



**Nottinghamshire  
County Council**



# **Nottinghamshire School Recruitment and Selection Policy**

**FOR HEADTEACHERS AND  
GOVERNING BODIES**

**September 2023**

# HR Advice, Support and Training Services

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# **SCHOOL RECRUITMENT AND SELECTION POLICY – Updated September 2023**

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Please also note that any changes to the original policy documentation will require your governing body or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.

## **1.0 Introduction**

- 1.1 The Governing Body of Pinewood Infant School & Foundation Unit adopted this Recruitment & Selection Policy on 16<sup>th</sup> May 2024. The Finance & Personnel Committee of the governing body will review and monitor the impact of the Recruitment & Selection policy annually with the headteacher. The next review will take place during the Summer Term Of 2025.
- 1.2 The governing body has adopted the policy set out in this document along with the guidance and toolkit to provide an agreed framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.
- 1.3 The governing body understands its statutory responsibilities and is committed to ensuring that effective safer working practices are robustly embedded within the school as set out in the latest version of Keeping Children Safe in Education (KCSIE) and Working Together to Safeguard Children 2018.
- 1.4 The governing body recognises the legal requirements placed upon them by
  - The Education Act 2002
  - The School Staffing (England) Regulations 2009
  - The School Staffing (England) (Amendment) Regulations 2006
  - Current employment legislation

- The requirements of DfE and current documents of “Keeping Children Safe in Education and Working Together to Safeguard Children”
- Equality Act 2010
- Immigration Act 2016, in particular the “Code of Practice on the English language requirement for public sector workers” which came into force in November 2016 under Part 7 of the Act
- ACAS advisory booklet ‘Recruitment & Induction’

- 1.5 The policy set out in this document has been agreed by the appropriate Committee of the governing body supplemented by staff representatives and other Governors - as appropriate. The governing body is aware that full consultation with the recognised trade unions has been undertaken by the HR Service. Staff and school based representatives have been consulted and informed. The policy will be reviewed annually by the same representative group.
- 1.6 The governing body will take into consideration advice and guidance from the local authority relating to safer working practices.
- 1.7 References to the governing body should be taken to refer to the entity that is responsible for exercising governance functions for a maintained school or academy, which in the case of a multi-academy trust may be the trust board. Likewise references to governors should be taken to mean whoever is responsible for fulfilling governance functions. Where maintained schools are federated under a single governing body this will be the federated governing body.
- 1.8 In fulfilling staffing responsibilities, the governing body may delegate its staffing functions in accordance with its articles of government. In delegating functions, the governing body must not lose sight of the fact that it retains overall accountability for the decisions made by those to whom the function has been delegated. As a result the governing body should regularly review their arrangements for managing staffing functions and that the right people are fulfilling these roles on its behalf.

## **2.0 Consultation and Agreement with the Recognised Trade Unions**

- 2.1 The Nottinghamshire School Recruitment and Selection Policy is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.
- 2.2 This policy has been agreed with all of the recognised trade unions through the JCNP process and meet legislative requirements.
- 2.3 Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

### **3.0 Equalities and Equal Opportunities**

- 3.1 The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex, sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All recruitment related decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 ; the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 ; and the most recent statutory guidance, including Working Together to Safeguard Children . In doing so the governing body will ensure that all recruitment and pay decisions and processes are open, transparent and fair.
- 3.2 The governing body is aware of its responsibilities under the Data Protection Act 2018, General Data Protection Regulations 2018 and Freedom of Information Act 2000 and to make available this policy to all staff at the school.

### **4.0 Aims of the Policy**

- 4.1 The aims of the Recruitment and Selection Policy are as follows:
- a) to recruit the best person for each vacancy through a fair, systematic, effective recruitment and selection procedure.
  - b) deliver the recruitment and selection of staff in a professional, timely and responsive manner.
  - c) To ensure that all candidates will be treated fairly, equitably and efficiently, with respect and courtesy, aiming to ensure that the candidate experience is positive, irrespective of the outcome
  - d) To provide a sound framework for the recruitment and selection of staff based upon relevant employment legislation and other statutory guidance, including the latest version of KCSIE.

### **5.0 Underlying Principles**

- 5.1 The appointment of a new member of staff to a school is a major investment. It is important therefore to ensure that the recruitment process is carefully managed to ensure that a successful appointment is made, in line with statutory requirements. The school recognises the importance of ensuring that recruitment procedures are robust so that potential applicants understand the schools commitment to recruit suitable people which deter and prevent unsuitable people from applying for or securing employment or volunteering opportunities at this school.
- 5.2 The recruitment process can be broken down into five main phases:
- 1. Planning the recruitment process
  - 2. Advertising and application

- 3. Shortlisting candidates for interview
- 4. Interview process
- 5. Appointment procedure and induction/probation

5.3 The policy should be read in conjunction with the guidance and toolkit documents.

5.4 It is increasingly important for school to be aware of current and future employment trends and employee retention issues. Much of this information can be obtained from employees but needs to be collated through a consistent process. It is therefore suggested a leaver questionnaire (appendix 20) can provide a framework to collate information which can be used to inform improvements on retention and performance and inform and identify practical solutions. Information obtained from the leaver questionnaire is confidential, but can be used to update job descriptions, employee specifications and developing induction programmes where appropriate.

## **6.0 Roles and responsibilities**

6.1 The governing body has overall responsibility for staffing responsibilities in their school. It is recommended that the headteacher takes the lead in making staff appointments other than for posts on the leadership spine.

6.2 Responsibility to interview and appoint staff can be delegated to the headteacher however it is recommended that wherever possible an interview panel consisting of the headteacher and 2 governors is convened to consider the important decision of who to appoint to a vacant post in school.

6.3 The School Staffing Regulations 2009 require Governing bodies of maintained schools to ensure that the interviewer (if it is one person) or at least one member of the interview panel must be appropriately trained in safer recruitment and fully understand the content of KCSIE Part Three (Safer recruitment) .

6.4 For recruitment to leadership posts the governing body are required to establish a selection panel of at least 3 governors to appoint a headteacher or deputy headteacher and inform the LA in writing of any headteacher vacancy. For headteacher recruitment careful consideration should be given to the involvement of staff governors. It is advisable that staff governors should not be on the selection panel due to potential conflicts of interest. The governing body is required to inform the LA of the names of the shortlisted candidates for headteacher posts, and the LA has a right to make written representations to the selection panel and attend the interview. The governing body are strongly advised to access professional support through the Education Improvement Service (EIS) when appointing a new headteacher.

6.5 For community and voluntary controlled schools the LA remains the employer in law. For voluntary aided or foundation schools and academies the governing body is the employer in law.

6.6 It is the responsibility of governors and staff involved in any recruitment and selection process to ensure they adhere to the principles of equal opportunities and the relevant equalities legislation. Schools should also take account of the document 'Equality and

Diversity in Employment' available on Schools portal [Equality and Diversity in Employment](#) which for community and voluntary aided schools sets out the County Council's Equal Opportunities Policy.

- 6.7 The County Council is committed to safeguarding and promoting the welfare of children. Governing Bodies are, therefore, strongly advised to adopt these recruitment procedures which are in line with the latest version of the DFE statutory guidance "Keeping Children Safe in Education". Governors are also advised to refer to the latest DFE guidance and must have a whole school Child Protection Policy.
- 6.8 Governing Bodies should ensure they have an Equal Opportunities Policy or adopt the County Council's Equal Opportunities and Safeguarding policies as their own and give consideration as to how they will ensure their implementation.
- 6.9 The Corporate Director for Children, Young People and Schools or their nominated officer has the power within the Education Act 2002 to advise the governing body on appointments for teaching staff and for support staff and also has the right to attend the interview and other activities relating to the selection process. However, in normal circumstances, the Corporate Director for Children, Young People and Schools will only exercise this right in respect of the appointment of headteachers.
- 6.10 Throughout the school's recruitment process, the Corporate Director for Children, Young People and Schools or their representative will act in a strictly advisory role. However, the Authority may refuse to appoint a candidate recommended by the governing body where the county council is the employer, if that candidate fails to fulfil one of the requirements relating to qualifications, health and physical capacity, conduct, performance or suitability to work with children.
- 6.11 In the event of a complaint by an applicant that, for example, they have been discriminated against, the respondent at a tribunal will be the Governing Body of the school, not the LA. Dependent on the circumstances, the cost of defending any such action and any resultant costs may be charged to the delegated budget of the school.
- 6.12 Further training and advice on all recruitment matters can be obtained from the [HR Service](#).
- 6.13 The Recruitment and Advertising Team at the Business Support Centre of the LA will work collaboratively with the schools to ensure that posts are advertised at competitive prices. The school will be responsible for managing the application and interview process.

## **7.0 Planning the Recruitment Process**

- 7.1 It is essential to plan the recruitment process carefully. Schools need to make appointments quickly in order to meet the timelines imposed by the final resignation dates for teachers. However, care should be taken to avoid making an inappropriate appointment because of the pressure to fill posts for the beginning of term. Schools are advised, therefore, to regularly review their recruitment procedures and documentation

to enable them to manage the process efficiently and minimise the risk of making an unsuitable appointment even when timescales are short. For example, schools should establish clear recruitment policies and procedures to:

- 7.2 Identify appropriately trained governors and staff to be involved in recruitment panels/procedures, remembering that it is mandatory for at least one member of the panel to have undergone appropriate safer recruitment training.
- establish and regularly update a file of information about the school, e.g. policy summaries and management structures for information packages;
  - maintain an up-to-date file of template documents, e.g. outline job descriptions and person specifications;
  - Identify the types and location of application forms to be used for different posts;
  - prepare outline recruitment timescales for each term (i.e. advertising through to interview) for reference as needed;
  - establish efficient record keeping systems in line with the Data Protection Act 2018 and the General Data Protection Regulations 2018.
- 7.3 A summary of the recruitment and selection procedures can be found in the toolkit Appendix 3.

## **8.0 Defining the vacancy**

### **Determining the job**

- 8.1 The school should have an up-to-date structure plan for its staff, which maps out the way in which it will develop in staffing terms and this should be referred to before confirming the vacancy. The structure should be reviewed against any known changes e.g. budget, school roll and any factors which could impact on the staffing levels. Simply because a job has always been done in such a way, encompassed certain duties or has been paid at a certain level does not necessarily mean it should continue to be so.
- 8.2 The Governing body will determine the pay range for each vacancy prior to advertising in line with the School Pay Policy. If the school has adopted the Living Wage this needs to be reflected in the advertisement for relevant support staff posts.
- 8.3 Prior to advertising the Governing Body may consider other options such as opportunities for job share and flexible working if this meets the organisational needs of the school.
- 8.4 Where governors are considering an appointment on a fixed term or temporary basis, they will take into account the guidance from the HR Service. The governing body must recognise that appointments on this basis should only be made in line with the [Fixed Term Contract Guidance](#).

### **Timing the appointment process**

- 8.5 The governing body will plan a realistic outline timescale, which includes the main processes in filling the post, from advertising to appointment and the availability of staff and governors.
- 8.6 For teachers this must also take account of their statutory resignation dates i.e. 31 May, 31 October and 28/29 February. The contractual notice periods are 3, 2 and 2 months respectively for the above dates plus 1 additional month notice for existing headteachers.

## **9.0 Job Description**

- 9.1 A formal written job description for the post must be agreed before the post is advertised. It should clearly state the grade (or range), the main duties and responsibilities of the post, the working hours, job title and a breakdown of any supervisory or budgetary responsibilities. This is essential not only for recruitment purposes but also for induction, appraisal and continuing professional development (CPD).
- 9.2 In line with “Safer Recruitment” guidance, all school job descriptions should include a reference to the safeguarding duties and responsibilities of the post. This must state the level of responsibility for promoting and safeguarding the welfare of children and young people assigned to the post. In the case of the Designated Safeguarding Lead, the job description should be explicit in broad areas of responsibility and activities related to the role
- 9.3 In line with Part 7 of the Immigration Act 2016, all post holders, who as a regular and intrinsic part of their role are required to speak to members of the public, should have a statement in the job description and person specification to explain to candidates the requirement and necessary standard of spoken English required for the role. Detailed guidance is available in the [Code of Practice on the Fluency Duty Guidance](#) or the [Recruitment and Selection Guidance](#) document
- 9.4 All standard job descriptions have been agreed with the recognised trade unions. If the school wishes to establish a new job description or amend one through a restructuring exercise, the headteacher seek advice from the HR service and consult with the governors and trade unions. The governors should be consulted on any changes to existing job descriptions in the school.
- 9.5 The governing body understands its responsibilities under the Equality Act 2010 in relation to equal pay legislation. The governing body will ensure that any appointments to support staff posts or proposed changes to support staff job descriptions, duties or responsibilities will be subject to the schools job evaluation scheme and information will be provided to the HR Service JE Team prior to the appointment process-in accordance with the guidance [Guidelines for using standard Job Descriptions & Person Specifications](#)

## **10.0 Person Specification**

- 10.1 The next stage, before advertising the post, is to carefully establish a profile of the personal skills and characteristics required of the post holder. This person specification will inform the whole recruitment and selection process and forms a framework against which objective decisions can be made about each applicant's suitability for the post.
- 10.2 The job description should be used as a basis for drawing up a person specification. The purpose of the person specification is to define the school's expectations of the post holder by detailing the essential and desirable skills and aptitudes of the post holder. The person specification should:
- include the qualifications/skills and experience needed to undertake the role and any other requirements needed to perform the role, including the necessary standard of spoken English required for the role and their suitability for working with children and young people;
  - reflect the competencies and qualities the successful candidate will need to demonstrate during the selection process;
- 10.3 The person specification should **be precisely related to the requirements of the post** and should not contain experience, qualifications or characteristics which are not relevant to the post.
- 10.4 In considering the essential criteria, the selection panel may wish to consider their relative "weighting". This allows the panel to take account of the relative importance of the essential elements, with regard to the duties and responsibilities of the post.
- 10.5 The governing body will ensure that the person specification agreed for each post does not breach equal opportunities legislation.
- 10.6 For Headteacher recruitment within a Voluntary Aided School, the Schools Standards and Framework Act 1998 s.60(5) states that preference may be given in connection with the appointment of people whose religious opinions are in accordance with the tenets of the religion or religious denominations specified in relation to the school. For Voluntary Controlled schools for the appointment of a headteacher regard may be had to that person's ability and fitness to preserve and develop the religious character of the school. This is as per s.60(4) of the Schools Standards and Framework Act 1998.

Therefore voluntary aided schools can express a religious criteria as essential, for voluntary controlled school's the criteria should be stated as desirable within the person specification.

## **11.0 Advertising and Application**

- 11.1 The purpose of the advertisement is to:
- a) attract responses from suitable and appropriately qualified people and
  - b) deter responses from unsuitable and unqualified people.

- 11.2 Before advertising the post, schools must consider offering the vacancy to staff identified as at risk of redundancy in order to satisfy the requirement to seek to mitigate redundancy.

## **12.0 Redeployment**

- 12.1 With a fluctuating school population and a declining need for staff in some schools, the Local Authority maintains a redeployment policy. This enables appropriately qualified and experienced staff released by Nottinghamshire schools to obtain employment in other local schools.
- 12.2 In these circumstances, schools may be asked to interview such a candidate prior to the post being advertised by the school. It should be noted that such redeployment does not contravene equal opportunity requirements.
- 12.3 There may be circumstances in a school where staff employed on fixed term or temporary contracts should be considered for vacancies prior to general advertisement. Advice should be sought from the HR service where this applies.

## **13.0 Preparing the advert**

- 13.1 Particular care needs to be taken with the wording of the advertisement so that it does not inadvertently contravene equality legislation, as mentioned in paragraph 10.5 above.
- 13.2 The advert needs to focus on the key details of the post such as grade, key duties and responsibilities, required qualifications. The school should also take account of their own policies relating to safeguarding, equal opportunities and job share. The advert should include a statement on the school's commitment to safeguarding and promoting the welfare of all children and clearly state that the successful applicant will be required to undertake an enhanced DBS check and subject to other statutory pre-employment checks.
- 13.3 The School Teacher's Pay and Conditions Document (STPCD) no longer requires a school to appoint a teacher in accordance with their previous salary. The pay band for the post should be clearly stated on the advert and that appointment will be to the minimum point of that band, unless the governing body decide otherwise.
- 13.4 In drawing up an advertisement, schools need to tailor the advert to attract candidates. Information about the numbers of pupils, the current Ofsted judgement and welcoming candidates to visit the school will encourage applicants to apply.
- 13.5 The school should make clear in the advert, the necessary standard of spoken English required for the sufficient performance of any public-facing role. The school should ensure consistency in advertising similar types of public-facing roles, as mentioned in paragraph 9.3.

## **14.0 Placing the Advertisement**

- 14.1 The County Council often uses “block advertisements” in a number of key publications which not only attract more attention but are more cost effective. To obtain the appropriate discount, adverts must be booked through the Business Support Centre, Recruitment and Advertising team. This team can also provide media and costing advice.
- 14.2 Teaching and support staff opportunities can be advertised on-line ([www.nottinghamshire.gov.uk/jobs](http://www.nottinghamshire.gov.uk/jobs)).

## 15.0 Advertising of posts

### 15.1 Headteacher and Deputy Headteacher posts

[The School Staffing \(England\) Regulations 2009, Paragraph 15](#) states the governing body must advertise any headteacher or deputy headteacher post ‘in such manner as it considers appropriate unless it has good reason not to’. The local authority advises that all appointments to headships should be advertised externally unless there are exceptional circumstances which the LA has agreed to. As all appointments to headteacher posts are critically important, the LA will exercise its right to be represented at all appointment processes for headteachers irrespective of whether the school buys the LA appointment service or not. Em-EdSupport/Nottinghamshire Professional Services can provide an experienced Professional Adviser to support and guide governing bodies through the recruitment process.

Any decision by the governing body of a maintained school not to advertise a post of headteacher or deputy head nationally should be discussed with the Education Improvement Service and HR Service, before the appointment process commences.

### 15.2 Other school posts

The governing body will advertise all vacancies externally, unless there is good reason not to do so. This will ensure that the school attracts a wide field of suitable applicants to recruit the best possible candidate and in the interests of fairness, openness and equal opportunity. The advertisement should include reference to the standard of spoken English required if applicable, as defined in the person specification and job description (see paragraph 9.3).

## 16.0 Information Pack for Applicants

- 16.1 All potential applicants should receive an introductory letter detailing the recruitment procedures for maintained schools. The letter should also include the following statement: **“Nottinghamshire County Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and we expect all staff and volunteers to share this commitment. Successful candidates will receive the County Council’s Safeguarding Policy that outlines the duties and responsibilities of the employer and all employees”.**

- 16.2 The letter should also refer to the equal opportunities policy statement and that disabled applicants who meet the essential criteria of the person specification will be guaranteed an interview.
- 16.3 The recruitment pack should be prepared in advance of the advert so that potential applicants can receive the necessary information promptly. It is important to bear in mind that potential staff will be forming opinions about the school from the details they receive.
- 16.4 The pack should provide a clear picture of the school and its expectations of the post holder. The aim is to encourage applications from those suitable for the post whilst deterring unsuitable individuals from applying.
- 16.5 The pack should contain the job description, person specification, application form and guidance notes, school information, interview procedure, requirements for references, a copy of the safeguarding policy, which sets out the pre-employment checks that will be undertaken as part of the recruitment process. A contact name and email address should also be given for any questions about the post.

## **17.0 Application Forms**

- 17.1 It is essential that all applicants fully complete the standard application form appropriate to the post (see Appendix 5 in the toolkit). Schools should not accept applications made solely on the basis of a letter and/or Curriculum Vitae (CV) as these allow the applicant to decide which information to supply or omit. The information pack must clearly state that applications will only be considered if they comply with this requirement.
- 17.2 Depending on the post, applicants should also be asked about any special areas of interest (e.g. age range, subject). All applicants should be asked to provide a statement about why they are applying for the post and what skills and attributes they would contribute as well as any other job-specific areas to be assessed.
- 17.3 The application form must include a signed statement that the person:
- is not on the Children's Barred List
  - is not disqualified from work with children
  - is not subject to sanctions imposed by any regulatory body, e.g. The Teaching Regulation Agency
- 17.4 Applicants must also either confirm that they have no convictions, cautions or bind-overs. Applicants for teaching posts will be subject to an enhanced Disclosure and Barring service check (DBS) with barred list check, prohibition from teaching check and staff applying to work in a school in a relevant childcare setting will also be subject to a Disqualification under the Childcare Act 2006 check.
- 17.5 The school should send notes about how to complete the application form with the information pack, as detailed in toolkit Appendix 6. The accompanying information should emphasise the school's commitment to safeguarding children and clarify the vetting procedures which will be applied to all applicants, namely:

- successful candidates must fully meet all the essential criteria e.g. qualifications, experience and any other requirements in relation to working with children and young people;
- the interview process will be designed to assess the candidate's ability to meet the essential requirements of the post (including suitability to work with children);
- for shortlisted candidates any discrepancy or anomalies in the information provided, including any gaps in employment which are not accounted for or issues arising from references will be followed up during the interview;
- current and/or previous employers will be contacted as part of the pre-appointment checks; where there has been a break in teaching service or for support staff, a break in school-based employment, a reference will always be sought from their last school even if the employer is not nominated by the applicant.
- enhanced DBS checks will be required.

## **18.0 Shortlisting candidates**

- 18.1 In line with the Equality Act 2010 and Nottinghamshire County Council policy, all disabled candidates who meet the essential requirements must be shortlisted and interviewed. If a candidate has indicated that they are disabled in part 12 of the application form (see appendix 5 in toolkit), they should be shortlisted if they meet the essential requirements of the person specification.
- 18.2 The equality and diversity monitoring part of the application forms must be detached from the rest of the application form before shortlisting. This can then be re-attached following completion of the appointment process. (Please see guidance for further information.)
- 18.3 The purpose of shortlisting is for the interview panel to take time to assess the returned application forms and references in order to identify who to call for an interview.
- 18.4 All candidates must be assessed equally against the criteria shown in the agreed person specification. There must be no exception or variation to this as this could render the whole process unfair and open to claims against the governing body. Knowledge of a candidate which is not relevant to the post should not be taken into account. This is particularly important where there are internal candidates.
- 18.5 The aim is to identify, from the information given in the application form, how each candidate meets the essential and desirable elements of the person specification. However some elements of the person specification can only be verified or assessed at interview and these should be identified at the planning stage and noted on the person specification so that the applicant is aware. The job requirements must not be modified during or after the shortlisting process. Shortlisting must not be based on any criteria which are not included in the job description or person specification. The panel should

be able to evidence, if required, that they did not make any assumptions and be able to ensure that any uncertainty should be tested at interview.

- 18.6 The panel should note that applicants providing false or misleading information in an application or interview process is a serious matter which could result in summary dismissal if the applicant has been selected and appointed to the school. Failure to disclose information or providing false information in relation to criminal records is an offence which could lead to prosecution.

- 18.7 The panel must be aware of the documents that the school are required to verify such as identity, qualifications and the right to work in the UK to prevent illegal working in line with the requirements of Immigration Act 2016.

The panel should consider the Pre Interview Checklist (toolkit Appendix 12) for candidates and be clear about which documents they require the school to check and ensure an administrator checks the documents for each candidate prior to the interview time. The completed pre interview checklist should be handed to the panel prior to the start of the interview.

- 18.8 Shortlisted candidates (not all applicants) will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children (toolkit Appendix 19).

- 18.9 In addition, as part of the school's due diligence, an online search of publicly available information should be undertaken on all shortlisted candidates to help identify any incidents or issues that have happened, which the school might want to explore with the applicant at interview. Please see guidance for further information on how to undertake this search and how to inform applicants .

- 18.10 For Headteacher recruitment only, in relation to the Staffing Regulations 2009 (part 2) reg 15, the authority has a responsibility to make written representations to the selection panel of any applicant they have good reason to believe that if appointed would have a significant, detrimental effect on the performance, management or conduct of the school. Therefore, as part of the shortlisting stage the names of shortlisted candidates must be shared with the authority and appropriate checks will be undertaken and consideration will be given as to whether written representation is to be made to the selection panel. It is important to ensure that applicants are notified at the outset of the recruitment process that these additional checks will be undertaken. The introductory letter to applicants (appendix 6) and the application form (appendix 5) have been updated accordingly).

## **19.0 References**

- 19.1 Employers should always request written information about previous employment history and carefully check that information is not contradictory or incomplete. References should be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed, including internal candidates.

- 19.2 Having completed the shortlist, our strong advice is that appropriate references should be requested for all shortlisted applicants including internal candidates. As part of the process of verifying the suitability of candidates to work with children, the references must be checked prior to the formal interviews. This means that sufficient time should be built into the recruitment programme for these to be requested, received and checked.
- 19.3 The purpose of obtaining references is to enable the selection panel to carefully consider objective and factual information from previous employers to inform and support their appointment decisions. They also help schools ensure that they are selecting a candidate who is competent and suitable to work with children. For any appointments to headteacher posts, the governing body should insist that one of the teaching references is provided by the current employer/employing local authority, and if there has been a break in service for any reason an additional reference should be obtained from their last teaching employer/employing local authority.
- 19.4 As part of the appointment process the governing body of a maintained school or academy trust may ask for details about whether a headteacher or teacher at a school has been subject to capability procedures in the previous two years. The 'School Staffing (England) (Amendment) Regulations 2012 require governing bodies of maintained schools to confirm, if asked for a reference, whether or not a member of the teaching staff, has within the last 2 years, been subject to capability procedures.
- 19.5 One of the references requested must always be from the current or most recent employer. Schools will be in breach of their safeguarding responsibilities if they do not seek to obtain a reference from the current employer before they make an appointment. If an applicant has previously worked with children, either in paid or voluntary activities, an additional reference should be obtained from that school or organisation.
- 19.6 References should always be sought directly from the referee and preferably from a senior person with appointing authority and not from colleagues. The referee should be advised that they have a responsibility to ensure that the reference they supply is accurate and does not contain any material misstatement or omission. They should also be informed that NCC policy is one of an 'open reference' where the factual content of their reference is able to be disclosed to the applicant and discussed.
- 19.7 Information disclosed about past disciplinary action (including misconduct for Teacher Service checks) should be considered very carefully when assessing the candidate's suitability for the post.
- 19.8 References which are not specific to the post applied for, which have been supplied to the applicant on a previous occasion or 'to whom it may concern', photocopies or testimonials should not be accepted unless they are current and have been verified with the referee and meet all requirements; where electronic references are received employers shall ensure that the references originate from a legitimate source. Once received, references must be checked to ensure that all specific questions have been answered satisfactorily, and the referee should be contacted to provide further clarification where appropriate. For example, where vague or incomplete information is

provided. Any discrepancies or inaccuracies completed on the application form should be taken up with the candidate, if shortlisted, at interview.

- 19.9 Reference requests should be in the same format for all candidates and ask specific questions, ideally in a standard pro-forma (toolkit Appendix 10) so that there is a clear understanding as to why a candidate left their previous employment.

## **20.0 Interview Process**

- 20.1 Having confirmed the shortlist, the panel must confirm any other activities they wish to include in the selection process. They should again refer to the person specification to ensure that such activities will allow the candidates to demonstrate how they meet the criteria.

## **21.0 Selection Activities**

- 21.1 It is important to remember that the selection process does not only enable the selection panel to assess the individual candidates but also allows the candidates to find out about the school and the post for which they are applying.
- 21.2 A number of informal preliminary activities can be used to put the candidates at their ease before the actual selection procedures begin. These could include a tour of the school, a short presentation about the school and the job and an opportunity to meet staff, pupils and governors.
- 21.3 For some posts additional activities will help the panel gain information which would not easily be obtained in a formal interview. A programme should be planned to include a range of activities appropriate to the post. Since all school based staff have access to children, the selection/interview process must provide opportunities for each candidate's suitability for such work to be assessed.
- 21.4 If a candidate has disclosed a disability which may affect their performance at interview, adjustments must be made to the interview arrangements to accommodate this.

## **22.0 Interview Preparation**

- 22.1 All selection procedures should involve an interview to assess each candidate against the requirements of the job (person specification), even if there is only one shortlisted candidate. The interview process and selection techniques should also be used to identify the most suitable person for the post and fully explore each candidate's suitability to work with children.
- 22.2 The panel should meet before the interviews to:
- review the person specification and job description to determine assessment criteria and questions.
  - agree the questions to ask candidates.
  - agree who will chair the interview and who will ask each question.

- decide on a model answer and scoring system, ensuring they have an objective method of evaluating candidates against the criteria.
- decide who will take notes when a panel member is asking the interview the questions.
- prepare the interview evaluation sheets.
- confirm arrangements for the day with the school ; that appropriate rooms are available, cover for staff involved, who will collect and return candidates from/to a waiting room, meet candidates upon arrival, check and photocopy candidates' documents.
- Ensure that arrangements are in place for the panel to receive the completed pre interview checklists from candidates
- Ensure candidates are aware of the activities to be undertaken.

22.3 Before the interview, each member of the panel should have received and read copies of the application forms and references for the shortlisted candidates.

22.4 Questions for candidates, model answers and a scoring system should be prepared in advance. The interview evaluation sheets should be prepared with the questions listed on them.

22.5 The letter of invitation to interview, (toolkit appendix 14) should be sent promptly to give candidates reasonable notice and time to prepare for any specific activities such as a presentation. Candidates should be asked to confirm that they are able to attend. If a candidate has disclosed a disability which may affect their performance at interview, ask the candidate to contact the school to confirm if they require any adjustments to be made to the arrangements.

22.6 The letter will also include a form requesting candidates to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children(toolkit Appendix 19). They will be asked to bring relevant documents for identity, enhanced DBS, Children's Barred List and qualification checks will be made.

The letter should explain that these personal documents will be shredded if they are not the preferred candidate after the interview stage.

## **23.0 Interview Panel**

23.1 The interview panel should, ideally, consist of 3 people and at least one of them must be trained in safer recruitment procedures. The panel should also be balanced in terms of sex (replaces the word gender in new definition) and other relevant factors. The governing body may decide to delegate full responsibility to the headteacher for some recruitment decisions. However, schools are advised to include at least one governor on all interview panels wherever possible and to ensure that recruitment decisions are always made by at least two people. For some staff, e.g. deputy and head teacher posts the governing body must be involved in the process and final decision. Other senior posts may also merit a larger selection panel or the involvement of more staff and governors as appropriate in a range of selection activities.

## 24.0 Questioning candidates

- 24.1 The structure of the interview should be carefully planned. The prepared questions (which must specifically relate to the job description and person specification) should be asked of each candidate. Supplementary questions can be asked which are specific to a particular candidate. The panel should consider and agree any issues which need to be explored arising from the information contained in the application form and references so that all potential concerns are explored and resolved, including any inconsistencies in the information provided, gaps in employment and reasons for them.
- 24.2 Candidates should not be asked at interview about their personal circumstances i.e. their marital status, sexual orientation, family, religion, politics, trade union affiliation, etc.
- 24.3 The questioning of applicants for a voluntary aided school and the amount of weight given to the applicant's religious opinions and beliefs needs careful consideration. However Section 60 of the School Standards and Framework Act 1998 does allow for preferences to be given in appointing school staff to voluntary aided schools especially where a 'genuine occupational reason (GOR - as permitted by the Equality Act 2010), can be established.
- 24.4 When assessing the applicant's suitability for the post as described, the interview panel should also explore the following issues:
- any gaps in the candidate's employment record. ( or study record, from the age of 16)
  - concerns or discrepancies arising from the application or references.
  - whether there are any issues which the candidate wishes to declare in the light of DBS checks etc.
  - the candidate's attitudes towards children and young people.
  - What attracted the person to the post and their motivation for working in a school/with children.
  - their ability to understand and support the school's policies, including the need to safeguard and promote the welfare of children.
  - Information provided about the candidates previous disciplinary record in references
- 24.5 Under the Equality Act 2010, employers are prevented from asking potential recruits questions about their health (and this should not be requested or detailed on the application) before a job offer is made in order to avoid liability for disability discrimination. The only exception to this is to establish the applicant's capability to carry out a function intrinsic to the work concerned, which is a specific requirement of the person specification – a 'genuine occupational reason' (GOR).
- 24.6 If the role is public-facing, under the Immigration Act 2016, all applicants should be assessed on their English speaking ability either through a formal test if the role requires this, or more usually as part of the interview questioning process. Alternatively, evidence can be provided of suitable proficiency in the English language by qualifications from UK establishments, specific courses in English, or having undertaken

a comparable qualification which was delivered in English. Further guidance on this is available [in the Code of Practice on the Fluency Duty Guidance](#).

## **25.0 Managing the interview**

- 25.1 The chair of the selection panel should ensure all panel members are clear about their specific roles and clarify any issues to be explained with individual candidates.
- 25.2 When conducting the interview, the members of the panel should introduce themselves and encourage the candidates to feel at ease. It is often helpful to start the interview on familiar ground with questions about their current job or their background and experience.
- 25.3 It is good practice to link the areas of questioning so that the interview flows naturally. The chair of the panel should keep an unobtrusive eye on the time. All panel members must remain objective and guard against subconscious prejudice or stereo typical views of particular candidates. Assessments should be based on whether or not the candidate meets the person specification on the basis of an objective assessment.
- 25.4 Selection decisions should not be influenced by any protected characteristics, the **sex**, race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership of the candidate. It is illegal to discriminate on such grounds and such a decision can be challenged in an Employment Tribunal.
- 25.5 Finally, as the interview is a two-way process, the candidate should be given the opportunity to ask questions, be informed when they will hear the outcome, and thanked for attending.
- 25.6 Notes must be taken by all members of the interviewing panel to assist with assessment of the candidates and to help form the rationale for the decision. Notes and application forms for all candidates interviewed should be retained for at least 6 months. All information considered in decision making should be clearly recorded along with the reasons for the decision made.
- 25.7 It may be appropriate to confirm and/or discuss salary and conditions of service within the interview.
- 25.8 It is usual for the decision to be made directly after the interviews. Candidates should be informed of when the decision is likely to be made and advised whether they may leave the school and be notified later or whether they should remain. Finally, candidates should be thanked for the time and energy they have invested in the process as they will judge the school by the way they have been treated throughout the process, regardless of whether or not they are appointed.

## **26.0 Appointment Procedure**

### **Decision**

- 26.1 Following the final interview of the shortlisted candidates, the selection panel should immediately discuss each candidate, carefully recording where essential and desirable criteria have been met during the course of the interview. The panel's decision must only be made against the defined requirements of the job as detailed in the person specification.
- 26.2 Selection decisions should not be influenced by the sex, race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership of the candidate. These are protected characteristics and it is illegal to discriminate on such grounds and such a decision can be challenged in an Employment Tribunal
- 26.3 The selection panel should be asked to share their records of each candidate with each other and attempt to reach a consensus about which candidate best fits the person specification. Where there is more than one candidate who meets all the essential criteria, reference should be made to the desirable criteria applying the relative weightings agreed in advance where appropriate. If it is not possible to reach a unanimous decision, the panel will need to decide whether they are prepared to proceed on the basis of a majority decision.
- 26.4 Where there is uncertainty the panel need to consider whether it is appropriate to make an appointment or whether the post should be re-advertised. Once a decision has been made, the panel should confirm and record why the other candidates have been rejected and include the information with the application forms in case of a challenge at a later date. The chair of the panel should reiterate the need for confidentiality by all involved in the appointment process and any issues of concern should be referred to the chair of the appointing panel.
- 26.5 The appointing panel will determine the starting salary to be offered to the successful candidate, in line with the School Pay Policy and in accordance with information contained within the advertisement and other recruitment information. The appointment to all leadership and leading practitioner role will usually be to the minimum point of the pay range, and appointment to MPR and UPR will normally be to the minimum point within the pay band advertised. Where a candidate is simultaneously employed by another school, schools are not bound to make any pay decision based on their employment by another school. Where teachers have been appointed to the school during a cycle of additional support within appraisal or subject to the formal capability process the governing body will, where necessary, seek evidence from the previous school to assist pay decisions and any ongoing support that maybe required in the new post.

## **27.0 Conditional Offers and Pre-employment checks**

- 27.1 Once a decision has been made the successful candidate should be provided with a written conditional offer of appointment. All offers of employment should be conditional

until satisfactory completion of the mandatory pre employment checks. This verbal offer must be followed by written confirmation (toolkit appendix 15) as soon as possible.

The offer of employment forms a legally binding contract which can only be withdrawn in certain circumstances. Further advice can be obtained from your HR Business Partner if this situation arises.

- 27.2 A copy of the County Council's Safeguarding Children Statement (Appendix 2 in toolkit) must also be sent to the successful candidate with the offer letter.

The offer of appointment is conditional upon all of the checks set out in the [Single Central Record Guidance](#) and template document being completed satisfactorily. The school must:

1. verify the candidate's identity (if not already established). It is essential to ensure the person is who they claim to be, this includes the potential for an individual changing their name;
2. Obtain an Enhanced DBS check which will include barred list information, for those who will be engaging in regulated activity.
3. Obtaining a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available, or where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation and where all other relevant checks have been carried out.
4. Verify the candidates mental and physical fitness to carry out their work responsibilities;
5. Verify the person's right to work in the UK;
6. Verify the at least 2 satisfactory references from appropriate sources;(1 of the references must be from the current or last employer-see reference guidance notes)
7. Verify qualifications (if not already complete);
8. Verify professional status, e.g. QTS/ECT status, NPQH; For teaching posts this must include verification of successful completion of the statutory induction period (applicable to those obtaining QTS after 7 May 1999).
9. Complete prohibition from teaching check for (a) teachers (in maintained schools) and for (b) teachers and relevant support staff (in academy and free schools) where they meet the statutory definition of undertaking "teaching work." Checks on other staff may be undertaken but not a statutory requirement. This check provides confirmation that an applicant is not subject to a prohibition order issued by the Secretary of State to confirm an individual is not barred from teaching.

10. A disqualification under the childcare act 2006 check if the new starter works in a relevant setting, and a waiver form obtained from Ofsted if necessary.
  11. for support staff posts – satisfactory completion of probationary period.
  12. for candidates who have lived or worked abroad the same checks must be undertaken as well as any further checks considered appropriate so that any relevant events that have occurred outside the UK can be taken into account. These could include
    - criminal record checks for overseas candidates, and
    - obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked.
  13. For a candidate taking up a management position in an independent school, including academies and free schools a check that they are not subject to a 128-direction issued by the Secretary of State.
- 27.3 Schools must ensure that the above checks have been completed and appropriate records established and retained including the Single Central Record as required by the latest version of the statutory guidance, Keeping Children Safe in Education (KCSiE) and Ofsted. Detailed advice and support on how to conduct the required pre-employment safer workings checks and completion of the Single Central Record (SCR) are available on the [schools portal](#)
- 27.4 If a school has concerns about an existing staff member's suitability to work with children or an employee moves from non-regulated activity to a post that is considered to be regulated activity, then the relevant checks must be carried out (see current version of KCSiE, and School's Disciplinary Policy).
- 27.5 Where a school allows an individual to start work in regulated activity relating to children, before the DBS certificate is available, it should ensure that the individual is properly supervised and that all other pre-employment checks, including the separate children's barred list check are completed.

## **28.0 Formal Confirmation and issuing of Contracts**

- 28.1 Once the pre-employment checks are confirmed as satisfactorily completed, a further formal confirmatory letter of appointment should be sent to confirm the offer (toolkit - appendix 16)
- 28.2 Following issuing the formal confirmatory letter of appointment (appendix 16) schools need to ensure a contract of employment is issued prior to the first date of employment. If schools are issuing the contract please refer to the [portal](#) for templates.

## **29.0 Candidate's Debrief**

- 29.1 It is recommended good practice that all candidates are offered feedback on their performance at the selection process. This will help unsuccessful candidates to identify areas of improvement for future applications and assist with the induction of the successful candidate into school by identifying any particular areas for support and training.
- 29.2 Copies of personal documents of unsuccessful candidates' documents provided to the school as part of the interview process for checking, should be either returned to them or destroyed.

### **30.0 Recruitment Appeals**

- 30.1 Any written complaint about the recruitment decision or procedures should be referred to the headteacher or chair of governors as appropriate. Advice should then be sought from the HR Service.

### **31.0 Induction**

- 31.1 All new staff (and volunteers) should have access to a carefully planned induction programme when they take up their new appointment. Line managers should ensure that staff are inducted in accordance with the [School Staff Induction policy](#). The Induction checklist for Safeguarding should be completed for all new starters and the School Employee [Code of Conduct for School Staff](#) should be discussed with all staff each year who should then sign to confirm their understanding on a regular annual basis or as considered appropriate by the school. Governors should be inducted in line with the [Governors Induction template](#).

### **32.0 Employment of Agency and Supply staff**

- 32.1 The Governing Body will need to ensure that where the requirement exists to employ agency staff or their own supply staff on an ad-hoc basis that all of the required safer working checks are completed and recorded on the Single Central Record.
- 32.2 Agency or supply staff will also be required to comply with the Fluency Duty under the Immigration Act 2016 if they undertake a relevant public-facing role, such as teaching, and teaching assistant duties.

### **33.0 Volunteers**

- 33.1 Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required. Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

All volunteers should be sent a letter requesting that they complete the **Standard Volunteer Application Form for a role in a Nottinghamshire School** – Appendix 18 in

the toolkit prior to commencing volunteer work at the school. This will provide the necessary background information to enable the school to engage individuals safely.

Once the risk assessment has been completed there may be different approaches to the checks that are required. Please refer to the R&S guidance for further information.

- 33.2 Following the successful completion of the safer recruitment checks and or risk assessment the schools should make arrangements for the volunteers to undertake an induction programme (see paragraph 30.1)

### **34.0 Maintained school governors**

- 34.1 Governors in maintained schools are required to have an enhanced DBS check. It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.
- 34.2 Governors of maintained schools are also required to undergo a section 128 direction check.
- 34.3 Advice on the safer recruitment checks required for governors is set out in the Single Central Record (SCR) Guidance and SCR Template documents.

### **35.0 Visitors**

- 35.1 The [Guidance on Visitors, including VIP's to Nottinghamshire Schools](#) document provides comprehensive guidance on how schools should manage all school visitors and sets out the arrangements for ensuring the safety and wellbeing of pupils and staff

### **36.0 Ongoing vigilance**

- 36.1 KCSIE reminds all schools of the need for ongoing vigilance beyond the recruitment process to ensure the safety of children. Good safeguarding must be embedded in the school ethos and all policies and procedures to maintain an educational environment that deters and prevents abuse and challenges inappropriate behaviour.

## **Document History**

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<b>Lead HR Business Partner</b>	<b>Francesca Waldrom/ Ellen Cottee</b>
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