



# Recruitment and Selection Policy

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Together we **Exceed**



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## 1. Introduction

- 1.1 The Exceed Academies Trust Recruitment Policy covers the main stages of the recruitment and selection process such as reviewing the vacancy, job description and employee specification, advertising, short-listing, assessment and selection, conducting pre-employment checks, appointment and induction.
- 1.2 The purpose of this document is not only to provide guidance on the key elements of the recruitment and selection process, but to also help deter people from applying who are unsuitable to work with children and young people. It is essential that safeguarding and promoting the welfare of children and young people is a significant factor to consider as part of the recruitment and selection process. This is because it is a key part of creating safe environments for children and young people.

## 2. Scope of the Policy

- 2.1 This policy applies to all employees including teachers, support staff, casual workers, volunteers, agency staff, contractors and consultants. This is a non-exhaustive list.
- 2.2 This document provides guidance to managers responsible for recruiting on the various stages of the process of what their responsibilities are.

## 3. Aims of the Policy

- 3.1 The aims of the document are to help Exceed Academies Trust schools to ensure that they:
- meet their statutory obligations by making sure that they adhere to all relevant legislation;
  - promote equality of opportunity and are able to attract and retain a workforce that reflects the community it serves;
  - employ the best candidate for the job, irrespective of race, gender, marital status, disability, religion/belief, sexual orientation, age etc;
  - ensure that all recruitment is compliant with safeguarding guidance, with clear links to child protection policies and procedures, making them better able to identify, deter or reject people who might abuse children, or whom are otherwise unsuitable to work with them;
  - ensure the most cost effective use is made of resources in the recruitment and selection process.

## 4. Relevant Legislation

- 4.1 Relevant legislation includes:
- Equality Act 2010
  - Work and Families Act 2006
  - EU Directive 2000/78/EC on Equal Treatment in Employment and Occupation
  - The Maternity and Parental Leave Regulations 1999
  - The Data Protection Regulations

4.2 Collectively these Acts prohibit discrimination in employment (including the recruitment and selection process) on any of the following grounds:

- Gender
- Marital status
- Family status
- Disability
- Race
- Nationality, national or ethnic origin
- Religion or belief
- Sexual orientation
- Age

## 5. Disabled Applicants

5.1 Discrimination is unlawful, unfair and represents significant waste of human potential. Schools are encouraged to demonstrate they are responding to the needs and expectations of the society and community in which they operate by delivering best practice recruitment and selection, which enables disabled people to be treated fairly.

5.2 All members of a selection panel are expected to be able to identify and avoid direct and indirect discrimination, harassment and victimisation.

5.3 Section 60 of The Equality Act (2010) dictates that managers can not ask questions about health or disability prior to job offer or during an interview, except in certain specified circumstances. One of the exceptions to this rule is that managers can ask a question to find out if a disabled person needs a reasonable adjustment during the recruitment process itself, or for monitoring purposes, which is used to record the diversity of applicants and employees.

## 6. Reasonable Adjustment

6.1 The Trust has a legal duty to make reasonable adjustments to any practice, provision or criterion or to physical feature of the premises to ensure a disabled person has the same access (as far as reasonable) to everything involved in obtaining and carrying out a job. It is best practice to request that applicants inform managers about any adjustments required (to the application form or the assessment/interview) by telephone or on a separate document / covering letter that does not contain any information relevant to deciding whether to short list the application.

6.2 This, along with the monitoring form (if applicable) should be kept separate from the rest of the information an applicant provides. The easiest way to make sure the information about reasonable adjustments and equality monitoring is not used in the wrong way (i.e. by excluding a disabled person from the application process) is to take steps to ensure that the short listing panel do not see this information before making their decision. Failure to make reasonable adjustments to ensure all steps of the recruitment process are barrier free could result in legal and reputational risk.

6.3 Managers are not required to do more than is 'reasonable'. When deciding on whether an adjustment is reasonable, consideration should be given to how effective the change will be in avoiding the disadvantage a disabled person would experience without the change, as well as cost (considering the availability of financial support such as Access to Work), practicality, school resources and school size.

## 7. Access to Work Scheme

7.1 Access to Work is a government scheme that is available to help overcome obstacles resulting from disability. It offers practical help in a flexible way that can be tailored to suit the needs of an individual in a particular job, by giving advice and information to disabled people and through grants towards any extra employment costs that result from a person's disability.

7.2 If managers have a disabled employee or want to recruit someone with a disability, they should contact the local Disability Employment advisor (DEA) through the nearest Jobcentre Plus Office. The DEA will put managers in touch with an Access to Work Adviser.

7.3 ATW can help in a number of ways. For example, it can help pay for:

- Communicator support at interview
- A support worker
- Special aids equipment
- Adaptation to premises or to existing equipment
- Help with the additional cost of travel to, or in, work for people who are unable to use public transport.

7.4 The ATW Adviser will speak to both the employer and the employee to arrive at the most effective solution.

7.5 It is usually the employer who arranges to purchase the agreed support and then claim back the grant from ATW.

## 8. Responsibilities as a Recruiting Manager

8.1 The responsibilities as a recruiting manager are to ensure that:

- The Trust's policy on recruitment & selection is complied with
- The basis of the contract to be offered has been determined
- Relevant legislation (for example Equality Act 2010) is complied with
- All decisions are based on evidence gained through the selection process

8.2 In all aspects of your process, managers need to ensure that:

- They encourage a wide range of candidates
- Procedures and practices are fair, thorough and not discriminatory.
- They treat all candidates with dignity and respect, giving them the opportunity to present their skills and experiences effectively.

## 9. The Vacancy and Apprenticeships

- 9.1 A vacancy is an opportunity to look at the needs of the school and where necessary, redefine a post so that these needs can be met more effectively. Managers should consider whether any vacancies would be suitable for an apprentice in accordance with the Public Sector Apprenticeship Targets Legislation 2017. The Trust is subject to legislation that requires the employer to employ an average of at least 2.3% of staff as new apprentice starts over the period 1 April 2017 to 31 March 2021. Managers should seek advice from HR regarding recruiting apprentices and accessing apprenticeship levy funding.
- 9.2 Managers should also give reasonable consideration to making changes to physical conditions, supervision, training or job descriptions which would create better job/career opportunities, for people such as those with disabilities, maternity returners, young people, and people with other special needs.
- 9.3 All posts in the Trust are eligible for job share requests, subject to agreement by the Headteacher and in line with the needs of the school.

## 10. Job Descriptions and Employee Specifications

- 10.1 A job description and the employee specification are the key documents in any recruitment and selection process. It is good practice that recruitment and selection be based upon properly drawn up job descriptions and employee specifications. Selectors must therefore use these as an integral part of their procedures.
- 10.2 The job description must be clear and reasonably concise and should be a fair representation of the post. It is not necessary or desirable to attempt to produce a highly detailed and definitive description of the post concerned. Therefore, the job description should not just be a list of tasks but should also outline the responsibilities and accountabilities of the role as far as possible.
- 10.3 Before the specification is used for recruitment purposes it should be reviewed and agreed by all members of the selection panel. If the post is a new one, the job description and employee specification must also have been graded accordingly (for support staff).
- 10.4 It is recommended that the following standard statement should appear in all employee specifications.
- “Candidates should indicate an acceptance of, and a commitment to, the Trust’s policies in relation to equality, safeguarding and promoting the welfare and children”.**
- 10.5 When drafting a job description, managers should focus on what is to be achieved in the role, rather than how it will be achieved.
- 10.6 Managers should make every attempt to ensure the job description and person specification contains only the requirements the role needs, avoiding unnecessary or minor requirements which could discriminate against disabled people.
- 10.7 When considering asking for specific qualifications, it may be more appropriate and inclusive to consider requesting a particular skill level instead.

## 11. Selection Panel

- 11.1 The selection panel has the responsibility for appointing the person who best matches the employee specification and meets the requirements of the role.
- 11.2 The panel must also ensure that all relevant employment legislation and school policies are followed and that the selection process is managed in an equitable and courteous manner. Each panel should have a Chair acting as an appointing officer who is normally the person responsible for the management of the whole process.
- 11.3 It is good practice that all members of the selection panel are involved in the whole process from the outset, agreeing the job description and employee specification, the method of recruitment, short-listing and finally interviewing and selecting.
- 11.4 The panel is responsible for agreeing documentation and for producing the recruitment information pack, which is sent out with application forms. Before preparing the advertisement it is useful to determine the outline of the selection process and to arrange the dates when short-listing and interviewing will take place as these dates should be included in the text of the job advertisement.
- 11.5 Staff and governors involved in the interviewing process should preferably have completed training in Disability Awareness to reduce the risk of discriminatory attitudes affecting the selection process and decisions made.

## 12. Other Appointments

- 12.1 **Temporary Staff:** Anyone involved in the appointment of temporary staff should ensure that they apply the same high standards of selection to temporary appointments. There must be an assessment against the criteria in the employee specification and a proper selection process should take place.
- 12.2 Members must be sure that the applicant is suitable to appoint and should only appoint an existing temporary member of staff where they are the best person available to fill the job, taking into account the aspirations of other employees. Public advertising is recommended as the fairest method of attracting applicants and filling vacancies.

## 13. Advertising and Attracting Candidates

- 13.1 The aim of recruitment advertising is to attract the right person for the job and to promote the Trust as an interesting and attractive place to work.
- 13.2 Managers should compose advertisements in a way which makes them as attractive as possible to candidates of all ages, sex, ethnic origin, disability etc. Re-state your commitment to equalities in the advert or information pack. Managers must not state or imply that a job is unsuitable for a disabled person (either generally or with a specific impairment) or imply that reasonable adjustment will not be made. However, managers can advertise a job as open to disabled applicants only or state that you encourage disabled applicants to apply in the advert as Equality law allows employers to treat a disabled person more favourably than a non-disabled person.



13.3 Adverts must be non-discriminatory. Descriptions of jobs must reflect accurately the data set out in the job description and the employee specification.

13.4 Where there is a pool of potential internal candidates, or staff at risk of redundancy, posts may be advertised internally. In all other circumstances, it is good practice to advertise posts externally.

- **Informal channels:** It is best practice not to recruit using word of mouth or from those whose access to job information is by personal association and not open access. The benefits of open advertising are that this will attract a wider pool of applicants and reduce the risk of contravening equalities legislation.
- **Responses:** Applicants should be made aware of the contact point for enquiries by telephone and all application forms sent out must show the closing date, time and to whom the form should be returned.

## 14. Other Recruitment Sources

14.1 **Casual Staff:** It is recommended that where Casual Staff are used, people employed in this way should first go through some form of assessment to determine their suitability for the post. The equality aspects of any such arrangements must be very carefully monitored. School should carefully consider the circumstances in which it may be appropriate to employ staff on a casual basis. The rationale for this may be where the work is occasional or where there is no definite requirement to work a particular number of hours. In the event that managers are unsure about the type of contract that should be advertised and offered, please see further guidance from HR.

## 15. Recruitment Information for Candidates

15.1 This information should strive to encourage suitable candidates to apply and help others to decide for themselves whether completing and returning an application is appropriate. As a minimum, this should include the advertisement, information about the school, job description, employee specification, job information, any relevant code of conduct, and equalities statement.

15.2 It is recommended that candidates are informed that they have the right to bring to the attention of the selection panel any concerns they have about the procedures, especially if they felt that discrimination occurred, or may have occurred, during the process. Candidates may be reminded that panel members are also glad of any positive feedback.

## 16. Application Forms

16.1 Application forms should be used for all appointments. All forms, whether complete or incomplete, must be considered by the selectors. The panel must arrange to have completed applications for use in the final selection process. CVs should not be accepted as applications as they can make fair comparison at short-listing difficult to achieve and are not in line with safeguarding requirements.

16.2 Applicants may require information in a different format, for example in large print, as an audio file etc. All staff involved in the recruitment process should be aware of their duty to accommodate such a request.



## 17. Closing Dates

- 17.1 Closing dates and response arrangements should be clearly indicated on the advertisement, on the application form and in any covering letter.
- 17.2 Managers should ensure that applicants are aware and understand what will happen after their application form is received (e.g. timescale/notification of rejection/feedback).

## 18. Short-Listing

- 18.1 All members of the selection panel should be equally involved and contribute to the short-listing process, otherwise selectors have advisory status.
- 18.2 The use of a matrix system for short-listing will assist managers to be systematic when short listing for vacant posts. The matrix is based on the employee specification.

## 19. Assessment

- 19.1 When drawing up a short list, managers must assess applicants solely against the employee specification criteria. Managers should only shortlist candidates who fully meet the requirements of the role and, who from the application form at least, appear to be suitable to appoint.
- 19.2 Selectors must draw up their shortlist systematically, measuring the candidate's experience and qualities methodically, against the employee specification. The candidates' experience, qualities, qualifications etc must be carefully assessed against the employee specification and copies of the selectors' assessment placed on file.
- 19.3 Managers should test out only those criteria assessable from a screening of the forms at this stage. It can be helpful if the employee specification identifies when the criteria would be assessed e.g. from the assessment form, at interview or in a test.

## 20. Consistent Practices

- 20.1 Selection criteria must be applied consistently to all candidates.
- All application forms should be processed in exactly the same way.
  - The same criteria should be adopted for both internal and external applicants.
  - Beware of short-listing known candidates especially those within the section/workplace for the sake of interview experience or to meet their heightened expectations.
  - Never take account of pressure to shortlist a particular candidates, which can potentially be discriminatory and is unlawful.
  - Ensure all shortlisted applicants receive the same invitation to interview letter/details and supporting material within the same timeframe and ensure the letter contains information on how to inform the panel of any special requirements needed for the day of the interview.

## 21. Rejecting Candidates

- 21.1 It is recommended that managers should include information in the pack about how and when unsuccessful candidates will be notified.
- 21.2 Managers must not change their decision to interview an applicant because they disclose a disability or protected characteristic. Managers should also not change the way they interview them e.g. cutting the interview short, unless the change is to make a reasonable adjustment.
- 21.3 Managers may legitimately reject a disabled candidate if they are unable to demonstrate the appropriate ability, skills or experience (unrelated to their disability) and when another candidate has more suitable skills and experience for the role. Managers may also reject a disabled candidate if their disability makes him/her substantially less suitable for the position even after reasonable adjustments to overcome the effect of the disability have been considered.

## 22. Declaration of Interest or Relationships

- 22.1 Any member of a selection panel should make a declaration if any applicant is a relative or a friend from outside the work environment. Employees/applicants also have a duty to declare any interest that they may have in respect of any aspect of the Trust's business.
- 22.2 It is the recruiting manager's responsibility to ensure that if an applicant declares an interest or relationship with someone in the school/setting, that the person concerned does not take any part in the recruitment process. If the recruiting manager themselves identifies that they have an interest or relationship with an applicant, they must declare this immediately and remove themselves from the recruitment process. If this is not possible, for example in a small school, they should not be part of the decision making process.

## 23. Objectives of the Selection Process

- 23.1 The final selection is not just a test of the candidates. It is also a test of the interviewer's ability to listen, probe, assess - and above all, to be objective and fair.
- To determine each candidate's suitability for the job as measured against the employee specification.
  - To maintain the image of the Trust as a good employer.
  - To select the right person for the job.

## 24. Selection Methods

- 24.1 The interview is the most commonly used method of assessing candidates for appointment but there may be some aspects of the job requirements which cannot be tested in interview and for which different forms of assessment are necessary e.g. presentations, practical activities, specific skills exercises etc.

#### 24.2 Managers should:

- Provide candidates with an outline of the process they will be expected to undertake.
- Be objective; seek to identify each candidate's abilities and potential contribution.
- Set exactly the same standards for all candidates and assess against these agreed scoring ratings/criteria.
- Assess each individual according to their personal capability to carry out the particular post. It should not be assumed that certain kinds of candidate are more or less able to perform certain occupations or duties.
- Always focus on questions related to the job and to those requirements set out in the employee specification.

24.3 It is important that selectors are aware of cross-cultural communication issues such as language, culture and non-verbal behaviour which may affect candidates from varied backgrounds and/or cultures.

24.4 The questions to be asked at the interview should, therefore, be well thought out and decided upon beforehand. As far as possible, the same questions should be put to all the candidates in order to avoid treating one candidate less favourably than another. However, it is possible to ask supplementary questions of the candidates which will be specific to the individuals.

24.5 The venue for interviewing candidates needs to be convenient and accessible, with disabled parking facilities. Managers should also consider whether the venue has disabled toilets and whether the rooms being used for the process are accessible.

## 25. Testing

25.1 Certain occupational tests must only ever be used by trained and qualified administrators. Poorly designed tests may leave the employer open to allegations of unfair procedures and practices where they are not validated against job related skills and linked to the employee specification criteria. Selection tests of any kind must be free of unjustifiable bias, relevant to the job and reasonable adjustments must be made to enable disabled people to participate and compete on equal terms. It is good practice to inform candidates when inviting them to interview, that they will be undertaking a test, give a brief outline and explain how to inform the interview panel if they require reasonable adjustment(s) to be made. If they chose to not inform the interview panel prior to the day but is apparent once they arrive for the test, managers are still obliged to make any adjustments which are reasonable. However, managers do not have to adapt a test to the point where it no longer tests whether someone would be able to do the job or not.

25.2 The use of psychometric (or personality profile) tests requires professional expertise within the selection process and it is recommended that they are not used as a "cut-off device" to reject candidates.

## 26. Decision Making

- 26.1 Relevant and objective selection criteria should be used, and it should be clear from the documentation how the final decision was reached. Scoring records will also be useful if the decision is later challenged on the grounds of discrimination.
- 26.2 The final decision must be based on the job description and employee specification using agreed criteria and defining the standards required to perform the job. Each candidate must be measured against these benchmark requirements. A disabled candidate's ability should be considered after reasonable adjustments have been made. It is good practice to involve the candidate, by discussing adjustments within the interview process, rather than assuming or guessing what would be effective / appropriate.
- 26.3 Members must ensure they have sound and accountable reasons why all candidates were not selected at any stage and take into account all the evidence they have collected. The selection panel should normally unanimously agree their final selection and formally record this. Where there is no ideal candidate, managers should consider whether it may be better to re-advertise the post rather than offering the role to the second best candidate.
- 26.4 Managers should record reasons for rejection based on the employee specification requirements. All selection assessment records should be handed to the Chair of the panel. Although data protection regulations do not specify any particular retention periods for selection data, personal data should not be kept longer than necessary for the purpose for which it was processed. The retention times should be based on business needs, but it is advisable that applications and interview records should be kept for reasonable period after notifying unsuccessful candidates. The period should take into account the fact that an applicant can bring a claim for discrimination within 3 months from the date of the rejection for the role, but also that this time limit can be extended where a Tribunal feels it is 'just and equitable to do so'.

## 27. Confidentiality

- 27.1 Information obtained within the whole selection process must be treated as confidential. All information must be handled sensitively and used only for its proper purpose. Comments about specific candidates' performance must not be revealed outside the process (except, of course, personal feedback to individual candidates where they have requested this).

## 28. Safer Recruitment Practice

- 28.1 This policy complies with guidance on safer recruitment practice. The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

## 29. Training and Monitoring

- 29.1 Managers with a responsibility for recruitment and selection must be aware of their legal obligations under employment legislation.
- 29.2 From 1st January 2010, the School Staffing (England) Regulations (2009) states that the Governing Body must ensure that any person who interviews an applicant for any position or where there is a selection panel established for that purpose, at least one member of that panel or group should have completed the safer recruitment training as approved by the Secretary of State. There is no legal requirement for renewal of this training; managers should therefore consider the requirement for refresher training based on the needs of the recruiting manager.

## 30. Employment Checks

- 30.1 Managers must undertake the relevant employment checks (in respect of Regulations 12 and 24 of the School Staffing (England) Regulations) to establish:
- The preferred candidate's identity
  - Their qualifications: and
  - Their right to live and work in the UK
- 30.2 Employers must act in accordance with the Immigration Asylum and Nationality Act 2006. The Act requires employers to establish the eligibility of people to work in the UK before their employment is confirmed. It is a criminal offence to employ someone who is subject to immigration control and:
- Who does not have current and valid permission **to be in** the UK, or
  - Who does not have permission **to work in** the UK
- 30.3 To ensure that recruitment practices are not discriminatory, all short listed applicants (regardless of their race, nationality, or ethnic or national origin) must be asked to produce original documents as evidence of their right to work in the UK.
- 30.4 Once there is a preferred candidate and before any appointment is made, managers should:
- Take up references from the applicant's current or former employer, following up with the author of the references if there is **anything** that appears to be contradictory or incomplete.
  - Consider asking the candidate's current employer for details of any capability history in the previous two years, and the reasons for this. Governing Bodies of maintained schools must confirm in writing whether or not a teacher at the school has been the subject of formal capability procedures within the last two years and, if so, provide details of the concerns which gave rise to this, the duration of the proceedings and their outcome, if asked to do so by the Governing Body of any maintained school or the proprietor of an Academy School to which that person has applied for a teaching post (Regulation 8A).
  - Consider whether the candidate has the necessary health and mental fitness to teach, including whether any reasonable adjustments are required to enable the individual to provide effective and efficient teaching (as required by the Education (Health Standards) (England) Regulations 2003). Employers should ensure that their recruitment policies and practices comply with the Equality Act 2010 as well as the Education (Health Standards) (England) Regulations 2003.

30.5 When making any appointment, due consideration must be given to the requirements of equalities legislation and to best employment practices. When sharing information, employers should ensure that they act in accordance with the data protection regulations, making sure that the information provided to prospective employers is fair and transparent. It is good practice to make teachers aware that information about performance and capability will be provided to potential employers, when requested. Similarly, when requesting information, employers should explain why information is being sought, what it will be used for and how long it will be retained.

## 31. References

- 31.1 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Employers should seek two references, one of which must be from the current employer and preferably another from a previous employer, unless the candidate has no previous employer in which case references from their university/college tutor (or someone in a similar position of authority) is acceptable. If the candidate already works for the Trust, a reference will be sought from their current line manager. References from friends and family members are not acceptable. It is recommended that references for shortlisted candidates are obtained prior to the interview; however the panel should not have sight of these until they have selected the candidate. The Chair of the panel may have sight of references to ensure that any queries or concerns can be clarified during interview.
- 31.2 If the references provided by the candidate do not cover a period of 5 years' employment, it is recommended references should be sought from previous employers. Verbal references will not be accepted in any circumstances.
- 31.3 Managers will verify references (once opened after selecting the preferred candidate) to check:
- The organisation the referee works for exists
  - The referee's relationship to the candidate
  - The name and job title of the referee match what the candidate has stated
  - The referee was the author of the reference received
  - The information given in the reference (candidate's job title, dates of employment, reason for leaving) match what has been provided in the application form and through the interview and selection process
- 31.4 References should not be sought at an early stage for use as an aid to short-listing.
- 31.5 References should not request details about the candidate's sickness record or disability, in order to ensure that they comply with the Equality Act 2010. Such information regarding the candidate's sickness record should be obtained after interview and for the successful candidate only.
- 31.6 References should be held by the Chair of the selection panel until after the final decision has been made and only at that stage should the reference of the successful candidate be shared with other members of the panel.



- 31.7 The use of references is best restricted to the identification of contra-indicators, in other words information as to why a particular candidate might not be suitable for appointment. If an appointment is not to be confirmed due to “unsatisfactory” references the panel should ensure that the decision is fair and reasonable and based on justifiable grounds.
- 31.8 Where the reference is unclear or hints at concerns, it is advisable to telephone the referee in order to clarify the information. Notes of the telephone conversation should be made.
- 31.9 All employees must undergo vetting by the Disclosure and Barring Service (DBS) **prior** to commencing employment. The DBS helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children.
- 31.10 It is illegal for anyone barred by the DBS to work, or apply to work with the sector (children or adults) from which they are barred. It is also illegal for an employer to knowingly employ a barred person in the sector from which they are barred.
- 31.11 If the candidate has revealed information about a criminal background, the panel must decide whether, in relation to the post in question, the nature of their background is sufficiently serious to justify non-selection for the post. In the event of the panel deciding not to select on the grounds of a declared criminal background advice must be sought from HR before further action is taken.
- 31.12 It is important to note that the possession of a criminal background does not automatically debar an applicant from employment. A risk assessment should be undertaken and documented, to assess the potential risk of employing someone with a criminal background.
- 31.13 All information about previous convictions given by applicants must be treated in the strictest confidence.
- 31.14 Failure to disclose previous offences or pending legal action for posts could lead to the offer of employment being withdrawn.

## 32. Overseas Applicants

- 32.1 Where the individual has lived outside of the UK, further checks may be appropriate, particularly where a DBS check is required. These checks may need to be undertaken by the employer and can include, for example, verifying the individual’s references by telephone and seeking criminal record information from their country of origin. Please seek further advice from the following link: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 32.2 Overseas-trained teachers (OTTs) may be employed to teach in state maintained and non-maintained special schools in England. OTTs are people who have qualified as teachers in a country outside of the European Economic Area (EEA) and Switzerland and have successfully completed a course of initial teacher training which is recognised by the relevant authorities in their home countries.



32.3 The Education (Specified Work and Registration) (England) Regulations 2012 set out the conditions under which overseas-trained teachers are allowed to carry out specified work. The Education (Specified Work) (England) Regulations 2012 allow teachers trained in a country outside of the UK, to teach in state maintained schools and non-maintained special schools in England for up to four years.

32.3 Since 1 April 2012 qualified teachers from Australia, Canada, New Zealand or the USA can apply to the National College for Teaching and Leadership (previously the Teaching Agency) for qualified teacher status (QTS) without undertaking further training or assessment in England. Further information, including applying for QTS, is on the Department for Education website.

### 33. The Four Year Rule

33.1 The four year rule applies to teachers who qualified in countries outside of the EEA and Switzerland except for teachers who qualified in Australia, Canada, New Zealand and the USA. OTTs are allowed to teach in state maintained schools and non-maintained special schools in England as unqualified teachers for four calendar years. However, they are not permitted to teach in pupil referral units (PRUs) until they have been awarded qualified teacher status (QTS). An OTT is allowed to work as an unqualified teacher and the four year period begins on the first day the individual taught in a state maintained school or a non-maintained special school in England and expires exactly four years later regardless of whether the OTT has taught throughout the four year period.

33.2 Teachers who qualified in countries outside the EEA and Switzerland are still subject to the four year rule even if they do not require Home Office permission to work or remain in the UK.

33.3 It is essential that managers make OTTs aware on their appointment that there is a legal limit on the length of time they are allowed to teach without QTS. It is strongly recommended that the following action is undertaken by OTTs either before or shortly after arrival in the UK:

- They arrange a check with UK NARIC to establish whether their home qualifications are equivalent to a UK first degree and also to a GCSE grade 'C' in maths and English (and science if the person is a primary teacher). It is important these checks are carried out at an early stage as some teachers may need to top up their qualifications before they can undertake QTS training and extra time is not available for this purpose.
- They arrange to undertake an employment-based training course leading to QTS by contacting the Teaching Information Line.

### 34. The Position of OTTs After Four Years

34.1 In order to teach after four years, OTTs must have been awarded QTS. OTTs who have been awarded QTS by the end of their four year period become qualified teachers and are allowed to continue teaching subject to UK Border Agency permission if required under the terms of their UK entry.

34.2 It is unlawful for OTTs to continue teaching in state maintained schools and non-maintained special schools in England beyond four years if they have not been awarded QTS. OTTs without QTS may only continue teaching after four years if:

- They have taken statutory maternity, paternity, adoption or parental leave or pregnancy related absences during the four-year period. In such cases, the OTT is eligible for extra time equal to the amount of statutory maternity, parental, adoption or parental leave taken under the Employment Rights Act 1996. For example, if a teacher has taken 34 weeks statutory maternity leave during her four-year period, she is allowed an extra 34 weeks to obtain QTS.
- They are being employed as an Instructor who may fill a teaching post if they have skills, qualifications and experience relevant to the teaching post in question.

## 35. Withdrawing a Job Offer

35.1 All offers of employment must be made on a provisional basis, subject to all necessary clearances being successfully completed. This means that managers are able to legally withdraw an offer of employment should they need to do so. Managers will need to weigh up the information available, and seek advice from HR, before making a decision.

35.2 Managers will need to consider what the appropriate course of action is where:

- The candidate is found to be on a barred list: or
- The DBS Disclosure shows s/he has been disqualified from working with children: or
- An applicant has provided false information in, or in support of, his or her application; or
- There are serious concerns about an applicant's suitability to work with children.

35.3 In relation to serious safeguarding concerns, managers will need to report these to the police and/or DfE Children's Safeguarding Operations Unit.

## 36. Medical Issues

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

- Decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;
- Decide whether an applicant can carry out a function that is essential to the job once reasonable adjustments are in place;
- Monitor diversity among people making applications for jobs;
- Take positive action to assist people with disabilities.

## 37. Review and Monitoring

37.1 At the end of each selection process, those responsible should review the decisions they have made and the procedures used to ensure they are confident that the approach adopted has reflected the Trust's commitment to equality. Managers should be able to justify every decision taken and the process which has been adopted to arrive at their selection.

37.2 A note of the reason for rejection for each unsuccessful candidate must be made on the back of the application form. The reasons should relate to an area or areas of the employee specification.

- The recruitment master file must be kept for a reasonable period and should contain key documentation. This should include interviewer's notes.
- It is always important to review the whole process on completion to ensure equality of opportunity has been observed and to set out, for future exercises, more pro-active steps where candidates from under-represented groups have not applied/or have not performed as expected within the selection process.

## 38. Maintaining a Single Central Record (SCR)

38.1 The Department for Education's (DfE's) statutory safeguarding guidance, Keeping Children Safe in Education, explains that schools must keep a single central record (SCR) to demonstrate that they have carried out mandatory pre-appointment checks. The guidance explains that the SCR must cover:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school. In colleges, this means those providing education to children; and
- for independent schools, including academies and free schools, all members of the proprietor body

38.2 The record must indicate whether or not the following have been completed:

- Identity-name, address and date of birth
- Qualifications-where the qualification is a requirement of the job i.e. those posts where a person must have QTS;
- Evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country;
- DBS—for all those who require a check under the guidance and regulation applying at the time they were recruited;
- Date that the check was evidenced

38.3 As well as recording whether or not various checks have been completed, schools are also required to keep copies of the following documents on staff files:

- Documents used to verify the employee's identity
- Evidence of the right to work in the UK
- Evidence of the required qualifications

## 39. Induction

39.1 A systematic induction programme should be prepared to help the new employee adjust to the new working environment and to become effective in the job as soon as possible. People with disabilities may require particular reassurance and encouragement when taking up employment in a new role and a clearly structured induction programme is helpful to this end.

39.2 The purpose of induction is to:

- Confirm the conduct expected of staff within school;
- Provide training and information about the school's policies and procedures;
- Support individuals in a way that is appropriate for their role;
- Provide individual information about what support and assistance is available, and what reasonable adjustments will be made (acknowledging that these adjustments will be reviewed regularly as needs change);
- Provide the opportunity to discuss any issues or concerns about their role or responsibilities; and
- Enable the manager to recognise any concerns or issues about the person's ability or suitability at the outset and take steps to address these in a timely manner.

39.3 The content and nature of the induction process will vary according to the role and previous experience of the new staff member but should include information about, and written statements, of:

- Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, internet safety and any other relevant child protection or safeguarding procedures
- Safe practice and the standards of conduct and behaviour expected of staff in school
- How and with whom any concerns about any issues should be raised and
- All relevant employee procedures such as disciplinary, capability whistle blowing etc.

39.4 Going forward, line managers have a responsibility to ensure that disabled staff are treated fairly with the same opportunities at work as non-disabled colleagues e.g. equal access to training and development.