



**The White Hills Park Trust**  
*Better Together*

# Recruitment and Selection Policy

## Version control

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# THE WHITE HILLS PARK TRUST RECRUITMENT AND SELECTION POLICY

NB: The Governing Body refers to the Local Governing Bodies of schools within the White Hills Park Trust

## 1.0 Introduction

- 1.1 The Board of Trustees of The White Hills Park Trust approved this Recruitment & Selection Policy on 15<sup>th</sup> December 2021. The Board of Trustees will review and monitor the impact of the Recruitment & Selection policy annually with the CEO.
- 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) (2023) 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 as amended
  - Current employment legislation
  - The requirements of DfE and current versions 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 recruitment advice online version
- 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 Trust.
- 1.6 The governing body will take into consideration advice and guidance from the Trust relating to safer working practices.

## 2.0 Consultation and Agreement with the Recognised Trade Unions

- 2.1 This policy has been consulted on with all of the recognised trade unions through the JCP process and meets legislative requirements.

### **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 are 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.

### **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.
- 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

## **6.0 Roles and responsibilities**

- 6.1 The governing body has overall responsibility for staffing responsibilities in their school. It is recommended that the head teacher 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 head teacher. However, it is recommended that wherever possible an interview panel consisting of the head teacher and 2 other staff, including a governor where appropriate, is convened to consider the important decision of who to appoint to a vacant post in school.
- 6.3 At least one member of the interview panel must be appropriately trained in safer recruitment.
- 6.4 For recruitment to leadership posts the governing body are required to establish a selection panel to appoint a head teacher or deputy head teacher.
- 6.5 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 and school/Trust equality principles.
- 6.6 The Trust is committed to safeguarding and promoting the welfare of children. "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.
- 6.7 Training and advice on all recruitment matters can be obtained from the HR Team.

## **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.
- 7.2 Schools should 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.

## **8.0 Defining the vacancy**

- 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 Head Teacher/Governing Board as appropriate will determine the pay range for each vacancy prior to advertising in line with the Trust 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 Head Teacher/Governing Board 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 the Head Teacher/Governing Board are considering an appointment on a fixed term or temporary basis, they will take into account the guidance from the HR Team. The Head Teacher/Governing Board must recognise that appointments on this basis should only be made in line with HR guidance on the use of fixed term contracts.

### **Timing the appointment process**

- 8.5 The Head Teacher/Governing Board 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 head teachers.

## **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 be made aware of 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 - <https://www.gov.uk/government/publications/english-language-requirement-for-public-sector-workers-code-of-practice>.
- 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 head teacher should seek advice from the HR Team and consult with the governors and trade unions. Where appropriate, the governors should be consulted on any changes to existing job descriptions in the school. Any new or changed support staff job description should be subject to the schools' job evaluation scheme.

## 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 Head Teacher/Governing Board will ensure that the person specification agreed for each post does not breach equal opportunities legislation.

## **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 to satisfy the requirement to seek to mitigate redundancy.

## **12.0 Redeployment**

12.1 The Trust maintains a redeployment policy. This enables appropriately qualified and experienced staff who are at risk of redundancy to obtain, where possible, employment in other Trust schools.

12.2 In these circumstances, Trust schools may be asked to interview such a candidate prior to the post being advertised more widely 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 Team 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 state that the successful applicant will be required to undertake an enhanced DBS check and will be subject to other statutory pre-employment checks, including on-line 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 Head Teacher/Governing Board 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 Trust HR Team will advise as appropriate regarding where adverts may be best placed and associated costs.

## **15.0 Advertising of posts**

### **15.1 Head Teacher and Deputy Head Teacher posts**

All appointments to headships should be advertised externally unless there is a good reason not to, which it is anticipated would only occur in exceptional circumstances.

### **15.2 Other school posts**

The Head Teacher/Governing Board will advertise all vacancies externally, unless there is good reason not to do so (see 15.3). 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.

- 15.3 There may be occasions when it is appropriate to advertise posts internally in the school/Trust only, in the first instance. This may occur when it is considered that the internal field is highly likely to contain the necessary skills and attributes to fill the post, without incurring the expense and time of external advertising. However, proper consideration should always be given to the benefits of placing an external advert, which may attract a wider field.

## **16.0 Information for Applicants**

- 16.1 All potential applicants will be made aware of the Trust's commitment to safeguarding and promoting the welfare of children and the expectation that all staff and volunteers share this commitment. Successful candidates will receive the Trust's Safeguarding statement.
- 16.2 The applicants will also be made aware of the commitment to equal opportunities.

## **17.0 Application Forms**

- 17.1 It is essential that all applicants fully complete the standard application form appropriate to the post. 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.
- 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 applicant will be asked to confirm that they are:
- not on the Children's Barred List
  - not disqualified from work with children
  - not subject to sanctions imposed by any regulatory body, e.g. The Teaching Regulation Agency
- 17.4 Applicants will be asked to make a self-declaration of any criminal cautions or convictions, which will be collated separately and only shared with the recruiting panel if the candidate is shortlisted (the WHPT application form has been amended to take this into account). Successful applicants for teaching and support posts will be subject to an enhanced Disclosure and Barring service check (DBS) with barred list check, prohibition from teaching check (where applicable) 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 Applicants will be informed that all candidates who are shortlisted may be subject to online checks as part of the recruitment process (see Appendix 1).
- 17.6 As part of the application process, the school should ensure that:
- successful candidates 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 is designed to assess the candidate's ability to meet the essential requirements of the post (including suitability to work with children).
  - any discrepancy or anomalies in the information provided, including any gaps in employment which are not accounted for or issues arising from references are followed up during the interview.
  - current and/or previous employers are 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, all disabled candidates who meet the essential requirements must be shortlisted and interviewed. If a candidate has indicated that they are disabled, 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.
- 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. Shortlisting should usually be conducted by all those on the interview panel, however, where this is not possible, a minimum of 2 panel members should always conduct the exercise (KCSiE 2023, paragraph 220).
- 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 show that any uncertainty has been 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 The Immigration Act 2016.
- 18.8 Once shortlisting has taken place, the panel will be informed, if the candidate has any criminal history or prohibitions, in accordance with para 216 of KCSiE 2023.
- 18.9 Similarly, once shortlisting has taken place, if on-line checks have been undertaken at this stage, the panel will be provided with any results, (as outlined in the Online checks procedure contained as Appendix 1) in accordance with KCSiE 2023 para 221.

## **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, 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 head teacher 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 may ask for details about whether a head teacher 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 they should be completed by a senior person with appointing authority, such as a head teacher/principal 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 Trust 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 should be verified by the head teacher from the outgoing school (including misconduct for Teacher Service checks) and 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 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 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 should also be used to 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, 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 if they require any adjustments to be made to the arrangements.**

22.6 The letter should also remind candidates that as part of this process they will be asked to declare any convictions cautions or reprimands which they have incurred and that they need 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 and other relevant factors, as far as possible. The governing body may decide to delegate full responsibility to the head teacher 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.

- 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. or which need to be explored as a result of any self-declaration.
  - the candidate's attitudes towards children and young people.
  - 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 candidate's 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 unconscious bias 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.
- 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.
- 26.5 The appointing panel will determine the starting salary to be offered to the successful candidate, in line with the Trust 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.
- 26.5 Support staff roles will usually be appointed to the minimum of the range, unless there is a good reason not to do so, as determined by the appointing officer. Appropriate advice should be sought from the HR team in these circumstances.

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

- 27.1 Once a decision has been made a conditional offer of appointment can be made to the successful candidate. This verbal offer must be followed by written confirmation as soon as possible. Where pre-employment checks are not fully completed it is important that a conditional offer of employment, subject to satisfactory completion of the required checks are made, because the offer of employment forms a legally binding contract which can only be withdrawn in certain circumstances. Once the pre-employment checks are completed a further letter can be sent to confirm the offer.
- 27.2 A copy of the Trust's Safeguarding Statement 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 register: The following steps must be taken:

1. verification of candidate's identity (if not already established). Best practice is to check the name on the birth certificate, if available. Further information on checks can be found at <https://www.gov.uk/government/publications/identity-proofing-and-verification-of-an-individual>
2. Enhanced DBS check which will include children's barred list information, for those who will be engaging in regulated activity with children

3. Obtain 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 (does not apply to 16-19 Academies or Special Post 16 institutions who must obtain enhanced DBS with barred list before allowing individual to engage in regulated activity).
4. Online checks. From 1 September 2022, online checks may be undertaken on shortlisted candidates and will always be conducted on candidates where a conditional offer of employment has been made. Please see On-line checks policy (Appendix 1).
5. Verify the candidates mental and physical fitness to carry out their work responsibilities;
6. Verify the person's right to work in the UK; including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then further advice is available via <https://www.gov.uk/check-job-applicant-right-to-work>
7. Verify there are at least 2 satisfactory references from appropriate sources;(1 of the references must be from the current or last employer - see reference guidance paragraph 19);
8. Verification of qualifications (if not already completed);
9. Verification of professional status, e.g. QTS status, NPQH; The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status and the completion of teacher induction or probation. (applicable to those obtaining QTS after 7 May 1999);
10. Ensure applicant is not subject to a prohibition from teaching order made by the Secretary of State 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 barred from teaching.
11. A check must be made under the 2018 Childcare Disqualification Regulations if the new starter works in a relevant setting, (individuals employed in reception classes or wrap around care for children up to the age of 8) and a waiver form obtained from Ofsted if necessary. Further information is available with regard to whom these Regulations apply in Disqualification under the Childcare Act 2006 statutory guidance <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>
12. for support staff posts – satisfactory completion of probationary period.

13. for UK staff who have lived or worked abroad the same checks must be undertaken as well as additional checks such as obtaining certificates of good conduct from relevant embassies or police forces. These checks could include, where available
- criminal records checks for overseas applicants (see Home Office guidance)
  - and for teaching positions, obtaining a letter (via the applicant) from the professional regulatory authority in the country in which the applicant has worked, confirming they have not imposed any sanctions or restrictions and/or that they are aware of any reason why they may be unsuitable to teach.

If this information is available, it can be used to assess suitability along with other evidence gathered through the pre-employment checks. NB Not all countries provide criminal record information and where they do, the nature and detail of the information can vary. Schools should be mindful that the criteria for disclosing offences in other countries can have a different threshold than those in the UK. See Home Office guidance:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Where this information is not available, schools should seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

14. for non-UK citizens – satisfactory clearance through the Overseas Information Service (DBS) and appropriate checks such as obtaining certificates of good conduct from relevant embassies or police forces. Confirmation of their right to work in the UK will also have to be obtained.
15. The UK officially left the EU on 31 January 2020. Freedom of movement between the UK and EU ended on 31 December 2020, at 11pm. As of 1 January 2021, employers wanting to recruit from abroad, whether from the EU or the rest of the world (apart from Ireland) need to comply with the new immigration rules and right to work checks to avoid significant civil and criminal penalties imposed for breaching legislation. <https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk>
- Applications from overseas, whether from the EU (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden) or the rest of the world (except Ireland) will be unable to work in the UK unless they have a visa and are sponsored by their employer. At this time, the White Hills Park have not applied to become a sponsor.
  - EU nationals, living in the UK prior to 31 December 2020, could rely on passport or national identity card to evidence their right to work in the UK, until 30 June

2021. EU nationals wanting to stay and work in the UK beyond 30 June 2021 need to apply for status under the EU Settlement Scheme (EUSS).

- <https://www.gov.uk/government/publications/eu-settlement-scheme-factsheet/eu-settlement-scheme-factsheet>

16. For those staff taking up management positions (including head teachers/principals, deputy or assistant head teachers, governors and trustees) a check to ensure they are not subject to a Section 128 direction issued by the Secretary of State which would prevent them from doing so (this can be checked via the Teaching Regulation Agency Employer Access Service).

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 relevant statutory guidance, Keeping Children Safe in Education 2023 and Ofsted.

27.4 In some circumstances, schools will need to carry out new checks on existing staff. The relevant checks must be undertaken where:

- an individual working in a school moves from a post that was not regulated activity with children into work which is considered to be regulated activity.
- there has been a break in service of 12 weeks or more.
- there are concerns about an existing staff member's suitability to work with children (see KCSiE 2023, paragraph 344, and Trust Disciplinary Policy)

27.5 Applicants moving from a previous post – there is no requirement to obtain a new 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 3 months before the person's 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 FE 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 persons.

However, whilst there is no requirement to undertake new DBS check, it is advisable to do so, to ensure schools have up to date information. All other relevant pre appointment checks must be undertaken, including a children's barred list, where engaging in regulated activity.

27.6 Where a school allows an individual to start work prior to having received a DBS it should ensure they are properly supervised and all other checks including the children's barred list check are completed (see KCSiE 2023, paragraph 247).

## **28.0 Candidate's Debrief**

- 28.1 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.
- 28.2 Copies of personal documents of unsuccessful candidates' documents provided to the school as part of the interview process for checking, should be destroyed.

## **29.0 Recruitment Appeals**

- 29.1 Any written complaint about the recruitment decision or procedures should be referred to the head teacher or chair of governors as appropriate. Advice should then be sought from the HR team.

## **30.0 Induction**

- 30.1 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 the relevant safeguarding training is completed for all new starters and the Code of Conduct for School Staff is discussed and signed by the employee.

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

- 31.1 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.
- 31.2 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.

## **32.0 Volunteers**

- 32.1 All schools will from time to time encourage members of the school community to volunteer to undertake activities within the school. All volunteers should be sent a letter requesting that they complete the **Standard Volunteer Application Form for a role in a White Hills Park Trust School** prior to commencing volunteer work at the school. This will provide the necessary background information to enable the school to engage individuals safely. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Once the activity has been determined by the school of whether the volunteer is in regulated or unregulated activity or supervised or unsupervised there are different approaches to the checks that are required;

It is for individual schools to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision schools must have regard to the statutory guidance issued by the Secretary of State (see KCSIE 2023 Annex E Statutory

Guidance – Supervision of activity with children which is regulated activity when unsupervised). This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

### 32.2 Unsupervised Volunteers

Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools will be in regulated activity and will require a DBS with barred list check

- New unsupervised volunteers new to working in regulated activity – School must obtain enhanced DBS check with a barred list check
- Existing unsupervised volunteers working in regulated activity – School does not have to re check if the volunteer has already had DBS check (which includes barred list information). However, schools may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns

### 32.3 Supervised Volunteers

On the whole a supervised volunteer will not require an enhanced DBS check, however, there are certain circumstances where schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on GOV.UK

- Existing supervised volunteers – no requirement to request enhanced DBS check, but you can request one ‘as you think necessary.’ Cannot obtain barred list check as above.

### 32.4 Risk Assessments and DBS checks

The school should undertake a written risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate 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;
- whether the role is eligible for an enhanced DBS check; and

- 32.5 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)

### **33.0 Trust School governors**

- 33.1 Governors in Trust schools are required to have an enhanced criminal records certificate from the DBS. 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.
- 33.2 Governors in Trust schools do require a section 128 Direction check, which is a check to ensure an individual is not barred from being involved in the management and governance of a school.

## **APPENDIX 1**

### **Online Checks**

From 1<sup>st</sup> September 2022, in accordance with Keeping Children Safe in Education, schools and colleges should consider undertaking online checks as part of the due diligence within the recruitment process. This means that shortlisted candidates **may** be checked and, in all cases, candidates who have been issued with a conditional offer, will be subject to an online check.

All candidates will be informed via the job advert/recruitment information pack that online checks may be completed on shortlisted candidates. Any issues identified will be discussed with the candidate during the recruitment process. Information will be kept securely regarding unsuccessful candidates and in line with our GDPR obligations, for 6 months, after which it will be disposed of securely.

Whilst it is recognized that online checks need to be undertaken, the Trust have taken the decision that this must be done in a reasonable and proportionate way, so as not to become an unmanageable burden in terms of the administration of such checks, as part of the overall vetting process.

The scope of the checks in this Trust will be:

- **Duration**: Search to consider a reasonable past history – to look at what is reasonably available, without becoming onerous or overly time consuming.
- **Sites checked**: Google search plus social media platforms (see below)
- **Scope**: Online checks are not a fishing expedition and are not concerned with any protected characteristics such as sex, sexual orientation, race, religion or belief, disability. The checks are to fulfil the Trust's statutory and safeguarding obligations.

Checks are concerned with identifying whether there is evidence of offensive or inappropriate behaviour, jokes or language, discriminatory comments, inappropriate photos, drug or alcohol misuse and anything that suggests the applicant may not be suitable to work with children or young/vulnerable people.

- **Who**: Checks will be undertaken by the HR Team (who do not form part of the recruitment panel)

This form **may** be completed for shortlisted candidates, and in all cases for candidates who have been issued with a conditional offer, for any positions in our Trust.

The form will be completed by the HR team and if any concerns arise, they will be discussed with the HR Manager or HR Director. If checks are undertaken prior to interview, the concerns will be relayed to the Chair of the recruitment panel, who will consider how to discuss the concerns with the individual, as part of the interview process. If checks are conducted following conditional offer, any concerns identified will be relayed to the head teacher or CEO. Guidance will then be provided by the HR team.



<b>Post Title:</b>	<b>Candidate name:</b>	
<b>Date of Interview:</b>	<b>Date check completed:</b>	
<b>Name of Site Searched</b>	<b>Results:</b>	
	<ul style="list-style-type: none"> <li>• Does not have account</li> <li>• Account is private</li> <li>• Public account and no concerns</li> <li>• Concerns noted (provide details and dates – take screen shots)</li> </ul>	
Google search (inc News tab)		
Facebook profile		
Instagram		
Twitter account		
YouTube		
Tiktok		
LinkedIn		
Any Other Comments:		
<b>Next Steps</b>	1. Checks Clear – No further action (file) 2. Concerns Identified – <ul style="list-style-type: none"> <li>• discuss with HR Manager/Director</li> <li>• Share appropriate information and guidance with Chair of Recruitment Panel (prior to interview)</li> </ul>	