

**Honiton Community College
Academy Trust**



**This policy was adopted by the Governing Body of
Honiton Community College Academy Trust
on 20th November 2019 and will be reviewed every 3 years.**

On the 1st December 2012 the Criminal Records Bureau (CRB) merged with the Independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS). This document has been amended to reflect these changes.

**HCC RECRUITMENT AND
SELECTION POLICY**

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1. INTRODUCTION & PURPOSE

- 1.1. This policy is provided for the Governing Body to consider for adoption.
- 1.2. This policy is designed to ensure that people who are unsuitable to work with children, young people and their families, are deterred and prevented from working within the college environment. This policy directly endorses and supports the mandatory guidance in 'Safeguarding Children and Safer Recruitment in Education' Recruitment and selection in colleges must focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.
- 1.3. This policy provides a consistent approach to recruitment and selection of staff and volunteers in the college, integrating equality objectives and providing a framework to assist colleges in meeting their legal obligations.
- 1.4. The Governing Body is the employer of the staff in Honiton Community College Academy Trust and has overall responsibility for staffing matters.
- 1.5. At least one representative from the college ELT and/or governing body with responsibility for recruitment and selection must undertake the Children's Workforce Development Council (CWDC) 'Safer Recruitment' online training or Safer Recruitment and Managing Allegations training as provided by Devon County Council. Ofsted will request evidence as part of their inspections that this requirement has been met. It is college policy for all ELT to have undergone this training as well as key governors.
- 1.6. There is a legal duty on all public bodies to actively promote equal opportunities, eliminate discrimination, promote positive attitudes to disabled people and to take account of disabilities.

2. POLICY STATEMENT

- 2.1. The college is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- 2.2. The college aims to ensure that recruitment effectively and efficiently supports the provision of high quality education to the children of Devon. The college's objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.
- 2.3. No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief.
- 2.4. In adopting this policy the Governing Body is committed to:
 - Developing and promoting the college.
 - Appointing on merit.
 - Being open and transparent.
 - Valuing all individuals involved in the recruitment process.
 - Valuing existing staff and helping them realise their potential.
 - Giving appropriate and proper consideration to all applicants.
 - Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
 - Actively engaging with under-represented sectors of the community where possible.
 - Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
 - Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.
 - Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

3. KEY LEGISLATION, POLICY AND GUIDANCE

This Recruitment and Selection Policy is underpinned by:

3.1 Legislation specifying employment rights:

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002

- Education Act 2002
- Equality Act 2010

3.2 Equality legislation:

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

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

3.2.2 The main types of discrimination set out in legislation are:

- Direct – less favourable treatment
- Indirect – practices that put a person at a particular disadvantage
- Associative – where discrimination takes place against someone who is associated with another person who has a protected characteristic i.e. a person who cares for someone with a disability
- Perceived – where someone is treated less favourable because they are perceived to have a protected characteristic i.e. a certain religious belief, even if that perception is incorrect
- Victimisation – treating someone less favourable because they have made a complaint or allegation of discrimination, or given evidence in good faith, in connection with the Equality Act 2010
- Harassment – unwanted conduct relating to a protected characteristic, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The 2010 Equality Act also provides guidance on Sexual Harassment and Third Party Harassment.

3.2.3 The Equality legislation applies to everyone, including:

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

3.2.4 The Equality Act is supported by a Code of Practice which sets out good employment practice and guidance on how to ensure compliance with legal requirements. Although not legally binding, the Code will be taken into account by Employment Tribunals as evidence of good employment practice. The Code of Practice can be found on the Equality and Human Rights Commission website, and will be amended from time to time.

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

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

3.2.6 It is also unlawful to discriminate against employees, job applicants and trainees because of their age.

3.3 Legislation and guidance for the protection of children:

- Children Act 1989
 - Education Act 2002
 - Children Act 2004
 - Rehabilitation of Offenders Act 1974
- Keeping Children Safe in Education September 2019

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

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

4. SELECTION PANEL

- 4.1 The Governing Body has overall responsibility for all staff appointments in the college. The Governing Body may delegate these responsibilities to the Principal, or a group of governors in the case of a new Principal appointment.
- 4.2 The Principal will normally be expected to lead in determining staff appointments outside the leadership group. The Principal may delegate the responsibility for these matters to one of his ELT in exceptional circumstances.
- 4.3 Prior to the selection process beginning, a selection panel of at least two people and ideally three will be identified. The same people should conduct the whole recruitment and selection process.
- 4.4 The selection panel should, if possible include women and men.
- 4.5 At least one of the members of the selection panel will have successfully undertaken the online or taught Safer Recruitment training programme.
- 4.6 It should be checked that the selection committee members are not related to, or have a close personal relationship with any candidate.

5. ANALYSIS OF POST REQUIREMENT

- 5.1 When a post becomes vacant, an analysis should be undertaken to establish whether the vacancy needs to be filled. If so, the requirements of the post must be reviewed. This will include the working hours of the post, aspects of the role and how they relate to the overall objectives of the college.
- 5.2 The Principal and Governing Body will need to consider the financial implications of creating a new post, or increasing the working hours of an existing post.
- 5.3 All jobs will be considered suitable for flexible working unless Governing Bodies can clearly demonstrate that there is a legitimate reason for not doing so. See college website for Flexible Working Policy.

6. REVIEW/PRODUCTION OF JOB DESCRIPTION

- 6.1 The job description for the vacant post should be reviewed to ensure it reflects the requirements of the post. If there is no job description, one should be produced.
- 6.2 The job description should state:
- The main duties and responsibilities of the post
 - The post holder's responsibility for promoting and safeguarding the welfare of children and young persons, including the extent of the contact the person will have with children and his/her degree of responsibility for them.

7. REVIEW/PRODUCTION OF PERSON SPECIFICATION

- 7.1 The person specification sets out the selection criteria specifying the essential and desirable attributes needed by the successful candidate. These attributes should include:
- Qualifications, experience and any other requirements needed to perform the role
 - Competences and qualities that the successful candidate should be able to demonstrate, including suitability to work with children.

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

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

8. NEW OR AMENDED POSTS

8.1 Any amendments to teachers' job descriptions must be made in line with the conditions of service and the framework of professional standards for teachers as set out in the School Teachers' Pay and Conditions Document.

9 ADVERTISING THE POST

9.1 Where to Advertise

9.1.1 All Principal and Vice Principal posts must be advertised as the Governing Body sees appropriate but, at the very least, should be advertised in a printed publication circulated throughout England and Wales. The advert will contain contact details of a named person for an informal discussion, address, telephone number and email address so that people can contact the college in the way that suits them best.

9.1.2 Consideration should be given to the most appropriate place to advertise the vacant post which may include professional journals, newspapers, community centres, local newsletters, websites (College/Devon Jobs) etc.

9.2 Writing an Advertisement

9.2.1 Advertisements should be appropriate, cost effective and non-discriminatory. They must:

- be based on the details in the job description and the agreed selection criteria in the person specification;
- avoid any gender, age or culturally specific language or implication, e.g. for teaching posts, wording specifically targeting Newly Qualified Teachers must not be used as this may imply that a younger person is required.
- be clear and precise to attract applicants to seek more detail.
- Include the statement: ***"We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment."***
- for schools in Special Measures, must state that applications from Newly Qualified Teachers will not be considered unless Ofsted has expressly stated that NQTs may be appointed;
- give reasons for the appointment being temporary if the post being advertised is for a fixed term or temporary period.

An application pack will be sent out to anyone who enquires about the vacancy. This pack will include:

- covering letter or text containing interview dates
- person specification
- job description
- application form
- staffing information if appropriate
- proposed informal discussion/visit date

10. SHORTLISTING

10.1 All applicants should complete an application form (C.V.s on their own will not be accepted). Enquirers will be invited into the Honiton Community College for an informal discussion.

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

10.3 Shortlisting will be undertaken by all the relevant members of staff.

10.3 Late applications should not generally be considered and not once shortlisting has commenced.

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

10.5 It is unlawful to eliminate applicants from the shortlist on the grounds of:

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

other than where a Genuine Occupational Requirement and/or a Genuine Occupational Qualification apply. These are situations when it is possible to specify the sex, racial background, religion or sexual orientation of the person that you wish to carry out a role, or there is an objective justification for age discrimination.

10.6 The 2010 Equality Act also limits the circumstances when an employer can ask general health-related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions 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 ("intrinsic") 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;
- be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

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

Confirmation letters will then be sent to successful applicants inviting them to attend an interview. The letter will contain when, where and how long the interview will be, who will be on the interview panel and any other methods of assessment. If necessary a map will be provided. Candidates will be advised as to what documents to bring with them and also if they have requested any specific arrangements for the interview.

11. REFERENCES

11.1 The purpose of seeking references is to obtain objective and factual information to support the selection panel's decisions. They should always be sought and obtained directly from the referee, not via the candidate themselves.

11.2 For posts involving contact with children, young people or vulnerable adults, references covering the previous five years' employment history should be taken up on all short-listed candidates, including internal ones. These references should be obtained before interviews take place so that any issues of concern they raise can be explored further with the referee, if appropriate, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that should be the aim in all cases.

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. Further information regarding the candidate's sickness record should be obtained after interview, and for the successful candidate only.

11.3 References for candidates for posts not involving children, young people and vulnerable adults, should be obtained after interview, and for the successful candidate only. This is to comply with The Equality Act 2010, which prevents references being taken that require disability or sickness absence details to be provided prior to interview.

11.4 Full information on the best practice for references can be found as part of the Safeguarding Children and Safer Recruitment in Education document.

12. ASSESSMENT AND SELECTION

12.1 Assessment and selection methods must be relevant, non-discriminatory and cost effective.

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

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

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

All candidates should be notified in advance of test procedures.

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

12.4 Interview

The interview panel will consist of a minimum of two staff members. A detailed record of the interview will be kept. Candidates will be told at interview when they can expect a decision.

Each candidate should be asked:

- the same core set of questions and their answers fully noted. Answers should be probed further as appropriate;
- competency questions to assess personal behaviours towards safeguarding, with outcomes being fully recorded;
- for their form PO7 detailing their full criminal history, and discuss the circumstances of their declarations either at interview or in a separate meeting;

Questions about health must not be routinely asked until after an offer of employment has been made.

Explore the candidate's suitability to work with children as well as their suitability for the post.

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

12.5 Decision making, feedback and offers of employment

- When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate's suitability must be evaluated on the basis that the equipment is in place.
- Each member of the selection panel should score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these should be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.
- The selection panel should agree feedback for each candidate and record whether or not each candidate is suitable for appointment, even if not the first choice candidate.
- Offers of employment should not be made at interview.
- All candidates should be notified of the outcome of the interview as soon as possible. However, the selection panel should wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.
- All candidates must be offered feedback on their performance during the selection process and an explanation of the decision, if requested.
- The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:
 - References
 - Medical fitness for successful candidate only
 - Qualifications
 - An enhanced DBS (Disclosure and Barring Service) check
 - Proof of identity and eligibility to work in the UK

- Membership of any appropriate professional body

Original documents should be produced and a copy of these should be taken and kept on the successful candidate's personal file.

All unsuccessful candidates will be offered feedback on their interviews.

12.6 Records of interviews

The college has a responsibility to maintain a central record for the complete recruitment process for a minimum of 6 months. The following should be recorded:

- assessment and selection criteria used (person specification);
- application of assessment and selection criteria (e.g. application form);
- interview and other selection method notes (e.g. question proformas, test results);
- reasons for decisions made;
- any additional information such as copies of qualifications, PO7 form etc.

All recruitment paperwork relating to the successful candidate must be retained and placed on his/her personal file.

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

13 ELIGIBILITY TO WORK IN THE UK

13.1 Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ someone without entitlement or permission to work in the UK. Section 15 of the Act requires all employers in the UK to make basic document checks on **every** person before they start work to help ensure that they do not employ illegal workers. Employers are also required to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK. Employers incur a fine of up to £10,000 if they employ an illegal employee. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to two years' imprisonment.

13.2 To ensure that recruitment practices are not discriminatory, **all** short-listed applicants, regardless of their colour, race, nationality, or ethnic or national origin, must be asked to produce original documents as evidence of their right to work in the UK. For more information and guidance on appropriate documentation, please see 'Ensuring Eligibility to Work Guidance'.

14 OVERSEAS TRAINED TEACHERS (OTTs)

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

14.2 A points-based system replaced the permit scheme for OTTs in November 2008. For full details on work permits and the points based system then please refer to section 4 in the Ensuring Eligibility to Work Guidance

15. APPOINTMENT

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

- the receipt of at least two satisfactory references (if those have not already been received – see section 11);
- verification of the candidate's identity (original documentation must be seen and a copy taken);
- where appropriate, a satisfactory Enhanced DBS Disclosure (before working unsupervised with children);
- pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
- verification of qualifications (original documents must be seen and a copy retained);
- verification of professional status where required e.g. GTC registration, QTS status (unless properly exempted), National Professional Qualification for Headship (NPQH);
- (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999);
- (for non teaching posts) satisfactory completion of the probationary period
- verification of the right to work in the UK (original documents must be seen and a copy retained – section 13).

15.2 There is a statutory responsibility to give new employees written details of the main terms and conditions of employment within two months of appointment. This is known as the Statement of Particulars. Appropriate Statements of Particulars are available via SIMS.

- 15.3 The type of contract and the terms and conditions of employment must be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this must be written in the contract. Examples of reasons for temporary appointments are available via SIMS.
- 15.4 All employment checks, including qualifications, DBS, identity and right to work in the UK must be placed on a central record at the college. Examples of these can be found on page 48 in the Safeguarding Children and Safer Recruitment in Education document. If any issues arise from a DBS disclosure, the employer will follow guidance from the DBS website.

16. INDUCTION

- 16.1 The statutory induction process will be put in place for all new staff and will start on the first day of employment. A separate statutory programme for Newly Qualified Teachers exists and will be managed separately.

17. PROBATIONARY PERIOD

- 17.1 All staff should be monitored through a 6 month programme. The performance of new staff needs to be rigorously monitored during the probationary period with close attention being paid to learning needs and performance issues. (See Probationary Policy for School Support Staff on the college website).

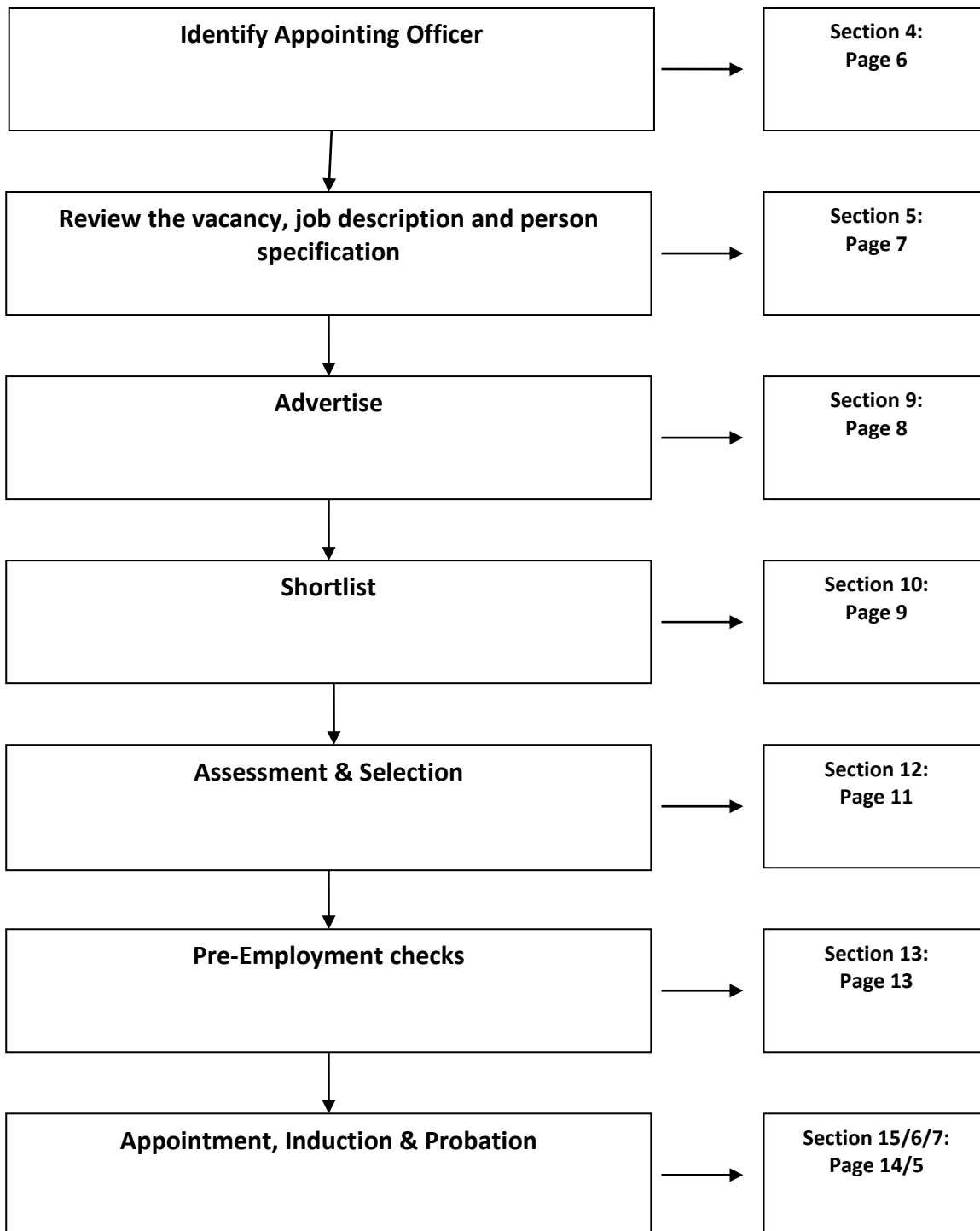
18. VOLUNTEERS

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

19. REMUNERATION

- 19.1 It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g. to take account of current salary levels, experience or qualifications
- 19.2 Teachers' remuneration must be in line with the School Teachers' Pay and Conditions Document.

Recruitment and Selection Flowchart



Managers are advised to use the HCC Recruitment Procedure checklist – Appendix 1



RECRUITMENT AND RETENTION CHECKLIST - Appendix 1

ACTIVITY / STEP	MANAGER RESPONSIBLE	ACTION COMPLETED
<p>PRE-INTERVIEW PLANNING</p> <ul style="list-style-type: none"> • Identify vacancy • Determine whether temporary or permanent post (consult with Principal / Director of Finance / Governors) • Timeline for whole process agreed: two weeks for advert to be 'live', (informal visit date at beginning of this application window) at least 5 days to shortlist, once shortlisting has taken place at least 7 days to send and receive references, candidates invited to interview at least 1 week prior to interview date • Job description / Person specification prepared with safeguarding elements incorporated • Interview panel agreed • Assessment methods and timetable agreed with reference to interview 	GSM	
<p>ADVERTISING</p> <ul style="list-style-type: none"> • Makes clear reference to Safeguarding children • Recruitment pack contains full details of role description, covering letter, date(s) of interview, application form, Job Description and Personal Specification, setting information, details of informal visit prior to interview including dates. 	ELT	
<p>APPLICATIONS AND SHORTLISTING</p> <ul style="list-style-type: none"> • Job description and Person specification used as shortlisting criteria. Notes made and held to support decisions on shortlisting spreadsheet. • Any discrepancies, anomalies or gaps in employment are to be explored and accounted for during the interview and within references. • Shortlisted applicants informed about documentation required at interview. • Detailed plan of the interview including dates and activities sent to shortlisted candidates. To be sent at least one week before interview date. Including candidate application process evaluation form. • Applicants not shortlisted given feedback if requested. 	ELT	
<p>REFERENCES</p> <ul style="list-style-type: none"> • Associate staff positions' permission must be obtained to request references for current employer. • On receipt, references should be checked for discrepancies and explored at interview as necessary. • Questions left blank should be followed-up with 	ELT	

referee verbally.		
<p>INTERVIEWS – SELECTION AND ASSESSMENT</p> <ul style="list-style-type: none"> • At least two interviewers on panel (one being a governor) would normally consist Principal / HOD / Line Manager / Link governor • For robustness, use more than one assessment method and performance rate the job criteria. Suitability to work with children must be measured alongside other criteria. • Check and copy documentation and identity details as appropriate. • Complete interview assessment form. 	INTERVIEW PANEL	
<p>DECISION MAKING</p> <ul style="list-style-type: none"> • Successful candidate offered position verbally (if declined, second candidate may be considered). All unsuccessful candidates thereafter informed. • Must be made subject to satisfactory completion of pre-employment checks and any outstanding references • Job offer may be subject to probationary period • Feedback offered to successful and unsuccessful candidates • Unsuccessful candidates asked if they would like their application forms and other relevant documents returned. • Successful / unsuccessful candidate (s) asked to return evaluation form. • All other documents not returned will be destroyed 	INTERVIEW PANEL	
<p>PRE-EMPLOYMENT CHECKS</p> <ul style="list-style-type: none"> • Minimum of two references, one of which must be from existing or most recent employer. Recommend that where possible references cover the last 5 years work history • Enhanced DBS satisfactory registration number received before start date • Identity, qualifications and Right to Work in the UK confirmed • Health screens as appropriate • All original qualifications checked and copied for file 	JB1	
<p>CONFIRMATION OF OFFER AND START</p> <ul style="list-style-type: none"> • Induction arrangements in place, including: • Job description • Statement of contract terms within 8 weeks • Risk Assessment • New entrant made aware of Safeguarding standards / culture and Code of Conduct • Receives Safeguarding Children training and updates • Induction / probationary periods managed where appropriate. 	JB1	