



## **Argyle House School**

### **Schools Model Recruitment and Selection Policy**

#### **1. Introduction and Purpose**

- 1.1 This policy is provided for the Proprietor and Senior Management Team 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 school environment. This policy directly endorses and supports the DfE mandatory guidance 'Keeping Children Safe in Education' 2016. Recruitment and selection in schools 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 school, integrating equality objectives and provides a framework to assist schools in meeting their legal obligation.
- 1.4 Argyle House Holdings Ltd is the employer of the staff with Argyle House School.
- 1.5 The Proprietor/Head Teacher has overall responsibility for staffing matters in Argyle House School.
- 1.6 The Head Teacher has undergone Safer Recruitment and Managing Allegations training as well as Advanced Child Safeguarding.
- 1.7 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 school 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 school aims to ensure that recruitment effectively and efficiently supports the provision of high quality education to the children of Argyle House School. Our objective in carrying out recruitment is to fill vacancies with people of the highest appropriate quality, drawn from the widest possible ‘pool’, at optimum cost 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 school is committed to:
- Developing and promoting the school.
  - Appointing on merit.
  - Being open and transparent.
  - Valuing all individuals involved in the recruitment process.
  - Valuing our existing staff and help 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.

### 3. **Key Legislation, Policy and Guidance**

- 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
- 3.2 Discrimination legislation:
- Sec Discrimination Act 1975 and SDA (Amendment) 2003
  - Race Relations Act 1976 and RRA (Amendment) 2003
  - Disability Discrimination Act 1995 and DDA (Amendment) Regulations 2003
  - Disability Discrimination (Blind and Partially Sighted) Regulations 2003
  - Employment Equality (Religion or Belief) Regulations 2003
  - Employment Equality (Sexual Orientation) Regulations 2003
  - Gender Re-assignment Regulations 2004
  - Employment Equality (Age) Regulations 2006
- 3.2.1 Discrimination legislation covers all aspects of the recruitment and employment process on the specified grounds of gender, marital status, gender reassignment, race, disability, sexual orientation, age and religion or belief.

- 3.2.2 The discrimination legislation applies to:
- 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
- 3.2.3 These pieces of legislation are supported by Codes of Practice in relation to gender, race, disability and guidelines in relation to age, sexual orientation and religion and belief, that set out good employment practice, and guidance on how to ensure compliance with legal requirements. Although not legally binding, the codes and guidelines will be taken into account by employment tribunals as evidence of good employment practice.
- 3.3 Legislation and guidance for the protection of children:
- Children Act 1989
  - Education Act 2002
  - Children Act 2004
  - Rehabilitation of Offenders Act 1974
  - Safeguarding Children and Safer Recruitment in Education
- 3.4 Legislation, policy and guidance giving rights of access to information including that of all stages of the recruitment process:
- Data Protection Act 1998
  - Freedom of Information Act 2004
  - Equality Standard for Local Government

### **3.5 Types of Discrimination**

The main types of discrimination set out in legislation are:

- Direct – less favourable treatment.
- Indirect – practices that put particular groups at a disadvantage.
- Victimisation – protection of employees or potential employees who have made allegations or brought proceedings under the discrimination legislation.

In addition the above, the Disability Discrimination Act also specifies:

- Disability related discrimination – less favourable treatment for reasons related to their disability.
- Failure to make reasonable adjustments.

Reasonable adjustments must be made if a disabled candidate is placed at a substantial disadvantage 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, working arrangements and terms and conditions of employment.

## **4. Appointing Officer**

- 4.1 The Head teacher has the overall responsibility for all staff appointments in the school.
- 4.2 The Head Teacher will normally be expected to lead in determining staff appointments outside the leadership group.

## **5. Review of Vacancy, Job Description and Person Specification**

### **5.1 Job Analysis**

A job analysis must be undertaken to review the requirements of the post. This will include the working hours of the post, as well as looking at the aspects of the role and how they relate to the overall objectives of the school.

All jobs will be considered suitable for flexible working unless the Head Teacher can clearly demonstrate otherwise.

### **5.2 Job description should be reviewed/produced**

5.2.1 A job description is obtained or produced for each vacancy which must not unlawfully discriminate against any section of the community.

5.2.2 The job description clearly states:

- The main duties and responsibilities of the post
- The individual's responsibility for promoting and safeguarding the welfare of children and young persons.

### **5.3 Person specification is reviewed/produced**

5.3.1 Derived from the requirements of the post the person specification sets out the selection criteria – specifying the attributes needed by the successful candidate. These attributes should include:

- Qualifications and experience, and any other requirements needed to perform the role.
- Competences and qualities that the successful candidate should be able to demonstrate.

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

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

### **5.4 New and changed jobs – Support Posts**

5.4.1 The Head Teacher needs to consider the financial implications if they are looking to create a new post, or increase the working hours of an existing post. This is to ensure that their budgets are able to accommodate the revised staffing expenditure.

5.4.2 The Head Teacher will need to inform the job holder of the outcome or advertise the job in line with the school's recruitment policy. For all appointments in schools, the Head Teacher or designated manager is responsible for notifying payroll.

5.4.3 Existing employees will have a right of appeal against the evaluation outcome.

### **5.5 New and changed jobs – Teaching Posts**

5.5.1 The Head Teacher needs to consider the financial implications if they are looking to create a new post, or increase the working hours of an existing post. This is to ensure that their budgets are able to accommodate the revised staffing expenditure.

5.5.2 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 Handbook.

## **6. Advertising**

### **6.1 Where to advertise a vacancy**

6.1.1 All Head Teacher and Deputy Head Teacher posts must be advertised as the proprietor sees appropriate but, at the very least, should be advertised in a printed publication circulated throughout England and Wales.

6.1.2 Other posts should be advertised as widely as possible unless there are clearly defined reasons.

### **6.2 Writing an Advertisement**

6.2.1 Advertisements should be appropriate, cost effective and non-discriminatory. The advertisement must be:

- Based on the facts detailed in the job description, person specification and the agreed selection criteria.
- Must avoid any gender, ageist or culturally specific language or any implication.
- Clear and precise to attract applicants to seek more detail.

6.2.2 The advertisement must also 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".
- If the post being advertised is for a fixed term or temporary basis then the reason for the appointment being temporary needs to be specified in the advert.

## **7. Short listing**

7.1 Short listing will be undertaken by all section panel members. The panel agree a final short list of applicants to interview.

7.2 Late applications should not generally be considered and certainly not once short listing has commenced.

7.3 Short listing must be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification. See Appendix 2 for a sample template of a short listing grid.

- 7.4 It is unlawful to eliminate applicants from the shortlist on the grounds of:
- disability
  - gender
  - pregnancy
  - sexual orientation
  - religion or belief
  - age
  - 'spent convictions' unrelated to the job
  - race

Other than where a Genuine Occupational Requirement and/or a Genuine Occupational Qualification apply. These are situations where there are situations in which 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 of age discrimination.

## 8. References

- 8.1 The purpose of seeking references is to obtain objective and factual information to support the Appointing Officer's decision. They should always be sought and obtained directly from the referee, not via the candidate themselves.
- 8.2 Ideally, references should be sought on all short-listed candidates, including internal ones, and should be obtained before interview so that any issues or concern they raise can be explored further with the referee, and taken up with the candidate at interview. In exceptional circumstances it might be impossible to obtain references prior to interview, either because of delay on 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.
- 8.3 Full information on the best practice for references can be found as part of the Keeping Children Safe in Education 2016.

## 9. Assessment and Selection

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

Appointment is 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.

- 9.2 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 are likely to 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.

You should notify all candidates in advance of test procedures, and practice tests should be provided where possible.

- 9.3 Assessment and selection of applicants with a disability; Applicants who have indicated on the application for that they have a disability, must be contacted by the appointing officer and informed of the selection process, and checks made of what 'reasonable' adjustments might be require to meet their needs.

The panel should:

- Consist of at least two people, ideally three

- Consist of one person who has successfully undertaken the training programme, “Safer Recruitment and Managing Allegations”
- Consist of the same people throughout the selection process.
- Not be related to, or have a close personal relationship with, any candidate. Such instances must be referred to the appointment officer’s line manager.
- Include members from both genders, where possible, to help ensure confidence in the process.

#### 9.4 **Interview**

- The panel should ask each candidate the same core set of questions and fully note their answers.
- The panel should also ask competency questions to address suitable personal behaviours to safeguard children within the school.

#### 9.5 **Decision making, feedback and offers of employment**

- When assessing disabled candidates, 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.
- Agree feedback for candidates with panel members and record whether or not the candidate is appointable, 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.
- 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 should be made in writing within seven working days and be conditional on satisfactory employment checks:
  - References
  - Medical fitness
  - Qualifications
  - DBS checks
  - Eligibility to work (Immigration and Asylum Act)
  - Check for a Prohibition Order
  - Must sign a declaration that their partner has not been accused of any harm affecting a child/children
  - A check must be made against the European Economic Area (EEA) using the NCTL Teacher Services system.
- If the post involves considerable use of display screen equipment, the Head Teacher should arrange for an eye test as soon as possible after employment.
- Ensure that all new appointees provide verification of qualifications, membership of professional bodies etc. The original documents should be produced and a copy of these should be taken and kept on their personal file.

## 9.6 **Records of interviews**

9.6.1 Records must be retained (for a minimum of six months from the date of advertisement) to include:

- Assessment and selection criteria used
- Application of assessment and selection criteria
- Interview and other selection method notes
- Reasons for decisions made.

9.6.2 Reasons for the decisions taken by the interview panel must be recorded, to be completed and filed by the Head Teacher. This must include details of all the information used to reach a decision.

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

9.6.4 The school has a responsibility to maintain a central record for the complete recruitment process including interview notes, DBS checks and copies of qualifications.

## 10. **Pre-Employment Checks**

10.1 It is important to see original certificates and documentation. Schools must always verify that the candidate has actually obtained any qualifications legally required for the job.

10.2 Any job offer made before all checks have been completed must clearly state that it is conditional on satisfactory results for the outstanding checks.

10.3 A minimum of two written references must be obtained (further details in section 9.7).

10.4 All new appointees must be subject to pre-employment health screening.

10.5 All new appointees must complete DBS checks before working in an unsupervised capacity with children.

## 10.6 **Eligibility to work in the UK**

10.6.1 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 Immigration, Asylum and Nationality Act 2006 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 per illegal employee. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to two years' imprisonment.

10.6.2 To ensure that recruitment practices are not discriminatory, all shortlisted 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'.



10.6.3 All employment checks, including qualifications, DBS, identity and right to work in the UK must be placed on a central record at the school. Examples of these can be found in Keeping Children Safe in Education 2016.

## 10.7 Overseas Trained Teachers (OTTs)

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

## 11. Appointment, Induction and Probation

Conditional Offer of Appointment:

- 11.1 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).
  - Verification of the candidates' identity (if that could not be verified straight after the interview).
  - Where appropriate, a satisfactory DBS Disclosure.
  - Verification of the candidate's medical fitness.
  - Verification of qualifications (if not verified after the interview).
  - Verification of professional status where required, eg 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<sup>th</sup> May 1999).
  - (For non teaching posts) satisfactory completion of the probationary period.

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.

- 11.2 The written Statement of Particulars must be accompanied by an employment pack, to include:
- Details of where collective agreements not included in the statement of particulars can be viewed
  - Job description
  - Health and Safety Policy
  - Justice Through Equality and associated policies
  - Pensions leaflet
  - Policy on proper conduct of business
  - Conduct and Grievance Procedure
  - Computer Security Policy
  - Maximising Attendance and Managing Sickness Absent Policy
  - Acceptable Behaviour Policy.
- 11.3 The type of contract and the terms and conditions of employment must be clear and appropriate for the type of category of job and the needs of the service. If the contract is temporary, the reason for this must be written in the contract.
- 11.4 Support staff within schools should be monitored through a six month probationary period. 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.

12. **Volunteers**

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.

13. **Remuneration**

13.1 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, eg to take account of current salary levels, experience or qualifications.

13.2 Teachers' remuneration must fall in line with the School Teachers' Pay and Conditions document.

