

Each shortlisted candidate will be invited to interview in writing to ensure appropriate documentation is brought to interview for checking of identity and eligibility to work in the UK. All shortlisted applicants for posts which are eligible for an Enhanced or Standard DBS disclosure will be asked to complete and provide to the interview panel a self-disclosure form. A template invite to interview letter and self-disclosure form can be found in the Recruitment Toolkit. Appointing officers will read the Managers Guidance on Self-Disclosure Document in the Recruitment toolkit and follow the procedures in the Disclosure and Barring Service Check Policy when dealing with self-disclosure forms.

Each candidate will be asked:

- the same core set of questions and their answers fully noted. Answers may be probed further as appropriate;
- competency questions to assess personal behaviours towards safeguarding, with outcomes being fully recorded;
- at least one question based on the Trust Core Values of Compassion, Aspiration, Integrity and Collaboration;
- where appropriate from the details on the self-disclosure form, discuss the circumstances of their declarations either at interview or in a separate meeting;
- Verification of the candidate's Right to Work in the UK (original documentation will be seen and a copy taken);
- Verification of qualifications (original documents will be seen and a copy retained);
- Templates and guidance around interviewing is available within the Recruitment Toolkit. WeST holds the expectation that the panel familiarise themselves with all templates and guidance provided in the Recruitment Toolkit before any recruitment process is started.
- Questions about health will not be routinely asked until after an offer of employment has been made.

Some questions must explore the candidate's suitability to work with children as well as their suitability for the post.

Guidance on Interview Questions, including examples, is available in the Recruitment Toolkit.

All interviews must follow Safer Recruitment practices, with at least one panel member who has been Safer Recruitment trained in the last three years.

Discrepancies or anomalies in the information candidates have provided will be queried and satisfactorily resolved.

### **Remote Assessment**

In ideal circumstances interview and assessment of shortlisted candidates will take place in person. However, remote assessment via video link and other collaborative tools is an option in exceptional circumstances or as part of the initial stages in a multi-stage selection process. Consistency of approach should be maintained between shortlisted candidates to ensure this does not disadvantage any particular group.

Guidance and templates for a remote recruitment exercise can be found in the Recruitment Toolkit. These are designed to complement the wider Recruitment Toolkit and the Interview section above where remote recruitment is taking place and not replace it.

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### **Decision making, feedback and offers (including salary information) of employment**

When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate's suitability will be evaluated on the basis that the equipment is in place.

Westcountry Schools Trust requires that as a minimum, all members of the selection panel familiarise themselves with the – Avoiding Decisions-Making Biases Guidance Document before selection begins.

Each member of the selection panel will score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these will be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.

The selection panel will agree feedback for each candidate and record whether each candidate is suitable for appointment, even if not the first-choice candidate. A Recruitment Summary template is available in the Recruitment Toolkit.

Offers of employment will not be made at interview.

All candidates will be advised of the likely timescales for a decision and notified of the outcome of the interview as soon as possible. However, the selection panel will wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.

All candidates will be offered feedback on their performance during the selection process and an explanation of the decision, if requested.

The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:

- References
- Medical fitness for successful candidate only
- Qualifications
- An enhanced DBS check
- Proof of identity and eligibility to work in the UK
- Membership of any appropriate professional body
- Disqualification under the Childcare Act 2006 for eligible staff see section 15.
- Original documents should be produced and a copy of these will be taken and kept on the successful candidate's personal file with the exception of the DBS check.

### **Remuneration**

It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g. to take account of current salary levels, experience or qualifications.

Teachers' remuneration will be in line with the Trust's adopted pay policy. Teacher salaries should be offered based on the teacher's current salary and not on the assumption of any performance management outcome.

### **Records of interviews**

- The Trust has a responsibility to maintain a central record for the complete recruitment process for a minimum of 6 months. The following will be recorded:
- assessment and selection criteria used (person specification);
- application of assessment and selection criteria (e.g. application form);
- interview and other selection method notes (e.g. question proformas, test results);
- reasons for decisions made;
- any additional information such as copies of qualifications, etc.

All recruitment paperwork relating to the successful candidate will be retained and placed on their personnel file.

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

### 14. ELIGIBILITY TO WORK IN THE UK

Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ someone without entitlement or permission to work in the UK. Section 15 of the Act requires all employers in the UK to make basic document checks on **every** person before they start work to help ensure that they do not employ illegal workers. Employers are also required to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK. Employers incur a significant fine if they employ an illegal worker. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to five years' imprisonment.

To ensure that recruitment practices are not discriminatory, **all** short-listed applicants, regardless of their colour, race, nationality, or ethnic or national origin, will be asked to produce original documents as evidence of their right to work in the UK.

Where a preferred candidate requires a Skilled Worker Visa (previously Tier 2 General) status to work for the Trust the appointing officer will contact their HR Business Partner for advice before an offer of employment is confirmed.

### 15. OVERSEAS TRAINED TEACHERS (OTTs)

OTTs are allowed to work as unqualified teachers for a maximum of four years without the need to gain qualified teacher status (QTS).

Details can be found in the Guidance from the DfE on Overseas Trained Teachers  
<https://www.gov.uk/government/publications/teach-in-england-if-you-qualified-outside-the-uk/teach-in-england-if-you-qualified-outside-the-uk>

### 16. APPOINTMENTS

#### Pre-employment checks

An offer of appointment to the successful candidate will be conditional upon:

- verification of the right to work in the UK (original documents will be seen and a copy retained – section 14)
- the receipt of at least two satisfactory references (if those have not already been received – see section 12);
- verification of the candidate's identity (original documentation will be seen and a copy taken at interview stage);
- where appropriate, a satisfactory Enhanced DBS Check (before working unsupervised with children) including barred list checks;
- pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
- verification of qualifications (original documents will be seen and a copy retained at interview stage);
- verification of professional status where required e.g. TRA registration, QTS status (unless properly exempted),
- For teaching posts - verification of successful completion of statutory induction period (applies to those who obtained QTS after 7<sup>th</sup> May 1999) for newly qualified teachers (before 1<sup>st</sup> September 2021) or early career teachers (from 1<sup>st</sup> September 2021);
- For non-teaching posts - satisfactory completion of the probationary period;
- If appropriate, declaration by the employee that they are not disqualified under the Childcare Act 2006 (see below);

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- For qualified teachers applying for support staff posts - a check against the TRA registration list to establish whether the applicant has been deregistered from the teaching profession.
- a check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

### **Disqualification under the Childcare Act 2006**

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

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

### **Contracts of employment**

All employees will be provided with written details of the main terms and conditions of employment on or before their start date in post as per the statutory stipulation. This is known as the Statement of Particulars.

The type of contract and the terms and conditions of employment will be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this will be written in the contract.

### **Administration**

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

## **17. INDUCTION**

The Appointing Officer will make appropriate induction arrangements for all newly appointed staff. An Induction Booklet template is available in the Recruitment Toolkit.

In accordance with the *Keeping Children Safe in Education* statutory guidance, new staff will, as part of induction, be given a copy of 'Part one' of that guidance. Where these policies are used, the school will also provide a copy of (or provide access to) the *Child Protection Policy*, the *Code of Conduct* and the *Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings*, with the expectation being that these are read fully and thoroughly. New staff will also receive training in the systems within the school which support safeguarding, including the role of the designated safeguarding lead. A record will be made and kept on personal file of these documents having been provided and/or signposted as part of the induction.

Where applicable, Principals/Headteachers will follow the statutory induction programme for Newly Qualified Teachers (before 1<sup>st</sup> September 2021) or Early Career Framework Teachers (from 1<sup>st</sup> September 2021).

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### 18. PROBATIONARY PERIOD

The performance of new support staff will be rigorously monitored during a probationary period of six months with close attention being paid to learning needs and performance issues. The line manager will read and follow the Trust Probationary Policy in managing the probationary period of a new member of support staff.

New support staff will have a probationary review meeting with their line manager 3 months and 5 months after they commence employment with the Trust. A record of this will be provided to the new member of support staff with a copy held on their personnel file. Template forms are available in the Recruitment Toolkit.

Advice will be sought at an early stage from the school/business units HR Business Partner if there are performance concerns about a new member of support staff.

### 19. VOLUNTEERS

Recruitment of volunteers will be in line with this policy and all appropriate recruitment checks should be made on volunteers as would be done for substantive, fixed-term and temporary staff.

### 20. CASUAL WORKERS

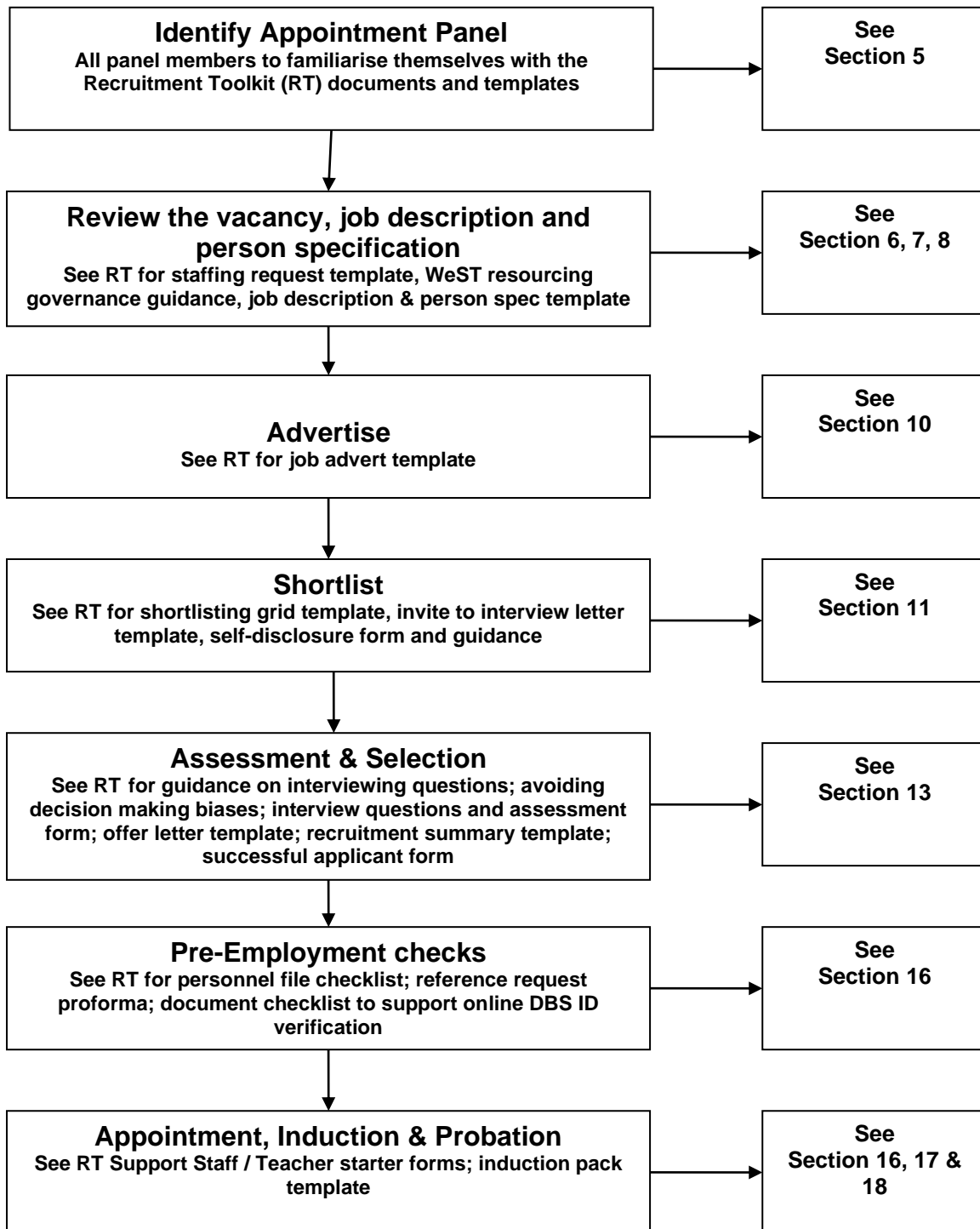
Recruitment of casual workers will be in line with this policy and all appropriate checks will be made on casual workers as would be done for substantive, fixed-term and temporary staff.

### 21. FURTHER ADVICE

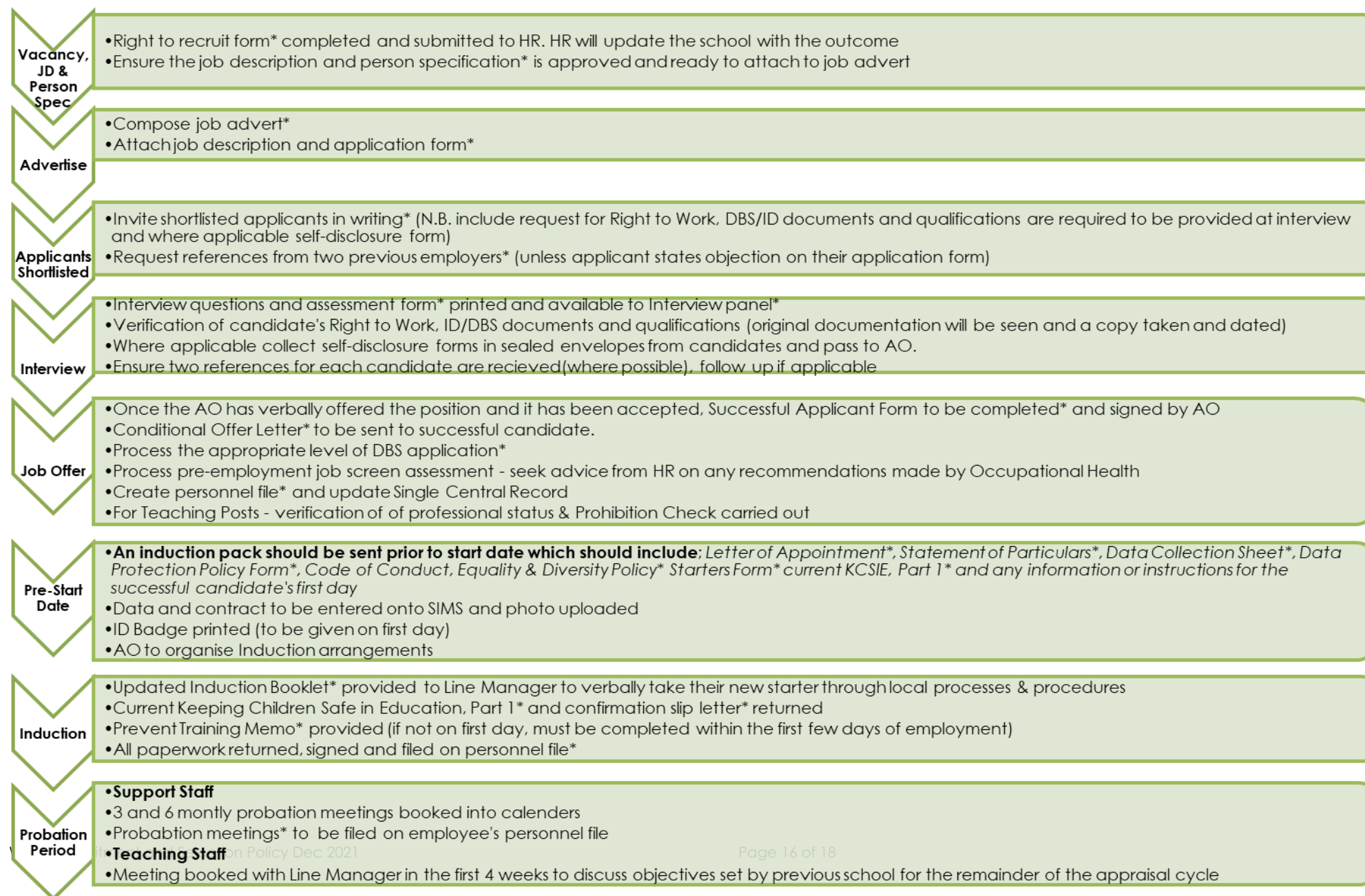
For further advice and guidance on managing a recruitment and selection process please contact your HR Business Partner or email [hr@westst.org.uk](mailto:hr@westst.org.uk)

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## APPENDIX 1A - RECRUITMENT AND SELECTION FLOWCHART



**APPENDIX 1B – ADMINISTRATOR FLOWCHART FOR SUCCESSFUL CANDIDATES**





## **APPENDIX 2 - KEY LEGISLATION, POLICY AND GUIDANCE**

### **Legislation specifying employment rights:**

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002
- Education Act 2002
- Equality Act 2010
- Immigration Act 2016, Part 7 – Fluency Duty

### **Equality legislation:**

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

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

### **Legislation and guidance for the protection of children:**

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Rehabilitation of Offenders Act 1974
- Working together to safeguard children March 2015
- Keeping children safe in education DfE (latest nationally published version)

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

- Data Protection Act 2018
- Freedom of Information Act 2004
- Equality Standard for Local Government
- Best Recruitment Practice
- Conditions of Service

## Westcountry Schools Trust (WeST)

### POLICY HISTORY

Policy / Version Date	Summary of change	Contact	Implementation Date	Review Date
January 2016	Recruitment and Selection Policy updated in line with Keeping children safe in education guidance. This version replaces the Schools Recruitment Policy 2011	HR One	January 2016	As necessary and appropriate
February 2017	Recruitment and Selection Policy updated in line with Keeping children safe in education statutory guidance September 2016 version and to take account of public sector fluency duty	HR One	February 2017	As necessary and appropriate
May 2017	Updated in line with MAT details and link to Fluency Duty Policy for further guidance and change the MAT name	WeST	May 2017	As necessary and appropriate
September 2017	Publication date	WeST HR	September 2017	As necessary and appropriate
February 2018	Updated in line with Keeping Children Safe in Education statutory guidance September 2018. Updated in line with Data Protection Act 2018 legislation. Appendix 1B inserted. Safer recruitment guidance on references inserted.	WeST HR	March 2019	As necessary and appropriate
August 2021	Updated so reference to Keeping Children Safe in Education statutory guidance is not date specific, to take criminal record check changes into account, incorporate Trust Values, incorporate remote recruitment developments, include change from NQT to ECFT, promote use of recruitment toolkit and expand on support staff probationary period requirements.	WeST HR	December 2021	As necessary and appropriate.