

Safe Recruitment and Selection Policy

Ysgol Llanbedrog



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1. Recruitment and Selection Policy and Procedure

1.1 Purpose

People are our principal asset and it is through their individual and collective performance that our school is able to achieve our overall aim of providing a high quality, cost effective education service to the local community. Good quality recruitment and selection is therefore essential.

All jobs will be recruited to on merit and the selection criteria used will be relevant to the job and promote equality of opportunity.

1.2 Scope

This policy applies to all appointments made by the school.

There are obligations under 'The Staffing of Maintained Schools Regulations 2006' which apply to Head teachers and Deputy Head teacher posts. These obligations and the specific requirements are referred to separately (see Appendix 1).

1.3 Principles

The principles of the recruitment and selection policy will apply equally to all posts, including permanent, temporary, secondments, fixed-term and engagement of supply/casual workers:

- Provide for an open, fair and transparent process.
- Ensure that those appointed to work in the school is subject to a high level of scrutiny prior to appointment.
- Support working towards a diverse workforce that reflects the local community.
- Attract high quality candidates for positions.
- Provide equality of opportunity.
- Enable the selection of candidates objectively based on merit using appropriate assessment measures.
- Ensure the appointment of candidates at the right time.

1.4 Roles & Responsibilities

1.4.1 Governing Body Roles & Responsibilities

- Agree the schools staffing structure
- Adoption of a policy and procedure to meet its responsibilities with regards to recruitment and selection.
- Compliance with the Staffing of Maintained Schools (Wales) Regulations 2006 and subsequent legal requirements.
- All staffing matters at the school and should ensure that the school operates safe recruitment procedures and makes sure that all appropriate pre-employment and other checks are carried out on staff and volunteers who work with children in line with the Welsh Government guidance 'Keeping Learners Safe' (October, 2020).
- Ensuring that all vacancies are advertised, internally and/ or externally as appropriate, except in specific circumstances when Headteacher/Governing Body determine restrictions are necessary or legal requirements are applied (i.e. appointment of Headteacher/ Deputy Headteacher).
- Ensuring value for money in expenditure on recruitment.

1.4.2 Headteacher (or designated Manager) Roles & Responsibilities

- Ensure that any decisions to recruit are in accordance with the agreed staffing structure.

- To ensure that the right people are employed at the right time with the right skills.
- Considering whether it is possible for the position to be filled effectively on a part-time, job share or other flexible working pattern basis where this meets the needs of the curriculum and the school.
- Ensure that the school operates safe recruitment procedures and makes sure that all the appropriate pre-employment checks, any other checks are carried out on staff and that staff are fit to carry out their roles (see section 5) in line with the Welsh Government guidance 'Keeping Learners Safe' (October, 2020).
- Maintaining all relevant recruitment and selection records in line with data protection regulations.

1.4.3 Education Officers Roles & Responsibilities

- Providing advice and guidance to the Governing Body and Headteacher on Education matters on the application of the schools' policy.
- Where appropriate, assisting with model questions.
- Supporting and advising Governor selection panels where sufficient notice is provided.

1.4.4 Human Resources Roles & Responsibilities

- Providing advice and guidance to the Governing Body and/or Headteacher on procedural and policy matters on the application of the schools' policy.
- Providing advice to ensure the Recruitment & Selection policy is applied fairly and consistently.

1.4.5 Education Business Centre Roles & Responsibilities

Providing advertisement and recruitment services for primary schools in Gwynedd, which will include the following checks on the successful applicants:

- Verifying the applicant's identity, Proof of Right to Work in the UK and necessary qualifications.
- Requesting references before interview (option given to the school).
- Undertake appropriate Disclosure and Barring Service (DBS) checks.
- Ensuring a teacher or qualifying support staff are EWC registered (Education Workforce Council).

1.4.5 Schools Pay and Contracts Unit

- Providing temporary support with advertising and recruitment services for secondary schools in Gwynedd until a time when the recruitment system is fully functional.

2. Equality

The school is committed to ensuring that all recruitment is free from any form of discrimination against protected characteristics which fall within the Equality Act 2010.

Any of the protected characteristics identified in the Equality Act 2010 will not be used as the basis for shortlisting, appointment or promotion. All employees will be appointed, trained and promoted on the basis of ability and the requirements of the role. Any exception will be by virtue of legislation or an occupational requirement.

Reasonable adjustments will be made for candidates who have a disability e.g. visual or hearing impairment. The Headteacher/ Recruiting manager will ascertain if special arrangements or adjustments are appropriate at any stage of the recruitment process. The Headteacher/Recruiting manager should be aware of the Access to Work

funding which may be available. All applicants will be advised in advance of any tests or assessments to ensure time for adjustments can be requested.

3. Recruitment Procedure - Before selection

3.1 Vacancy Management

When a vacancy arises, the Headteacher should consider the existing staff structure and service delivery needs. Time should be taken to consider whether it is appropriate to recruit to the post or whether there are alternative ways of filling the vacancy including: reviewing current practices; looking to include within current working arrangements; re-designing of the job or the number of jobs.

Approval should be sought from the Governing Body to amend the staffing structure.

All employees and representatives of recognised trade unions must be consulted on any permanent changes to the staffing structures.

3.2 Redeployment and Prior Consideration

Employees within the school who are selected for redundancy and are eligible for redundancy payment, or who are redeployed on medical grounds, will be given prior consideration for a suitable alternative position in the first instance in the school, provided there is a skills match. Prior consideration enables these individuals to be considered before advertising more widely. There will still be a requirement to submit an application or expression of interest and attend an interview to ensure employees have the required skills and experience for the position.

3.3 Job Description & Person Specification

The job description and person specification are essential for effective recruitment and selection as they confirm what the job entails, how and where it fits into the organisation and the personal requirements for it to be performed to a satisfactory standard.

Headteachers and Recruiting Managers must ensure the job description and person specification are up to date and any changes made to school support posts must go through the Job Evaluation process.

The following should be included under main duties/responsibility for posts that involve working with children.

The school is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.

The job description should also clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled.

3.4 Language Requirements

The Welsh Language should be noted as a key skill for all posts, with the exact level of language skills required to deliver the post's requirements - listening and speaking, reading and understanding, and writing - clearly noted in the person specification when advertising.

The Language Specification is expected to be included in every advertisement in accordance with what has been determined for the type of post in the appendix *Language Framework and Job Designation List*.

The Learning and Development Service is willing to offer assistance to determine the appropriate language level for any new post that is created, where it does not fit into one of the categories noted in the appendix *Job Designation List*.

If it is not possible to appoint someone with the necessary linguistic skills after advertising once, consideration can be given to receiving applications from applicants who do not meet the language requirements immediately, but who are willing to commit to learn, on the second advertisement - it will be possible to obtain further guidance on this from the relevant Education Officers. **The Language Specifications of the post itself will not be changed at all when readvertising.**

In such circumstances, the wording that appears in the advertisement will be changed to the following:

We are eager to consider applications from individuals who, possibly, do not currently reach the language level of the post, but the successful applicant would be required to commit to either learn, or develop language skills to the required level of the post within a reasonable timescale. The Council will provide support to achieve this.

In such circumstances, and as part of the appointment process if someone is appointed who does not meet the language requirements, it is expected that an appropriate support and training plan will be agreed and drawn up for the individual in agreement between the relevant Education Officers, the Head of Department and the post-holder, in order to close the gap between the individual's skills and the required skills for the post.

It is the responsibility of the appointing Head of Department/Manager to ensure that they seek advice from the relevant Education Officers about available training as appropriate, and that the individual attends any identified training for them in order to develop their skills. Heads of Department/Managers are expected to monitor the individual's progress as part of performance management and continuous evaluation procedures.

3.5 Advertising

The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in the most cost-effective way. The contents of adverts should be factual and non-discriminatory.

Normally, recruitment advertisements should be placed on the Councils website. The advert will be designed to attract the right candidates for the job, ensuring safe recruitment requirements are adhered to where appropriate. Other advertising media should be considered as appropriate to the vacancy, and where applicable, in line with legislation.

School posts are normally advertised in Welsh (unless otherwise requested by the school), as the ability to communicate through the medium of Welsh and English is essential.

4. Recruitment Procedure - Selection

4.1 Selection - Shortlisting

The Headteacher/Manager/Governors Panel (as appropriate) are responsible for short listing and interviewing candidates in a consistent, objective and non-discriminatory manner. Candidates will be shortlisted based on the essential criteria for the post.

The Headteacher/Manager should ensure that the employment history outlined on the application form does not contain any gaps in employment. If there are gaps identified, this must be clarified with the applicant in writing and recorded on interview records.

Where possible, pre-employment checks outlined in section 5 should also be confirmed and checked at the interview stage.

4.2 Interview

All recruitment will involve interviewing shortlisted candidates, either formally or informally. A Headteacher/Member of the Senior Leadership team will usually be part of the interview panel. An interview panel should select a Chair. With the exception of heads and deputies there is no requirement for governors to form part of the interview panel.

The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children.

Panel members should meet before the interview to:

- Review the assessment criteria in the person specification.
- Review the scoring criteria which the candidates will be assessed against.
- Agree the questions and key responses that are expected in advance, based on the criteria in the person specification.
- Agree the issues to be explored with each candidate at interview, based on information provided, especially any gaps in employment history and any concerns/discrepancies arising from the information provided by the candidate and their referee.
- Agree which panel member will ask each question and that notes will be taken by all panel members to act as a record.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- The candidate's attitude towards children and young people and their suitability to work with children. This should include a specific question regarding Safeguarding, suggestion provided on the interview scoring form.
- The candidate's ability to support the school in safeguarding and promoting the welfare of children.
- Gaps in the candidate's employment history.
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

The panel should also ask the candidate if they wish to declare anything in light of the requirement for a DBS disclosure.

Panel members should confirm that it is appropriate for them to take part in the interview process and that there is nothing that might give rise to the perception of a conflict of interest. The interview panels should ensure that questions are open and non-discriminatory, information seeking and probing and seek evidence to illustrate how the applicant measures against the essential and desirable criteria.

4.3 Tests

Testing can inform decision-making. Assessment centres or selection methods can be used as part of the recruitment process but only on request, if support is required. Any test used should be in relation to the job and be free of bias. Advice is available from Human Resources regarding provision and costs.

4.4. Advice of the Chief Education Officer on the Appointment of Teachers

Where the local authority is the employer, the chief education officer, or his or her representative, is entitled to attend proceedings relating to the selection of any head teacher or deputy head teacher; or the appointment or engagement of an acting head teacher or acting deputy head teacher; or any matter arising in connection with any such appointment or engagement. The governing body must consider any advice offered by the representative. Where the governing body of a maintained school is the employer, 3 and where it has been agreed the local authority has advisory rights relating to the above, the governing body must consider any advice offered.

5. Conditional Offer - Safe Recruitment & Pre-Employment Checks

The Governing Body has overall responsibility for the recruitment process and subsequent appointments, and should ensure that all **safe recruitment** and routine pre-employment checks have been taken up and are evidenced. Safe practice in recruitment means considering and understanding issues relating to child protection safeguarding and promoting the welfare of children at every stage of the process for all people being recruited, including Headteachers and Deputy Headteachers.

The main elements of the process include:

Advertisement & Selection

- Ensuring that all recruitment advertisements include the schools' commitment to safeguarding and that a Disclosure Barring Service (DBS) check is required.
- Checking that the job description and person specification makes reference to the post holder's responsibility for safeguarding and promoting the welfare of children.
- Ensuring the person specification includes specific reference to suitability to work with children.
- Where possible, a face-to-face interview, to explore a candidate's suitability for the post.

Clearance

- Obtaining professional references prior to interview from the candidates most recent employer and character references which include specific questions relating to a candidate's suitability to work with children, e.g. allegations relating to children and/or any disciplinary action taken in relation to their work or contact with children as a result of which penalties or sanctions have either expired or remain in force. If the most recent employer does not involve work with children, a reference should be obtained from the employer by whom the person was most recently employed in work with children. Reference requests should always be sought and obtained directly from the referee and any concerns should be followed up.
- Verifying the successful applicant's identity, Proof of Right to Work in the UK and necessary qualifications/experience. Evidence needs to be kept on file either within the school or employment services for audit purposes.
- Undertaking the appropriate Disclosure and Barring Service (DBS) checks. Reference numbers and date of check should be inputted on to corporate DBS system.
- Scrutinising all information from applicants, questioning and satisfactorily resolving any discrepancies or anomalies and following up any concerns e.g. exploring gaps in employment with candidates through the recruitment process.
- Ensuring a teacher or qualifying support staff are registered with the Education Workforce Council (EWC).
- Ensuring the induction status of NQTs is checked with the EWC and the school is required to notify the EWC of NQTs still in their induction period.
- An Occupational Health Assessment needs to be completed and kept on file.
- Application forms should be kept on file.

The Headteacher is responsible for ensuring these checks are completed and are satisfactory prior to commencing work.

This applies to all permanent, temporary and supply appointments and should be retained on file in school.

Schools have clear responsibilities for safe recruitment as part of their safeguarding duties. Estyn, Audit Wales and the Council's Audit team would normally review that records and evidence of checks are retained in accordance with all appropriate standards as part of their routine monitoring.

5.1 The rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at the school.

5.2 Dealing with convictions

The school operates a formal procedure if a DBS certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- The nature, seriousness and relevance of the offence.
- How long ago the offence occurred.
- One-off or history of offences.
- Changes in circumstances.
- Decriminalisation and remorse.

Advice would normally be sought from the Local Authority (Human Resources or Education). A formal meeting will take place face to face with the Headteacher to establish the facts and a decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Headteacher will evaluate all the risk factors before a position is offered or confirmed.

6. Recruitment and Appointment for Headteacher and Deputy Headteacher Vacancies – Statutory Requirements.

The Governors are required by regulation to adhere to arrangements set out in the Staffing of Maintained Schools (Wales) Regulations 2006 when a vacancy for a permanent Headteacher or Deputy Headteacher become vacant.

Please refer to Appendix 1 for further information.

7. Record Keeping

Accurate and relevant record keeping is very important and Panel members should ensure adequate notes are made at each stage and retained for reference in the event of a later enquiry.

Recruitment information relating to appointments should be kept for 6 months. This should include all notes made at the initial interview stage, all of which should be kept secure and confidential in line with 2018 Data Protection legislation.

8. Probationary Periods

8.1 Newly Qualified Teachers

Newly qualified teachers are required to undergo an induction period of supported development where performance against the Teaching Standards are assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed. NQTs who are not employed on a full-time basis must complete 380 school sessions.

8.2 Support Staff

Headteachers/Managers have responsibility to ensure a newly appointed National Joint Council employee's (i.e. support staff) probationary period is properly managed. This should ensure that the performance of a new employee is monitored on a regular basis. Employees are subject to a probationary period of six months from the date of appointment, and regular reviews should take place. Advice is available from Human Resources and any concerns should be discussed as soon as possible.

9. Volunteers

The school will request an enhanced DBS disclosure for all volunteers and an enhanced DBS disclosure with a Barring List Check for volunteers undertaking regulated activity with pupils at or on behalf of the school.

Under no circumstances will a school permit an unchecked volunteer to have unsupervised contact with pupils.

It is the schools' policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with a school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the school will seek to obtain further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited) to the following:

- Formal or informal information provided by staff, parents or other volunteers.
- Character references from the volunteer's place of work or any other relevant source.
- An informal safer recruitment interview.

Appendix 1 – Headteacher and Deputy Headteacher Recruitment

The quality of leadership provided by Headteachers and Deputy Headteachers is crucial, both within the school, and in the context of a school's relationship with Governors, parents and the wider community. Appropriate selection of Headteachers and Deputy Headteachers is a critical element of effective school development and improvement.

All schools must have a Headteacher, although there is no legal obligation for schools to deploy a Deputy Headteacher. In the absence of the Headteacher, only the Deputy Headteacher can undertake the professional duties of the Headteacher.

Appointment of a Headteacher

The Governing Body must as a first step notify the Head of Education, Education Department in writing whenever a vacancy or prospective vacancy occurs in the post of Headteacher before commencing the appointment process.

Regulations 33 of the Staffing Regulations, requires that the Governing Body of a Voluntary Aided School, where the trustees under a trust deed relating to the school are also trustees of a Roman Catholic religious order, must notify the Major Superior of the vacancy in writing.

The Governing Body must advertise any such vacancy in publications, circulating throughout England and Wales, which it considers appropriate. This includes newspapers, periodicals, journals or by internet advertisement.

However, under the Staffing Regulations, Governing Bodies may choose whether to advertise a Headteacher or Deputy Headteacher if it arises in the following circumstances:

- The vacancy is in a school (new school), which is named in statutory proposals published under Part 2 of the Schools Standards and Framework Act 1998, as one which pupils may attend following the closure of their existing school (amalgamation); and
- A person employed at the new school or the school which is to be discontinued, pursuant to statutory proposals, has expressed the wish in writing to the Governing Body to apply for that post.

If there are other statutory proposals that will come into effect at the same time or similar times, creating or amalgamating other schools maintained by the same local authority, a Governing Body, which has no eligible candidates of its own may consider applicants, without national advertisement who are eligible for such posts in other newly formed or amalgamated schools.

Regional School Appointments Protocol

In order to safeguard consistency across the region, the following protocol has been agreed with all six north Wales Councils for GwE to support the appointment procedures (for primary, secondary and special schools).

1. The Local Authority will liaise with the Senior Challenge and Support Adviser to arrange appropriate support for the appointment procedure.
2. The Senior Challenge and Support Adviser (or their nominee) will attend all professional interviews/assessment centres and offer advice to the Governing Body and Local Authority regarding appointments. The Senior Challenge and Support Adviser (or their nominee) will only attend the formal interview with the Governing Body following a specific request jointly agreed by the Governing Body and the Local Authority.
3. If there is no professional interview/assessment centre, then the Senior Challenge and Support Adviser (or their nominee) will attend the formal interview to offer advice to the Governing Body and Local Authority regarding the appointment.

Welsh Government Guidance on Requirement for Headteachers to hold National Professional Qualification for Headship (NPQH)

The effect of the 2005 Regulations is that to be appointed a Headteacher in Wales candidates need to satisfy the following requirements:

- Have the NPQH qualification or an equivalent under the Mutual Recognition of Qualification regulations 2015
- Be a qualified teacher
- Register with the EWC

Those Headteachers in post prior to 01.09.05 do not have to comply with the requirements. The effect of the regulations is that if a Headteacher, in post prior to 01.09.05 in England, without the NPQH wants to be a Headteacher in Wales, they do not need to comply with the requirements and they can apply as they are specifically referenced in the regulations.

However, if a Headteacher was not in post before 01.09.05 in England, and now wants to be a Headteacher in Wales the position is that they will have to satisfy the requirements and hold NPQH or an equivalent.

Consequently, the Person Specification and selection criteria should include the mandatory requirements for applicants to hold NPQH and Education Workforce Council (EWC) registration.

Selection Panel

The full governing body must establish a selection panel (normally three to seven persons). The selection panel may include persons who are not Governors and it is for the Governing Body to determine whether those panel members may vote. Voluntary aided schools may choose to have the whole Governing Body as the selection panel for Headteachers and Deputy Headteacher appointments.

As best practice, Governors who take part in the selection of candidates for interview should also form the interview panel.

The selection panel is required to:

- Agree a Chairperson from amongst the Panel members. This person cannot be paid to work at the school or with a pupil. The Governing Body can remove the Chair to any selection panel from office at any time.
- Select applicants for interview (Shortlist).
- Notify the Council in writing of the details of the candidates selected for interview.
- Interview applicants.
- Recommend one of the applicants interviewed to the Governing Body for appointment.

Any decision of the selection panel must be taken by vote representing an absolute majority of all members of the panel. Where there is an equal decision on votes, the Chair (or the person acting as Chair for the purposes of the meeting), has a second or casting vote.

If the Council writes to the Selection Panel about the unsuitability of any candidate within fourteen days from the date it received the notification of the names of the short listed candidates, the Selection Panel must consider the Council's views. If that candidate is still interviewed and recommended for appointment by the Panel to the Governing Body, the Selection Panel must respond to the Council in writing and make the Council's correspondence and the Panel's reply available to the Governing Body.

If the Governing Body endorses the recommendation of the Selection Panel it will recommend that person to the Council for appointment.

In the case of Voluntary Aided, Foundation or Foundation Special schools, where the person recommended by the Selection Panel is approved by the Governing Body for appointment and the person meets all relevant staff qualification requirements, the Council must appoint that person.

If the Selection Panel makes no recommendation, or the Governing Body does not approve a recommendation, or the Council declines to appoint the recommended candidate, the Governing Body may re-advertise the vacancy.

At Foundation and Voluntary Controlled schools with a religious character, the Governing Body may take into account any candidate's suitability and ability, to preserve and develop the religious character of the school.

At Voluntary Aided schools with religious character, the Governing Body may give preference to any candidate whose religious opinions and worship are in accordance with the tenets of the religious denomination of the school. At Voluntary Aided schools whose trustees are of a Roman Catholic religious order, the Governing Body may appoint as Headteacher a candidate proposed by the Major Superior of the order without going through the usual procedures for appointing a Headteacher, including setting up a Selection Panel. The Governing Body may not appoint a candidate who fails to meet the qualification requirements.

A Headteacher is barred by the regulations from participating in the appointment of their successor. However, the Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice. If the Headteacher post is not filled, or cannot be filled, prior to the date it becomes vacant, the Governing Body must recommend to the Council a person to act in that position.

Appointment of a Deputy Headteacher

There is no legal obligation for schools either to have Deputy Headteachers, or be limited to just one, and therefore no automatic obligation for a Governing Body to take steps to replace a serving Deputy who leaves his or her post, or announces an intention to do so.

The Governing Body may wish to consider alternatives, such as reorganising management responsibilities within the school or meet any continuing staff resource needs by some other means.

The procedure for appointing Deputy Headteachers is the same as that for Headteachers with the exception of the Local Authorities' right to make representations about unsuitable candidates.

The Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice. The Council also has this right. The Council must appoint the candidate recommended by the Governing Body unless they fail to meet staff qualification requirements.

Where any Deputy Headteacher post will not be filled before the date on which it falls vacant, the Governing Body may recommend to the Council for appointment a person as acting Deputy Headteacher.

The Chief Education Officer's advice on appointments

See 4.4 on the rights of the Chief Education Officer, or his or her representative, to attend all proceedings involving a head teacher or deputy headteacher.

Further information

The documents and publications listed below provide additional information on the appointment of Headteachers and Deputy Headteachers.

Circular Guidance

- Circular No 001/2008 - Mandatory National Professional Qualification for Headship (NPQH) in Wales (www.new.wales.gov.uk)

- Circular No 14/2006 - Revised National Standards for Headteachers in Wales. Regulations
- The Staffing of Maintained Schools (Wales) Regulations 2006.
- The Staffing of Maintained Schools (Miscellaneous Amendments) Wales) Regulations 2007.
- The Governance of Maintained Schools (Wales) Regulations 2005.

Useful shortcuts

- Welsh Government Guidance - Keeping Learners Safe
<https://gov.wales/keeping-learners-safe>
- Education Workforce Council
<http://www.ewc.wales/site/index.php/en/>