



Safe Recruitment and Selection Policy



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Updates	Any changes made to KCSIE 2024 that are referred to in this policy.

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This policy should be read in conjunction with Section 4a (Safer Recruitment), Section 4b (e-DBS documentation) Section 4e (Safer Recruitment Toolkit) Section 6a (Fixed Term Contracts) and Section 23a-d (Safeguarding), Volume 1, Guidance for Schools on the SSE Website

Introduction

- Staff are the most important and valuable resource and play a major role in the delivery of quality teaching and learning in our schools. The purpose of this policy (and those associated with it) is to support safe and fair recruitment practices that are rigorously enforced, adopting a coherent and consistent approach to recruiting and retaining staff of the highest caliber.
 - The Governing Body has overall responsibility for all staff appointments in its school. However, it may delegate responsibility for any or all appointments, except for the posts of Headteacher and Deputy Headteacher, to the Headteacher, an individual Governor or a group of Governors. Each Governing Body is required to specify these arrangements in the School's Standing Orders which should be reviewed annually (see Section 2 & 2a, Volume 1, Guidance for Schools, on the SSE Website for further information regarding school governance).
 - Where the Headteacher is exercising delegated responsibility, this cannot be delegated to another person by the Headteacher.
 - Discrimination claims can arise at any point during the recruitment and selection process from the wording of an advert to the formal interview process, so it is crucial that Headteachers and Governors are trained and are confident that no discrimination, direct or indirect, takes place at any stage of the process.
- This recruitment & selection policy has been broken down into the key stages of the process for ease of reference. A checklist can be found at Section 4b which schools may find useful when planning a recruitment exercise.

Statutory Framework

The statutory requirements for appointing staff in maintained schools are set out in the School Staffing (England) Regulations 2009. Further information can be found by clicking on the following link: [School Staffing \(England\) Regulations](#).

Keeping Children Safe in Education is statutory guidance issued by the Department of Education (2024). Schools must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children. Further information can be found by clicking on the following link: [Keeping children safe in education 2024](#).

It is a statutory requirement that a Governing Body of a maintained school ensures that at least 1 person on any appointment panel has undertaken safer recruitment training.

Disclosure of Criminal Records

Some posts in schools are exempt under the Rehabilitation of Offenders Act 1974 (ROA) or the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012. Therefore, the school is required to assess the applicant's suitability for employment through accessing the Disclosure and Barring service (DBS).

Please also refer to [Guidance overview: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](#) for further information.

Most staff employed in a school will be working with children and therefore, engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

For others (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, will be required which does not include a barred list check.

Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity.

It is therefore, advised the school complies fully with the [DBS Code of Practice](#) and undertakes to treat all applicants for positions fairly so that they do not discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

DBS Disclosure

Employers can only ask an individual to provide details of convictions and cautions that they are legally entitled to know about.

DBS filtering rules were first introduced in 2013 when amendments were made to legislation that affected both what an employer can ask an individual in relation to convictions and cautions (for example a self-declaration on an application form of 'do you have any convictions'), and what is disclosed on a Standard or Enhanced DBS certificate.

These rules were updated in November 2020 with the main changes being: warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate.

The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Applicants should be given the opportunity to declare any convictions prior to the return of the DBS and the recruitment application form provides an initial opportunity for this.

- Employers of exempt roles have a right to know about, and can take into account, unspent convictions.
- An offence may be filtered before it is spent.
- The only way to discover details of unspent convictions may be via self-disclosure or a basic DBS certificate.
- The individual does not have to disclose their criminal history unless they are asked.
- Police may use other powers to share information about an offence that would automatically be filtered if they believe it is relevant to the role.

Non-Maintained LA schools who do not use Somerset's DBS Service are responsible for accessing and completing the DBS for any staff appointments (if a DBS is required).

Somerset Maintained schools who use Somerset's DBS Service are expected to abide by Somerset Council's Disclosure Policy, Recruitment of Ex-Offenders and policy on secure storage.

Paragraph 243 of [Keeping children safe in education 2024](#) explains the different types of DBS check required for those working with children which are:

Basic DBS check – this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

Standard DBS check – this provides information about convictions, cautions, reprimands, and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

Enhanced DBS check – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.

Enhanced DBS check with children's barred list information – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for, or activities being undertaken **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check **can** also include information as to whether an individual is subject to a section 128 direction.

All candidates should be asked to provide documentary evidence of their identity to satisfy DBS requirements, i.e. either a current driving licence or passport including a photograph, or a full birth certificate, plus documents such as a utility bill or financial statement that shows the candidate's current name and address, and where appropriate change of name documentation. More information can be obtained from the Disclosure and Barring Service Website - <http://carecheck.co.uk/>.

e-DBS

The successful candidate will be required to complete a DBS application. See Section 4b e-DBS Documents Guidance for further information.

Existing staff

Paragraph 351 of [Keeping children safe in education 2024](#) advises there are limited circumstances where schools will need to carry out new checks on existing staff. These are when:

- an individual working at the school moves from a post that was not regulated activity with children into work which is regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

Appointees from another school or college

Paragraph 239 of [Keeping children safe in education 2024](#) states there is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the persons appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children; or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or
- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young person.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools should carefully consider if it would be appropriate to request one, to ensure they have up to date information. Schools must still carry out all other relevant pre-appointment checks including where the individual is engaging in regulated activity with children. This includes **a separate barred list check** for those in regulated activity, which can be obtained via the DBS.

Student Teachers and Volunteers

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) must be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

Volunteers

Pre-employment Checks

Under no circumstances should a volunteer for whom no checks have been completed be left unsupervised or allowed to work in regulated activity. These checks are an important part of safeguarding, and it is advised that these should be followed even when volunteers are already known to the school.

References

It is good practice to request a reference for any volunteer as it provides an indication of whether the person is appropriate for the role.

Regulated activity

Volunteers who will be engaged on an unsupervised basis to teach or look after children regularly or provide personal care on a one-off basis in schools will be in regulated activity.

For all volunteers who are new to working in regulated activity the Headteacher/Manager should obtain an enhanced DBS certificate (which should include barred list information).

The Local Authority has determined that those working in the following areas are required to undertake a new DBS check every 3 years:

- Adoption and Fostering Services.
- Supply Teachers.
- Residential Children's Centres.
- Volunteers in roles excepted from the Rehabilitation of Offenders Act 1974.
- Casual Staff in roles excepted from the Rehabilitation of Offenders Act 1974.

Schools are responsible for ensuring they record the dates for re-checking these employees and volunteers and ensuring a re-check is completed every three years. The Disclosure Team will be able to assist by confirming dates on which previous disclosure certificates were obtained but the school must maintain accurate records for managing the requirement for re-checks.

Where an existing worker's disclosure re-check reveals a previously unknown criminal background or any cause for concern the manager must seek advice from their HR Advisory Service.

Non-Regulated Activity

For volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers, then the Headteacher/Manager may want to obtain an enhanced DBS certificate that does not include barred list information (as they are not legally permitted to request barred list information on a volunteer who, because they are supervised, are not in a regulated activity).

DBS Check

The school should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity.

In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

It is an offence to fail to make a referral without good reason.

Also refer to Keeping children safe in education: statutory guidance for schools and Flowchart of Disclosure and Barring Service criminal record checks and barred list Checks ([Appendix 1](#) below).

Starting regulated activity (employment) before the DBS check is complete.

Paragraph 253 of [Keeping children safe in education 2024](#) advises that a member of staff can work in regulated activity, as set out above, before his/her DBS certificate has come through, provided that he/she is supervised and has also undergone other required checks, including a separate barred list check. A “clearance risk assessment” must be completed prior to the individual starting work confirming the outcome of the required checks are pending and a template assessment can be found within Section 4e.

Nominated Verifier

Each school should have a nominated verifier who is responsible for registering applicants onto the e-DBS system, confirming their identity and monitoring the progress of applications, liaising with the County Hall DBS team and the applicant as required.

Prohibition Checks

Paragraph 259 of [Keeping children safe in education 2024](#) advises that a Prohibition from teaching check should be carried out on both teachers and support staff as this will reveal whether there are any restrictions. However, this is related to the teaching profession only. Whereas a DBS barred list will include anyone barred from any profession involving children and vulnerable adults.

Teacher Services allows schools to check the status of teachers they employ or are considering employing. Schools can search for a teacher's record in Teacher Services using the individual's teacher reference number (TRN) and date of birth.

The check will allow the school to:

- identify teachers with an active prohibition, sanction or restriction, including teacher prohibition orders;
- see details of any decision by the secretary of state not to impose a prohibition order following a determination by a professional conduct panel of unacceptable professional conduct, conduct that may bring the teaching profession into disrepute, or conviction of a relevant offence.

Relevant Legislation

All job applicants are protected against discrimination because of sex, marital or civil partnership status, transgender status, race, disability, age, sexual orientation, religion or belief and pregnancy or maternity throughout every stage of the recruitment process. Any candidate who is treated in a discriminatory way at a selection interview, or who is rejected for employment because of, for example, gender or race, may bring a complaint of discrimination to an employment tribunal, provided that the claim is lodged within three months of the date of the alleged discriminatory act.

It is important that throughout every stage of the recruitment process that the school ensures they are mindful of the relevant legislation.

- Equality Act 2010.
- Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353).
- Data Protection Act 2018.
- General Data Protection Regulation (2016/679 EU).
- Immigration, Asylum and Nationality Act 2006.

Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

It is against the law to discriminate against anyone because of:

- age;
- disability;
- gender reassignment;
- marriage or civil partnership (in employment only);
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- Sexual orientation.

Asking applicants questions in relation to sickness absence or their health either before or during the interview

Section 60 of the Equality Act 2010 restricts the circumstances in which an employer can ask an applicant about their health before making an offer of employment. This would include enquiries about the amount of sickness absence that they have had. Such enquiries can only be made if they are necessary for the purpose of:

- establishing whether or not they will be able to undergo an assessment (which would include an interview), or whether or not the employer will be required to make reasonable adjustments to the assessment process;
- establishing whether or not they will be able to carry out a function that is intrinsic to the work;
- diversity monitoring;
- taking positive action under s.158 of the Act; or
- establishing whether or not they have a disability, where having that disability is an occupational requirement for the role.

It is, therefore, unlikely asking a question about the number of days' sickness absence an employee has had would be necessary for any of the above purposes. However, simply asking such a question does not amount to unlawful action under the Act, but if the candidate objects to the question and decides to bring a direct disability discrimination claim relating to the failure of the employer to offer them employment, the fact that the question was asked, will shift the burden of proof to the employer. The employer will then have to show that it had a non-discriminatory reason for rejecting the applicant.

The school is, therefore, advised to ensure they make it clear that any offer of employment is conditional and subject to satisfactory pre-employment clearance which includes medical clearance to verify the candidate's mental and physical fitness to carry out their work responsibilities and confirmation of regular attendance at work. In the event the school is advised that the potential employee does have a poor level of attendance due to sickness absence or a medical condition for which the recommended adjustments are not considered to be reasonable, the school could consider withdrawing their offer. However, prior to any decision being made they are strongly advised to contact their HR Adviser.

Please also refer to [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk) for further information.

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353)

The public sector equality duty requires public authorities and bodies exercising public functions to have due regard to the need to: eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010; advance equality of opportunity; and foster good relations. The duty applies to all of the protected characteristics, except marriage and civil partnership, which is only covered by the first part of the duty, ie the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act.

Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353), there are three specific duties:

- to publish equality information;
- to publish equality objectives; and
- to publish gender pay gap information.

Data Protection Act 2018

The Data Protection Act 2018 controls how personal information is used by organisations, businesses, or the Government.

Everyone who is responsible for using personal data must follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully, and transparently;
- used for specified, explicit purposes;
- used in a way that is adequate, relevant, and limited to only what is necessary;
- accurate and, where necessary, kept up to date;
- kept for no longer than is necessary;
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction, or damage.

Please refer to [Data protection - GOV.UK \(www.gov.uk\)](https://www.gov.uk/data-protection) for further information.

General Data Protection Regulation (2016/679 EU)

General Data Protection Regulation (GDPR) came into force from 25th May 2018, individuals have the right to request access to any personal data that is being processed. Thus, an individual who has applied for a job, whether successfully or unsuccessfully, may submit a request to the employer in respect of access to any file containing data about them, for example interview notes.

Please also refer to [Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#) for further information.

Immigration, Asylum and Nationality Act 2006

The responsibility lies with the employer to make sure, before it employs a person, that they have the right to work in the UK.

Immigration system from 1st January 2021

Introduction

Following the UK's exit from the European Union on 1st January 2021, a new immigration system is now in place to allow organisations to employ skilled workers from outside of the UK and Ireland. Irish nationals are exempt from the new rules and continue to have freedom of movement to live and work in the UK.

The transition period for EU citizens to apply for settled status ended on 30th June 2021. An EU citizen who has registered for or been granted 'settled status', via the EU Settlement Scheme, will be able to prove this by supplying a share code that can be used to check them on the Gov.UK site or by showing a current document issued by the Home Office that shows they have settled status. This excludes Irish nationals as they retain the right to work in the UK.

Right to Work Checks

An employer has a statutory duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK. These checks must be completed before employment commences and, therefore, the school can request that applicants who are invited to interview to provide valid documentation or their share code evidencing proof of their right to work in the UK.

The checks can either be completed through checking the applicant's;

- [original documents](#), or
- [right to work online](#) (if they have given you their share code).

Please also refer to [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/checking-job-applicant-right-to-work) for further information.

Right to Work Checks using Original Documents

Please also refer to to [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/checking-job-applicant-right-to-work) for further information and also [Appendix 2](#) for further guidance.

Points based system

From 1st January 2021, new arrangements took effect for all newly arriving EU, EEA and Swiss citizens (except Irish nationals) who wished to work and live in the UK with a new UK points-based system being introduced. The new UK points-based system enables Home Office licensed sponsor employers to sponsor eligible migrant workers to enter the UK to work and live.

Please also refer to [UK points-based immigration system: employer information - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-points-based-immigration-system-employer-information) for further information.

If an EU citizen applies for a role and does not have settled status the school will need to investigate whether they can offer them a Skilled Worker visa under the Points Based System.

A requirement for employees in schools to speak fluent English

Part 7 of the Immigration Act (2016) sets out the requirement for public sector customer-facing roles to speak fluent English. If the ability to speak an appropriate standard of spoken English is a requirement of the role it must be made clear in the application pack the standard of English that is required. The ability to speak fluent English will be assessed at interview.

The Act does not apply to existing employees changing jobs without a break in service, but checks are required for individuals moving from other Local Authorities or other Modification Order Bodies.

The provisions of the Equality Act 2010 still apply and therefore to ensure that racial discrimination is avoided, all candidates should be treated in the same way.

Please also refer to [English language requirement for public sector workers: code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/english-language-requirement-for-public-sector-workers-code-of-practice)

A Requirement for the employer to provide the employee with a Statement of Written Particulars and other information on their first day of employment

From 6th April 2020, new legislation made it a requirement for employers to issue a Statement of Written Particulars and provide specific information to an employee or casual worker on, or before, day one of their employment. The school will, therefore, need to liaise with their payroll provider for further information on providing this information to new employees. For further information please refer to [Employment contracts: Written statement of employment particulars - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/employment-contracts-written-statement-of-employment-particulars).

Recruitment

Identifying a Vacancy

A staff vacancy can occur for several reasons, e.g., staff resignation, school re-organisation, identification of a specific project. The most common occurrence will be staff resignation.

On receipt of a staff resignation, the Headteacher/Governing Body should consider whether there is a need to replace the post in the same way as the previous appointment or whether the creation of the vacant post provides an opportunity to review the school staffing structure and how tasks and responsibilities are allocated.

Consideration should be given to the following:

- Does the school need to replace the post?
- Can the school afford to replace the post and, if so, what are the required contracted hours to meet the operational needs of the school?
- What type of contract does the school wish to offer – permanent, fixed term or flexible? (See Section 6, Volume 1, Guidance for Schools, on the SSE Website for further information regarding contracts and see Section 6a – Guidance on the Management of Fixed Term Contracts).
- Has the nature of the role changed since the previous post-holder was appointed?
- Does the Job Description need updating in line with the required changes of the post?

- If schools are appointing to provide tuition/coaching as part of enrichment activities, consideration needs to be given to the employment status of the individual (see Section 6, Volume 1, Guidance for Schools, on the SSE Website for further information regarding contracts).

Advertising a Vacancy

Headteacher/Deputy Headteacher Vacancies

Advice regarding the recruitment and selection process for Headteacher/Deputy Headteacher appointments can be obtained via colleagues within the Education Leadership Team and can be contacted on 01823 355075.

It is a legal requirement that all schools must have a Headteacher, however, there is no legal requirement for schools to either have a Deputy Headteacher or to be limited to just one.

The Governing Body of a maintained school must notify the LA in writing whenever a vacancy or prospective vacancy occurs in the post of Headteacher, or whenever the Governing Body decides to recruit a new or replacement Deputy Headteacher.

The statutory regulations require that, unless there is “good reason not to”, Headteacher & Deputy Headteacher vacancies should be advertised in such a manner as the Governing Body considers appropriate.

A decision not to advertise should only be taken if the Governing Body can demonstrate there is “good reason not to” and that it does not leave it open to challenge. All decisions should be documented fully, as the Governing Body will need to demonstrate that it has acted reasonably if challenged.

It is recommended that the Governing Body seeks advice from LA Officers within the Education HR Advisory Service & Governor Services) and/or Education Leadership Team before deciding not to advertise. The following link will take you to the SSE Website [SSE](#).

When advertising, the Governing Body should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive. At the very least it should be advertised in a printed publication circulating throughout England & Wales (The Times Educational Supplement (TES), is most widely used).

The Governing Body may decide to appoint to the vacant post on an “Acting” basis while it considers the longer-term leadership requirements of the school. In these circumstances there is no legal requirement to advertise externally, however, any internal appointment should only be made following a fair and transparent selection process where all staff are given equal opportunity to apply (provided they meet the essential criteria for the post). Governors should consider assessing potential candidate suitability alongside the National Standards of Excellence for Headteachers (2020) ([Headteachers' standards 2020 - GOV.UK \(www.gov.uk\)](#)).

Any acting arrangement should be kept under regular review by the Governing Body, and they should be able to demonstrate that all reasonable measures are being taken to appoint to the post on a permanent basis as quickly as is possible.

Where an appointment is made on an “Acting” arrangement, the individual should be paid in accordance with the provisions contained within the School Teachers Pay & Conditions Document.

Teaching and Support Staff Vacancies

There is no legal requirement to advertise a teaching or support staff vacancy externally. Given the associated costs with external advertising, the Headteacher/Governing Body should consider succession planning and whether there is the potential to appoint to the vacant post from within the existing staffing structure.

In any event, Headteachers are advised to ensure all vacancies are advertised on the staff noticeboard as a minimum, to enable all staff equality of opportunity to apply and reduce or remove the potential for a claim of unfair treatment or discrimination.

Teacher Notice Dates

For teaching posts, schools may want to take into account the timing of when they advertise any vacancies to reflect teacher's statutory resignation dates which are; 28th/29th February, 31st May and 31st October. The contract notice periods for teachers are 3 months in the Summer term, and 2 months for the Autumn and Spring term.

Headteacher Notice Dates

For Headteachers, the resignation dates are: 31st January, 30th April and 30th September, with an additional 1 month notice to that of teachers being required.

Drafting the Advert

Irrespective of the type of post being advertised, it is important the content of the advert attracts the required caliber of applicant – it is the quality of the content rather than the quantity that is important.

The advert should set out clearly the specific details of the vacancy and as a minimum should cover the:

- name of school;
- job title;
- salary of the post (if the post is term time only and/or part-time the pro-rated salary should be published), this should be in-line with decisions made in the school pay policy;
- number of contracted hours;
- type of contract being offered (If fixed term the reason for this should be specified, e.g. maternity cover, sickness absence);
- preferred start date;
- brief description of work and skills/qualifications required;
- closing date and how to apply;
- contact name & number for the applicant to contact should they want to find out more information.

Offering Guaranteed Interviews to disabled applicants as a 'Disability Confident' employer and other equality schemes for Veterans and those leaving care

Applicants who declare they have a disability

If an applicant states they have a disability, there is a legal requirement for the recruiting school to consider if any reasonable adjustments will be required as part of the selection process.

Disability Confident' Employer scheme

The 'Disability Confident' scheme is optional for employers. A 'Disability Confident' employer will ensure that a person with a disability who applies for an advertised position and meets the essential criteria for the post will be guaranteed an interview. Please refer to [Disability Confident employer scheme - GOV.UK \(www.gov.uk\)](http://www.gov.uk) for further information.

If a LA maintained school does wish to sign up to this scheme there is no requirement for them to apply independently as SC has already signed up to it.

Schools who have signed up should include the 'Disability Confident' logo and include further information in their job advertisements and recruitment information to highlight they are a 'Disability Confident' employer as set out below.

If, however, a school does not wish to sign up to this scheme, they should ensure they have removed any reference to this from their recruitment information.

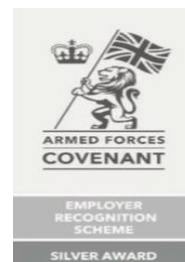


Whilst you do not have to declare a disability here, x school is committed to promoting employment opportunities for people with disabilities, who can face additional challenges to gaining employment. As part of our 'Disability Confident' employer status, we offer a guaranteed interview to any disabled person who declares a disability and meets the essential criteria for the job. Do you consider yourself to have a disability?

If yes, and you are offered an interview, would you welcome a pre-interview discussion to identify any particular needs you may have?

Veteran Guaranteed Interview Scheme

Somerset LA Maintained Schools have the option to sign up to offer a Veteran Guaranteed Interview Scheme. The scheme offers Veterans who are new to the school a guaranteed interview where the essential criteria of a post is met. The scheme applies to those who have been employed in the military service or who are a partner/ spouse (inc. bereaved) of someone who has been, in service in the last 5 years. This scheme is in recognition of the sizeable population of military personnel in Somerset with several units based in Somerset and a commitment to support equality as part of the Armed Forces Covenant.



Care Leavers

Somerset LA Maintained Schools have the option to sign up as a “Covenant Champion” for Care Leavers. This is a commitment by the LA to guarantee an interview for care leavers who meet the essential criteria of the job vacancy. The scheme is open to all care leavers whatever their age, wherever they live in the UK and to all posts within the Council. The scheme is voluntary, and it is not mandatory for candidates to declare whether they have experience of the care system. They can offer the information if they would like to take advantage of the scheme. The school can ask them to produce a letter from the relevant local authority to confirm they have left care, should they wish to.

Appointing a family member, partner, relative or friend

Nepotism is a form of discrimination in which a family member, partner, relative or friend is hired for reasons that do not necessarily have anything to do with their experience, knowledge, or skills and therefore it is important schools have robust, transparent processes in place to avoid the potential for a discrimination claim when appointing a family member, partner, relative or friend.

If an employee is aware that a family member, partner, relative or friend of theirs is applying to work at their school, it is their responsibility to inform them they must ensure the school is made aware of their relationship to them (the employee). The model application form requires an applicant to declare if they are related to any staff member, pupil or governor/ trustee.

An employee who is involved in the selection process (shortlisting or interviewing) and is aware that a family member, partner, relative or friend of theirs or any other person they know personally, has applied, they should declare this to the other members of the shortlisting/interview panel at the earliest opportunity. Ideally, they should then be withdrawn from the selection process and replaced by another suitable colleague. If, however, this is not possible, then the school should ensure someone impartial monitors the process and the decisions made so the school is able to demonstrate the recruitment process has been conducted fairly and equitably. This will also ensure the employee concerned, the candidate and the school are protected from any allegations that personal relationships influenced the result.

The Application Pack

The application pack serves as the “shop window” to the school and will be the basis on which potential applicants form first impressions of the school as a prospective employer. In addition to the content of the advert, careful consideration should be given to the content of the application pack to ensure it promotes the school positively and attracts the highest calibre applicants.

Welcome Letter

A welcome letter should be included in the application pack providing relevant information about the school, aimed at attracting the applicant and further encouraging them to continue with their application.

Job Description

Support Staff

A copy of the Job Description should be included within the application pack as this provides the applicant with an accurate illustration of the key tasks, duties and responsibilities of the post. It is important that Job Descriptions are kept up to date and reviewed regularly to ensure any changes in the roles are identified and captured.

Teachers

The statutory duties for teachers, including Headteachers and Deputy Headteachers, are set out in the School Teachers Pay & Conditions document along with the Teacher Professional Standards as published by the Department for Education. These documents should be referred to when creating or reviewing an existing job description for teaching posts.

Person Specification

The person specification defines the essential and desirable attributes an individual will need to possess to be able to fulfil the role. These attributes include qualifications, skills, experience and knowledge and it is this criterion that will be used in the short-listing process (see section 7.2). A template person specification can be found at section 4c.

The person specification should be derived from the job description, selecting the key tasks and duties of the role and translating these into the abilities and skills required to do the role.

Application Form

The LA application form should be included in all packs and a copy of the form that is used for both teaching and non-teaching posts can be found at section 4c on the SSE website.

Pay and Grading

The 2002 Collective Agreement on Pay and Grading introduced a 12 grade structure for the Local Authority's Local Government Services employees (non-teaching posts), often referred to as the "matrix"

The Governing Body's power to determine the salaries of support staff is set out in Regulations 17 and 29 of the School Staffing (England) Regulations 2009 and associated "Guidance on managing staff employment in schools" (DfE 2009). Regulation 17 (3) states it is a requirement that Governing Bodies of community, voluntary controlled and community special schools to pay in accordance with pay grades determined by the LA. Regulation 17 (6) requires governing bodies to consider advice from the Local Authority in relation to matters relating to grading and remuneration of support staff. However, Regulation 29 states that Governing Bodies of foundation, voluntary aided and foundation special schools have the discretion to employ support staff on such terms as they think fit. In Somerset LA maintained schools, the written Statement of Particulars setting out terms and conditions of employment specifies that the contract is subject to relevant National Conditions of Service as supplemented by local agreements. This means that unless the Governing Body of a foundation or voluntary aided school has reached its' own local agreement through a collective bargaining process with its staff and the recognised trades unions (UNISON, GMB and Unite), the Council's local agreements will continue to apply to their support staff's contracts of employment.

In order to provide Governing Bodies with an objective but flexible means of determining the grades/salaries for their establishments, a number of generic job descriptions have been assessed and graded under the Local Authority's Job Evaluation Scheme. From these a matrix of job roles and respective salary grades, with key responsibilities summarised has been produced to help Governing Bodies identify the appropriate grade and salary ranges for new posts. This should ensure that posts throughout the Local Authority with similar levels of responsibility attract common grades/salary ranges, thus reducing the scope for potentially costly equal value claims. A copy of the Job Evaluation matrices can be found at section 4c.

Selection

Safer Recruitment Training

The School Staffing (England) Regulations 2009 require Governing Bodies of schools to ensure that at least 1 person on any appointment panel has undertaken safer recruitment training. It is also recommended that the Governing Body involves the person who has undergone the training at all stages of the appointment process. For further information on training please contact Somerset Local Safeguarding Children's Partnership Somerset Safeguarding Children's Partnership

Shortlisting

The Data Protection Act provides for applicants to have a right to see the information used in the short-listing process. Therefore, it is advised that the short-listing panel use the job description and person specification to inform the short-

listing process by listing the 'essential' criteria and 'desirable' criteria for all the requirements of the job on a short-listing grid. It is advised that the short-listing panel is made up of at least 2 people.

To score applicants the panel is advised to use a points or rating system to score the candidates against the criteria on the short-listing grid. For example: 2=exceeds criteria, 1=meets criteria, 0=fails to meet criteria. Once scoring is complete any applicants that score a '0' on one or more of the 'essential' criteria would not be considered further. Remaining candidates can be ranked in priority order, highest score first. If there are still a large number of candidates, then the shortlisting panel may want to consider scoring them against the 'desirable' criteria. A template short-listing document can be found at section 4c.

On completion of the short-listing process a decision should be made on the list of candidates to invite for interview. If there is only 1 job to fill, it is advised that the number of candidates invited is limited to no more than 6. It may be that schools wish to introduce an initial phone interview to further short-list candidates prior to inviting to interview.

Checking for any Gaps in Employment History that have been unaccounted for

At this stage of the recruitment process the application form should be scrutinised to check for any gaps in employment history and to ensure that the referees are the most recent employers. Where there are periods of time unaccounted for, this should be explored further at the interview stage.

Completing Online Searches on shortlisted candidates

Keeping Children Safe in Education (DfE 2024) states as part of the shortlisting process schools should consider carrying out an online search as part of their due diligence on shortlisted candidates. This may help identify any incidents or issues that have happened historically which might not be revealed as part of the standard pre-employment checks, and are publicly available online, which the school might want to explore with the applicant at interview. Any search undertaken is purely about whether the individual is suitable to work with children and young people and care must be taken to avoid unconscious bias and any risk of discrimination. It may be sensible to have someone on the appointment panel to conduct the search – only sharing information that is relevant and of concern.

Reference request at shortlisting stage

Keeping Children Safe in Education (DfE 2024) states that references should be sought on all short-listed candidates, including internal, before interview. A reference template which can be used for both teaching and non-teaching posts can be found in Guidance for Schools on the SSE Website under Section 4c – Useful Forms and Templates.

Interviewing

Invite to Interview Letter

Invite to interview letters should be sent to all short-listed candidates. A template invite letter can be found at section 4c. The school can ask in the letter if the candidate requires any reasonable adjustments to be made so that they are able to attend and participate fully in the interview.

Interview Expenses

There is no legal or statutory requirement for schools to reimburse candidates for their interview expenses.

However, there may be some occasions where a school may wish to consider paying interview expenses. These are:

- A school has a hard to fill vacancy (for example, recent attempts to appoint have been unsuccessful), and the candidate has requested reimbursement. Wherever possible, schools may also want to consider reducing any costs associated with travelling for interview, by carrying out a virtual interview.
- A candidate has requested a face-to-face interview rather than a virtual one as part of a reasonable adjustment. This is only applicable if the school has signed up as a 'Disability Confident' employer. All candidates who declare a disability on their application form should be offered a pre-interview discussion.
- Where a school does agree to pay interview expenses, they are advised to make candidates aware in advance of the interview, that these will not be paid until after the conclusion of the interview and in the event of a candidate withdrawing their application or refusing the offer on grounds that are considered inadequate, no expenses will be paid.
- It is advised the school may want to consider not paying for the expenses of the successful candidate, until they have commenced employment.

- It is advised the school may want to consider paying for the expenses of unsuccessful candidates, following interview.

The cost of interview expenses paid to candidates are paid from the school's own budget.

Interview Questions

In order to apply a consistent approach, it is advised the panel agree in advance of the interview, a set of questions which they will ask all candidates which are based on the requirements of the post. The questions used should be competency based so they allow the candidate to provide examples of how they meet the requirements for the post. The panel may ask supplementary questions to enable them to explore further the candidate's application and references (if available).

The interview panel should be clear that it is their responsibility to ensure each applicant has the equal opportunity to highlight their suitability for the role, however this does not mean they need to stick rigidly to a set group of questions and exploring and probing an individual's competencies is one of the best ways to do this.

Selection Tests

In addition to a panel interview, depending on the type of role being recruited, selection tests can be used as part of the selection process e.g. professionally designed selection tests can provide an objective and relatively accurate way of assessing key skills which are difficult to measure in an interview. There are a variety of different techniques available to enable assessment of a wide range of skills and aptitudes at all levels.

Examples include:

- Group Selection Exercises.
- Involvement of Pupils.
- Oral Presentation Skills.
- In-Tray Exercises.
- Written Exercises.
- Verbal reasoning*.
- Checking skills.
- Numerical computation.
- Clarification.
- Personality and behaviour assessment*.

It is advised that some of these techniques should only be used when it is essential to determine that a candidate has specific abilities, aptitudes or behaviour and should only be used and interpreted by qualified and experienced assessors.

Interview Panel

It is advised interview panels comprise of a minimum of 2 panel members, as this not only allows 1 person to observe and assess the candidate, and make notes, while the candidate responds to the question posed by the other panel member/s but prevents the potential for a 'hung panel' in the decision-making process. It also reduces the possibility of any dispute about what was said or asked during the interview.

For some posts it can also be useful for other members of staff and Governors to meet the candidates and pupil involvement is recommended for teaching posts. This will ensure that the candidates are able to obtain a full view of the working environment and philosophy of the school while at the same time enables an assessment to be made of how candidates interact with various stakeholders. Only people involved in the selection process should be included in the final decision-making process.

Note taking

It is advised that notes are taken in relation to the candidates' responses/answers to questions and marked afterwards using the interview assessment form and Interview Summary Scoring form. An interview assessment form and interview summary scoring document can be found at section 4b.

Post Interview – Provisional Job Offer & Pre-Employment Checks

For pre-employment checks and documents referred to below further information is also available on the safer recruitment toolkit (Section 4e).

A Pre-Employment & New Starter checklist and also a model offer letter can be found in Guidance for Schools on the SSE Website under Section 4c – Useful Forms and Templates

Offer Letter

The offer letter should contain the following information:

- Title of Post.
- Salary grade.
- Full-time or, if part-time, the number of hours per week.
- Permanent or fixed term.
- Start date and, if fixed-term, the termination date and reason for the fixed-term nature of the post.
- Confirmation that a full Statement of Particulars will be issued by payroll provider in due course.
- A reminder, where appropriate, that the appointment is subject to satisfactory clearance by the disclosure procedure, medical clearance, confirmation of qualifications and satisfactory completion of a probationary period (applicable for non-teaching posts only).

Pre-employment checks are undertaken for all new appointments to ensure suitability for the role and to ensure the school complies with its legal duties.

Identity Checks

Proof of identity of a candidate and their eligibility to work in the UK **must** be checked thoroughly to ensure they are who they claimed to be at interview.

If not already provided prior to interview the school should ensure the successful candidate provides this information before their appointment and start date is confirmed.

The following should be carried out:

- Check to confirm the documents are genuine, original, and unchanged and belong to the person who has given them to you.
- Check the person has the right to work in the UK and have permission to do the type of work being offered to them (including any limit on the number of hours they can work).
- For students, check for evidence of their study and vacation times.
- Check photos are the same across all documents and look like the applicant.
- Check the dates of birth are the same across all documents.
- If 2 documents give different names, check to see if the person has supporting documents showing why they're different, e.g. marriage certificate or divorce decree.

Educational & Professional Qualifications

Candidates should be asked to provide either originals or certified copies or a letter of confirmation from the awarding body confirming any educational and professional qualifications that are necessary or relevant for the post.

Full References

References are sought to aid the selection process and validate information given by the prospective employee. In addition, they can aid the assessment of a potential employee's character, honesty and reliability. They are particularly important in roles that involve 'regulated activities' with children or vulnerable adults as defined by the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, or roles that are subject to National Minimum Standards or Quality Standards.

When the successful candidate has been offered and accepted the post the school should then request full references, where not previously obtained. The successful candidate should be informed that their appointment will not be

confirmed, and a start date given until the school has received and verified all references and pre-employment checks. A template reference pro-forma can be found in Guidance for Schools on the SSE Website under Section 4c – Useful Forms and Templates.

Referees

Referees can be asked to return a reference via email for speed, however, the email address should be verified first to ensure it is a work email address. The Headteacher/Manager should also request that a hard copy is sent with a company stamp/compliment slip for authenticity.

At least 1 reference must be received from the current or most recent employer and should be written by the current or previous Manager, Supervisor or someone more senior than the successful candidate.

If the successful candidate does not have a current or previous employer a reference may be accepted from a previous educational establishment, a Job Centre contact or a personal contact who works as or has retired from a recognised profession or a 'person of good standing in the community' (see [Examples of recognised professionals or a person of good standing in their community](#)). In this case the reference does not need to be from a work email or with a company compliment slip, stamp or business card.

If the successful candidate was previously self-employed a reference may be accepted from a previous client or their accountant.

In normal circumstances, pre-written references or 'to whom it may concern' references will not be accepted without verification. However, an exception to this may be made if a previous employer has wound down or ceased to exist and has issued a pre-written reference to the employee at the end of the employment.

References received should be retained on the employees' centrally held file.

DBS Disclosure

Roles subject to DBS

- Two written references are required for all roles subject to DBS clearance. One reference must be obtained from the current/most recent employer. Verbal references cannot be accepted.
- Specific questions about the employees' suitability to work with children or vulnerable adults should be asked.
- The reason why the previous employment ended must be asked.
- A full employment history and written explanation of any gaps in employment is required.

Roles not requiring a DBS

- Two written references must be obtained. One reference must be obtained from the current/most recent employer. Verbal references cannot be accepted.

Starting Salaries for Internal/External Appointments

Teachers

There is no automatic portability of pay assumed when determining salary for newly appointed teachers. However, when determining the remuneration of a teacher, the Headteacher and/or Governing Body must consider its own pay policy and the teacher's particular post within its staffing structure. (Section 3.1 of School Teachers Pay and Conditions Document).

Support Staff

Internally Appointed Candidates (Grade 17 – 9)

In accordance with the LA salary policy, on promotion it is advised that the candidate is appointed to the minimum point on the scale. If there are special circumstances where a Headteacher considers that an increase in excess of the minimum is merited, then it is advised they obtain agreement from the Governors prior to any formal offer is made to the candidate. Reference should always be made to the school pay policy

Externally Appointed Candidates (Grade 17 – 9)

It is advised that the starting salary of an externally appointed candidate is made at the minimum point on the scale. However, Headteachers do have the discretion to pay at a point within this scale if the candidate is already paid on a higher salary or where their experience is beneficial to the school. It is advised they obtain agreement from the Governors prior to any formal offer is made to the candidate, and this should be covered in the school's pay policy.

Internally and Externally Appointed Candidates (Grade 4 – 8)

For Grades 4 – 8 spot salary applies - [Salary Sheet](#).

<http://extranet.somerset.gov.uk/EasysiteWeb/getresource.axd?AssetID=95547&type=full&servicetype=Attachment>

Transferred Staff from another Local Authority

If a candidate is appointed to a post who has transferred from another Local Authority employer to a post on the same grade it is advised that they are transferred at their current salary point.

Apprentices

The Local Authority has determined that employees appointed as Apprentices will be paid the National Minimum Wage (NMW) for their age not the NMW rate for Apprentices. Should trainees successfully attain a substantive post, their salary would then reflect the grade for the post.

Schools can pay an appropriate rate considering the NMW and the grade applicable to the post.

Medical Clearance

Under no circumstances should a new member of staff be allowed to commence employment in a school until they have been deemed medically fit for post.

Short Pre-employment Health Questionnaire

The successful candidate should be asked to complete a short pre-employment medical questionnaire (the baseline health questionnaire can be found in Guidance for Schools on the SSE Website under Section 4c – Useful Forms and Templates).

Candidates for crossing patrol and driver posts must undergo a more in-depth health assessment and should be referred to occupational health. The Recruiting Manager should select pre-employment screening on the OH Portal when making the referral.

Information about the assessment process can be found at Appendix 13a.

Full Pre-Employment Health

If the prospective employee has answered "yes" to any of the questions on the short pre-employment medical questionnaire and not provided enough information in the questionnaire for the school to determine if they consider them as medically fit to start in post, then they **must** then be referred to the school's occupational health occupational health provider for further assessment. Once referred occupational health will review the referral and may ask the prospective employee to complete a full medical questionnaire online. This will only be seen by nurses or doctors employed by the occupational Health provider, who will send the prospective employee an e-mail to start this process.

Retention of Recruitment Paperwork

Unsuccessful Candidates

The recommended retention period for recruitment application forms and interview notes for unsuccessful candidates is 6 months to a year from the date of application as there will usually be no need for it to retain the data other than to defend any claims of discrimination that may result. The time limit for discrimination claims is three months but considering a potential extension under the rules on early conciliation, it could be around five months before the employer hears of the claim against it.

Successful Candidates

For successful candidates some of the recruitment documents will transfer to their personnel file. However, only data that is necessary for the ongoing employment relationship should be retained and the school must be able to identify

the legal basis for retaining it. The school is likely to have a valid reason for retaining most of the data in relation to the successful candidate gathered during the recruitment exercise. As well as containing the new employee's personal details, the employee's application form will provide an important record of the qualifications and experience that the employee states they have which may be important evidence if there is a later dispute about the capabilities of the employee or if the employer needs to demonstrate that due care was taken in selecting an appropriately qualified applicant. Notes made during the interview process may be important for the same reason and may also demonstrate just what the prospective employee was told about the nature of the work. Again, this may be important evidence if there is a dispute further down the line.

Please also refer to ICO Data Protection: employment Practice Code for further information. [The employment practices code \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/employment-practice-code)

Unsuccessful Candidates – Delivering the outcome and providing feedback

It is recommended unsuccessful candidates are informed verbally of the outcome if this is possible and offered the option to receive feedback on their interview if they would like it.

The recruiting manager may also want to consider delaying informing unsuccessful candidates of the outcome until the successful candidate has accepted the post if the unsuccessful candidate/s would have also been suitable for appointment.