



Greenshaw Learning Trust

Recruitment & Selection Policy

This Greenshaw Learning Trust (GLT) Policy applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Human Resources Policy of the Greenshaw Learning Trust

The Greenshaw Learning Trust is the single employer of all members of staff within the Trust's schools and in the Trust central service.

It is the responsibility of the local governing body and Headteacher of each school in the Trust, and of the Board and the CEO for Trust central services, to ensure that this Policy and associated Procedures are adhered to.

In implementing this Policy and associated Procedures the local governing body, Headteacher and school and Trust central service staff must take account of any advice given to them by the GLT Head of HR, the CEO and Board of Trustees. If there is any question or doubt about their interpretation or implementation, the GLT Head of HR should be consulted.

Approval and review:

The responsible officer is the GLT Head of HR.

This Policy was agreed by the Board of Trustees on 16th October 2019

This Policy will be reviewed annually.

The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England & Wales, company number 7633694, registered at Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

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“In its recruitment practices the Trust will treat all potential staff with dignity and respect, valuing the diversity of all, and by doing this appoint the best person for the job.”

1. Introduction

The safer recruitment of staff is the first step to safeguarding and promoting the welfare of children in education. Greenshaw Learning Trust (the ‘Trust’) is committed to safeguarding and promoting the welfare of all students and children in its care. As an employer, the Trust expects all staff members and stakeholders, including volunteers, to share this commitment.

The Trust recognises staff are its most important asset and that the success of the Trust to deliver its objectives depends upon the performance and professional approach of individual members of staff. The trust also believes in promoting diversity and ensuring that difference is recognised and celebrated within the context of fairness and equality.

The Trust is committed to ensuring that the recruitment and selection of staff is conducted in a manner that is systematic, efficient and effective. It is crucial that the process positively promotes the Trust and in turn attracts a high calibre of candidates by providing equality of opportunity.

The principles of Safer Recruitment will be followed throughout this Policy. Further details can be found in ‘Keeping Children Safe in Education’.

The procedure aims to ensure that no candidate or staff member receives less favourable treatment on the grounds of any protected characteristic.

The general principles of this procedure apply to recruitment of all staff. Training is available to staff involved in recruitment and selection and all staff involved in recruitment are expected to attend appropriate training, including Safer Recruitment training. At least one member of the Appointment Committee must have attended the recognised Safer Recruitment training.

The Chair of the Appointment Committee is responsible for implementation of the procedure. No individual should have sole responsibility for the selection decision and therefore there should normally be a panel of 3 people. The panel should be balanced to include both male and female members, and where possible include black and minority ethnic members, or people from other minority groups.

2. Review and approval

This Policy and associated procedures will be reviewed regularly in line with changes to legislation.

Before implementing changes in employment policies and procedures and working and organisational arrangements the Trust will, where appropriate, undertake consultation and negotiation with Trade Union representatives through the JCNC.

3. Responsible persons

The person responsible for this policy is the GLT Head of HR:

- **Jenny Cain. Email: jcain@greenshaw.co.uk; telephone: 020 8715 1078.**

The following people will provide guidance and advice on all procedures outlined within this policy:

- **GLT HR Advisers: Stone King**
Email: lisasaggers@stoneking.co.uk; telephone: 020 7324 3327.

Each school in the Trust will designate a School HR Manager who will be the primary point of contact for candidates and staff within the school raising HR matters and for liaison with the GLT Head of HR with regard to HR matters in the school. For the Trust central service the GLT HR Systems Manager will act as the HR Manager.

Responsibility for the implementation of this Policy in a school in the Trust has been delegated to the Headteacher of the school. Responsibility for the implementation of this Policy in the Trust central service has been delegated to the GLT CEO. (Subject to the GLT Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme placed on the school or service.)

4. Associated Policies, Procedures and Legislation

The following GLT policies and procedures are constituent parts of this Policy:

- GLT DBS Policy

The following Trust policies and procedures are directly related to and complement this Policy:

- GLT Equalities Policy
- GLT Data Protection Policy
- GLT Data Retention Procedure
- GLT Pay Policy

This Policy was also written, in compliance with:

- The Equality Act 2010.
- The Employment Act 2008.
- Fixed Term Staff (prevention of less favourable treatment) Regulations 2002.
- The Equality Act 2010 (Equal Pay Audits) Regulations 2014.
- Section 142 of the Education Act 2002
- Rehabilitation of Offenders Act 1974
- Data Protection Act 2018.
- Education and Skills Act 2008

- Immigration, Asylum and Nationality Act 2006
- Keeping Children Safe in Education

5. Terminology

- The Trust means the Greenshaw Learning Trust (GLT) and all schools and services in the Greenshaw Learning Trust.
- School means a school or academy within the Greenshaw Learning Trust.
- Headteacher means the Headteacher or principal of the school or academy.
- CEO means the Chief Executive Officer of the Greenshaw Learning Trust.
- Trust Senior Leadership Team means the GLT CEO, the GLT Directors of Education and GLT Director of Resources.

6. Applicability

This Policy and its constituent procedures will be applied to all recruitment processes in the Trust as set out here in section 6.

The Policy and procedures are written to make them directly applicable to a GLT school, other than members of the school's Senior Leadership Team and the Headteacher; they should be followed as qualified by the following sections.

For the recruitment of all staff in schools except for the Headteacher and members of the school's Senior Leadership Team, the Policy and procedures will be followed as written:

- The Headteacher may delegate the responsibility of the recruitment process to a member of the Senior Leadership Team.
- The School's HR Manager will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed they will also be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment.

For the recruitment of Senior Leaders, excluding Headteacher's, the Policy and procedures will be followed as written, qualified as follows:

- The Headteacher has responsibility for the recruitment of the Senior Leadership Team; however, Trustees and members of the Governing Body will form the Appointment Committee.
- The GLT Head of HR or the School's HR Manager will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed, the School's HR Manager will be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment.

For the recruitment of Headteacher's, the Policy and procedures will be followed as written, qualified as follows:

- The Local Governing Body with support from the GLT Head of HR has responsibility of the recruitment of a Headteacher; however, given the status of the role, Trustees will also sit on the Appointment Committee.
- The GLT Head of HR will be responsible for the coordination and administration of the recruitment process ensuring the process has been carried out in line with the policy. Once the candidate is appointed, the GLT Head of HR will manage the initial pre-employment checks and will hand over to the School's HR Manager at an agreed point.

When recruiting for a Headteacher, the GLT Procedure for a governors' appointment committee must be adhered to.

For the recruitment of Central Trust staff, the Policy and procedures will be followed as written:

- The CEO and or Director of Resources have responsibility for the recruitment of the central Trust Team; however, given the status of the role, Trustees may form the interview panel.
- The GLT Head of HR will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed they will also be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment.

For the recruitment of a CEO; the Policy and procedures will be followed as written:

- The Chair of the Board of Directors along with the Trustees has responsibility for the recruitment of a CEO.
- Trustees will form the interview panel.
- The GLT Head of HR will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed they will also be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment.

7. Recruitment Arrangements

The recruitment and selection process should not commence until a full evaluation of the need for the role against the Trust's/school's improvement plan and budget has been completed.

The Trust aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about candidates applying for job vacancies within the Trust.

8. Relationships between panel members and candidates

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the

individual's application and avoid any involvement in the recruitment and selection decision-making process.

If it is subsequently discovered that a close personal or familial relationship was not disclosed, the member of staff may be subject to disciplinary procedures

9. Advertising

To ensure equality of opportunity, the Trust will advertise **all** vacant posts and opportunities to encourage as wide a field of applicants as possible. Any advertisement will make clear the Trust's commitment to safeguarding and promoting the welfare of children. All documentation relating to candidates will be treated confidentially in accordance with the Data Protection Act 2018.

Positions will be advertised using the most appropriate and cost effective medium to maximise the number of suitably qualified candidates. This may include local and national publications and websites.

'Keeping Children Safe In Education' recommends that advertisements should include a statement that "the School is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment".

10. Job Descriptions and Person Specifications

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

The person specification is used for job evaluation and therefore it is essential that it clearly identifies the qualifications, skills and experience required for the role.

All roles must be evaluated to ensure fairness is applied.

11. Application Forms

The Trust uses its own application form and all candidates for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all candidates are required to account for any gaps or discrepancies in employment history). Candidates submitting an incomplete application form will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

CVs will not be accepted.

It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for any position in the Trust. All candidates will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

12. Shortlisting

Once the closing date has passed the interviewing panel should meet to agree a shortlist. The Chair must manage the shortlisting process. At least two of the interviewing panel must be involved in creating the shortlist. Candidates should be assessed on the criteria listed on the person specification, which should be assessable from the application forms, or equivalent format.

Each application should be read and assessed to ascertain whether the applicant meets each of the criteria. Decisions should be recorded on the shortlisting grid.

Where an applicant has met the criteria but was not selected for interview their application form may be held on a reserve list for future comparable vacancies within the following six months.

Where an applicant has not been shortlisted they may ask for feedback. Where this is requested brief feedback may be given.

13. The Selection Process

The person specification will help decide the methods that are to be used to select the candidates. Using a combination of methods is the most reliable way of testing the candidate's abilities and will help select the best person for the role.

Although the use of structured interviews is a reliable method of gaining evidence, a combination of methods is the most reliable way of testing an applicant's ability and helping to select the best person for the job. When properly used, objective tests and work samples are accurate predictors of future job success. The person specification will help decide the methods that are to be used to select the best applicant and whatever method is decided upon should be fairly applied. These include:

- testing ability or knowledge by work based tests
- practical exercises
- paper-based ability or knowledge tests
- in-tray exercises
- presentations
- structured interviews
- work placement assessments

- video observations

Candidates should be given advance notice of the selection methods that will be used, including information that issues relating to safeguarding and promoting the welfare of children, young people and vulnerable adults will be covered.

Where required every effort must be made to make reasonable adjustments for candidates with disabilities. Further advice can be sought from the GLT Head of HR.

The purpose of any selection method is to seek further evidence of how the candidate meets the person specification, and to inform them about the job. The chosen methods therefore must be structured around the person specification.

Selection methods should be consistent in their approach and the same areas of the person specification should be explored with each candidate and should cover all criteria.

Evidence must be sought on:

- the equal opportunities criteria either by specific questions or throughout the selection method.
- the candidate's attitude toward children and young people and their ability to safeguard and promote the welfare of children.

The same questions should be used for all candidates, but may be adapted slightly to support a candidate's requirements. The panel may wish to explore some aspects of the applicant's work history in more detail if they feel that it will produce evidence of meeting criteria.

It is important to ask about gaps in employment. Any issues relating to safeguarding and promoting the welfare of children arising out of references that have been received prior to the interview should be explored with the applicant.

Recruitment and selection is a two way process and candidates must be given enough information to make an informed decision about whether they want and can do the job on offer. This information must be given in a consistent manner to all candidates. They should be given an opportunity to ask questions.

14. Interview Notes and Records

A record should be kept of the selection process and should include evidence from the application forms, interviews and tests/assessments. Notes should be taken in a structured interview. These notes will be the basis of the decision so it is important they are accurate and cover all the criteria on the person specification.

Any information in regard to relevant past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if the information has been disclosed on the application form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable. All candidates who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken.

Each member of the interviewing panel should complete an Individual Interview Record for each applicant. Evidence from the application form and tests/assessments should also be kept. The candidates should be judged on how closely they meet the person specification or not.

It is important that interviewing panel members keep enough records to be able to justify their decisions and to assist in giving feedback

15. Final Selection

After all candidates have been interviewed each interviewing panel member should assess the criteria independently using the scoring method shown on the form.

Each candidate should be rated according to the extent they meet the particular requirements of the person specification and not in comparison to the other candidates.

Once all the candidates have been seen and the tests marked or scrutinised the Chair of the interviewing panel must collate the panel's views and together they must reach agreement and arrive at a final score for each applicant. The Chair will record details of the successful candidate on the appointment form.

If more than one candidate is appointable it should be clear what rationale has been used in choosing the preferred candidate.

It is important that interviewing panel members take accurate notes during the selection process as it is vital that the Trust can justify their decisions and demonstrate a fair and robust process has been carried out. The notes are also used to assist in giving feedback to the unsuccessful candidates.

All notes taken during the process will be given the HR Manager. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

16. Communicating the Decision

The Chair of the interviewing panel should decide who will communicate the decision to the successful candidate. This may be the Chair or the HR Manager. When communicating the decision to the candidate it should be made clear that the offer is subject to satisfactory references, medical clearance, and a Disclosure and Barring Check. The offer should be confirmed in writing as soon as possible.

The Chair of the interviewing panel or the HR Manager will communicate the decision with the unsuccessful candidates. Feedback will be offered.

17. References

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Trust. One of the references must be from the applicant's current or most recent employer.

References should be sought on all short-listed candidates, including internal ones. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative.

References will always be sought and obtained directly from the referee. When references are requested, a copy of the job description and person specification should be provided to the referee to allow them to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. When references are requested, a copy of the job description and person specification should be provided to the referee.

No questions will be asked about health or medical fitness prior to any offer of employment being made.

The Trust does not accept open references, testimonials or references from relatives.

All references should be checked to ensure that questions have been answered satisfactorily, and where this has not been the case, the referee should be contacted to provide further information. Any discrepancy between references and the application form should be taken up with the candidate.

18. Qualifications

If the person specification identified a qualification as 'essential' criteria, e.g. Qualified Teacher Status, or Certificate of School Business Management, candidates must be asked for evidence of that qualification and the information must be recorded.

19. Offer of Appointment and Pre- employment Checks

In accordance with the recommendations set out in Keeping Children Safe in Education (KCSIE) the Trust is required to carry out several pre-employment checks in respect of all prospective staff.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Trust's terms and conditions of employment;
- verification of the applicant's identity (if not previously verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Trust considers to be satisfactory;
- for positions which involve "teaching work":
 - i. the School being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (formerly National College for Teaching and Leadership), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the School or which, in the Trust's opinion, renders the applicant unsuitable to work at the Trust; and
 - ii. the School being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Trust or which, in the Trust's opinion, renders the applicant unsuitable to work at the School;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List¹ ;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an Academy;
- verification from the Trust's Occupational Health adviser of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the Trust deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered in order to decide which checks are appropriate. It is however likely that in nearly all cases the Trust will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

Please refer to the GLT Disclosure and Barring Checks Policy.

22. 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 students/children. Therefore, any convictions and cautions that are not eligible for filtering must be declared when applying for any position within the Trust.

DBS (Disclosure and Barring Service) Check (formerly known as CRB Disclosure)

The Trust applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the Trust which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is best practice for a DBS disclosure to be obtained before the commencement of employment of any new member of staff; however, in some circumstances a member of staff may commence employment whilst the DBS application is processing. In these rare circumstances the Trust will carry out a risk assessment to determine if the member of staff can carry out their role unsupervised or supervised until their DBS is processed.

Further information and the Risk Assessment is available in the GLT DBS Policy.

In accordance with the Trust's DBS Policy, routine DBS checks are not required. Ofsted guides that routine checks for staff go beyond legal requirements, represent poor use of resources and are considered excessive. Therefore, schools are not required to carry out checks on a rolling basis and no further checks are required unless a person has a break in service of more than three months.

The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity".

However, the Trust can carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough – i.e. roles which would amount to regulated activity if carried out more frequently.

Staff are obliged to inform the GLT Head of HR, Headteacher or School HR Manager of any relevant cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for candidates with recent periods of overseas residence and those with little or no previous UK residence.

23. Portability of DBS Certificates Checks

Casual staff and any other stakeholders who work with the Trust on a voluntary or ad-hoc basis will be required to register with the DBS Update Service so that the Trust can ensure that DBS checks are kept up to date. The DBS Update Service is free for voluntary staff.

The DBS Update Service is available for all staff. Staff may sign up to the Service for a fee of £13 per annum, which is payable by the applicant. This allows for portability of a Certificate across employers. The Trust will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, i.e. enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued.

Candidates will be able to see a full list of those organisations that have carried out a status check on their account.

24. DBS Certificate

The DBS no longer issues Disclosure Certificates to employers, and therefore staff/candidates must show their original Certificate to the HR Department on receipt.

25. Positive Disclosure

All relevant positive disclosures, regardless of the seriousness of the offence/conviction/charge, are subject to an objective assessment. The Trust's Head of HR must be notified and will consider the magnitude of any DBS disclosures and will advise appropriately and in line with employment law.

Further information and a copy of the risk assessment is available in the GLT DBS Policy

26. Secretary of State Prohibition Orders (Teaching & Management roles)

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that

this will be performed at offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school. A person who is prohibited is unable to participate in any management of an independent school, as a governor on any governing body in an independent school, or be in a management position that retains or has been delegated any management responsibilities.

A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

27. Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All candidates invited to attend an interview within the Trust will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines.

Where a candidate claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

In addition, candidates must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

28. Medical Fitness

The Trust is legally required to verify the medical fitness of anyone to be appointed to a post in the Trust, after an offer of employment has been made but before the appointment can be confirmed.

All candidates are requested to complete a Health Assessment Questionnaire (HAQ) and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The Trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

29. Overseas checks & Certificate of Good Conduct

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff. In addition the Trust/school will undertake such further checks as it considers appropriate in order to verify a person's suitability to work with students due to them having lived or worked overseas prior to being appointed to a position at the Trust/school. This is so that the Trust/school can check whether any relevant events occurred during any time spent outside the UK and consider them as part of the application process.

There is no mandatory period of time spent overseas which requires additional checks to be completed with guidance stating that "such further checks are made as the Trust/school considers appropriate having regard to any guidance issued by the Secretary of State". HR will assess each applicant individually (and record details on personnel files) although the Trust/school will usually undertake an overseas criminal records check if a candidate has resided overseas for a period of 3 months or longer in five years prior to applying for a position in the Trust/school. In some cases it may be deemed necessary to request a criminal records check for each country in which an applicant has lived or worked for a minimum of three months since the age of 18. In addition a criminal record check from the country of nationality will be requested.

The Trust/school refers to the Home Office guidance on what checks are available from different countries. Extra references are requested for candidates from countries which do not provide a criminal record check.

[Appendix B contains the UK Border Agency a right to work checklist that identifies the documents that determine the right to work]

If a certificate of good conduct is requested but not received before the proposed start date then additional references (covering the period of time spent in the particular country) will be requested. These will be assessed along with all other vetting checks to establish if the applicant is suitable to work or whether the start date needs to be delayed until the certificate of good conduct is received. In these instances full details of any assessment will be detailed under the comments column on the personnel file.

Further Information on Certificate of Good conduct is available in Appendix C

It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on every new member of staff or by making assumptions about a person's nationality or right to work in the UK.

It is good practice to keep this document on the member of staff's file. Changes made in 2014 resulted in a reduced list of acceptable documents for right to work checks – removing travel documents, work permits and general Home Office letters from the lists.

The Home Office have specified that all documents which contain an expiry date must now be current (except those showing that the holder is a British citizen, or a national of a European Economic Area (EEA) country).

Copies must be made of the documents seen and should be signed and dated to confirm that the original has been seen and kept on the member of staff's file. You will be asked for this if the Trust has a Border Agency inspection.

If a passport is presented for Right to Work (RTW) purposes, you must also retain a copy of the photograph pages and any visas/stamps in the passport relating to their right to work or residency in the UK.

Where RTW is restricted in some way, usually via a visa/residence permit, a copy of the documents seen should be forwarded to HR with the new starter form. In these circumstances the school is required to carry out repeat checks.

30. Fixed Term and Casual Appointments

There may be occasions when the Trust will require temporary staff, for example to:

- cover for the absence of a permanent member of staff
- cover during maternity leave of a permanent member of staff
- cover a vacancy until a permanent member of staff can be appointed
- provide support for a short period of time
- fill a post funded for a limited period, such as supporting a pupil with a Statement of Special Educational Needs
- employ a specialist for the duration of a project

31. Fixed Term Contracts

A contract is defined as 'fixed-term' where it is clear from the outset that it will end on a specified date, after a certain event or on the completion of a specific task.

The Trust will ensure that there is a clear rationale for offering a fixed term contract. When issuing a fixed term contract it should be made clear under what circumstances the contract will end and give appropriate notice provisions to allow for earlier termination should this be necessary.

Members of staff appointed for a specific task, for example to support a child with a Statement of Special Educational Needs, can be employed on a fixed term contract without an end date being specified. However the reason for the employment and the circumstances in which it will come to an end should be clearly spelt out in the contract.

A fixed-term contract expires on the given date or at completion of the event or task specified without either side needing to give notice.

If a member of staff has at least two years' service they will therefore also have a claim for unfair dismissal if the employer fails to renew their fixed-term contract without a fair reason and without following a fair procedure.

Successive fixed term contracts cannot continue for more than four years. After that time the person would become a permanent member of staff unless continuing with a fixed term contract can be justified, e.g. for reasons of fixed term funding.

32. Employment Rights

People accepting temporary employment do so knowing that it is likely to come to an end when the contract of employment expires. However, the law does not distinguish between temporary and permanent staff in terms of employment rights and people on fixed term contracts must not be treated less favourably by their employer than permanent members of staff.

Staff on Fixed Term contracts have the right to:

- the same pay and conditions
- the same or equivalent benefits package
- be treated fairly on the grounds of race, gender, sexual orientation and religious belief
- Certain maternity rights
- join a recognised trade union
- a written statement of the terms of their employment
- itemised pay statements
- paid holiday
- the opportunity to receive training
- the right to be informed of any relevant permanent vacancies
- not to be unfairly dismissed (after two years' service)
- to a written statement of reasons for dismissal (after two years' service)
- access to the pension scheme (where the fixed term contract is for more than two years)
- to statutory redundancy payments (after two years' service)

15. Continuous Service

If a member of staff is employed on a series of fixed-term or temporary contracts, it is more than likely that their service will be regarded as continuous, even if there is a break in the contracts for school holidays. Additionally, if a member of staff transfers from one school to another, whether within the same LA or not, their service is generally regarded as continuous for the purposes of calculating redundancy payments.

16. Supply/Zero Hour Contracts

A zero hour or supply contract is issued where a worker is employed on a casual or day to day basis. Workers would be called in on a day to day basis, usually to cover short term absence. There is no obligation on the employer to offer work and no obligation on the worker to accept it. The worker is entitled to the basic employment rights.

If a Worker works regularly every week, with no breaks during term time, they will start to acquire employment rights in the same way as other temporary staff and this is not the appropriate type of contract in these circumstances.

THE SAFER RECRUITMENT AND SELECTION CHECKLIST

Stage of Recruitment	Completed by	Date
Planning		
<ul style="list-style-type: none"> •Identify the vacancy and discuss if recruitment is required. 		
<ul style="list-style-type: none"> •Decide and draft the recruitment timetable (ensuring that this allows sufficient time to carry out necessary checks at the appropriate stages), e.g. the date the advert is placed, advert closes, interview dates, appointment start dates. 		
<ul style="list-style-type: none"> •Decide who will be shortlisting for the role and who will be on the interview panel; one of those involved in the interview panel should have been on the Safer Recruitment training. 		
<ul style="list-style-type: none"> •Update the Job Description and Person Specification as appropriate. 		
<ul style="list-style-type: none"> •Ensure that the Job Description and Person Specification include a statement about ‘promoting and safeguarding the welfare of children’ and that the person specification details the following: <ul style="list-style-type: none"> -qualifications required -experience required -qualities/competencies required -DBS check is an essential requirement of the role 		
Advertising		
<ul style="list-style-type: none"> •Decide where to advertise the post ensuring the most suitable and cost effective medium is used. 		
<ul style="list-style-type: none"> •Prepare advertisement, ensuring that you check it includes: <ul style="list-style-type: none"> -The name of the school and logo (plus location details) -Information re the Trust -The post title -The salary -If it is a fixed term or permanent role -If it is a part time or full time role -The qualifications required -The closing date -The anticipated interview date 		
<ul style="list-style-type: none"> •Ensure that the advertisement includes the school’s statement of commitment to safeguarding and promoting the welfare of children and the need for the successful candidate to be DBS checked. 		

Handling applications		
<ul style="list-style-type: none"> •When completed application forms are received ensure that they are recorded as having been received and that they are copied as necessary for the short listing panel. 		
<ul style="list-style-type: none"> •Please remove for the panel any forms detailing the collection of equality and diversity data (e.g. ethnicity details) and store these separately. 		
Shortlisting		
<ul style="list-style-type: none"> •All interview panel members should make a shortlist. 		
<ul style="list-style-type: none"> •A shortlist of candidates should be drawn up based on the criteria listed in the Person Specification (including those criteria relating to the promotion and safeguarding of the welfare of children). It is important that panel members keep these written records for 6 months after the interview process in case of challenge. 		
<ul style="list-style-type: none"> •Scrutinise all the application forms of those candidates considered for shortlisting for any discrepancies/anomalies/gaps in employment. 		
<ul style="list-style-type: none"> •Note down any such discrepancies/anomalies/gaps in employment to explore at interview with the applicant and if necessary through previous employers. 		
Invitation to Interview		
<ul style="list-style-type: none"> •Invite all short-listed candidates to interview, and include details of the arrangements for the interviews: This includes: date, time and location (with map or directions). 		
<ul style="list-style-type: none"> •Candidates should be told how the interview will be conducted and the areas it will explore, including suitability to work with children. 		
<ul style="list-style-type: none"> •Instruct all shortlisted candidates to bring ID to enable the DBS application process to be completed as soon as possible for the successful candidate and proof of qualifications (if required). 		
<ul style="list-style-type: none"> •Ask candidates to make you aware ahead of time if they have any special needs or require any adjustment for the interview process. 		
Checks		
<ul style="list-style-type: none"> •Reference requests should now be sent out for two referees (at least) for each short-listed candidate. If seeking references prior to interview, consent must be given by the candidate. 		
<ul style="list-style-type: none"> •Wherever possible and relevant try to obtain a reference 		

relating to a role in which the candidate worked with children.		
•Check short-listed candidates' 'self-disclosure' and, if necessary, follow-up contents either before or during interview.		
•When references are received, check the contents against the information supplied on the application form, scrutinise for any discrepancies/issues of concern and note down any such concerns.		
•Follow up any issues of concern with referee. Try to ensure that a record of any verbal conversation is kept.		
Interview		
•There should be at least two (ideally three) members of the interview panel. At least one panel member should have undertaken the Safer Recruitment training. The chair of the panel should have the authority to appoint.		
•Any gaps in employment history should be scrutinised and the candidate should be asked about these.		
•Ensure that the questions for the interview are agreed by the panel in advance and that each candidate is asked the same set of questions.		
•At least one question should be to address candidate's attitude and motivation towards working with children and their attitude towards safeguarding.		
•Notes should be taken by panel members throughout the interview.		
•If references have not yet been received, ask the candidate 'if there is anything they wish to discuss/declare in light of the questions put to their referee.		
•Ensure that all the candidates' application forms have been signed.		
•Assess all candidates' interview performances using the agreed criteria, ensuring that such assessment is fair and objective.		
•The chair will complete and sign the appointment form.		
Post Interview		
•Ask the successful candidate to provide proof of ID and qualifications.		
•Keep copies of the documents used to verify the successful candidate's ID.		
•Ask the successful candidate to complete the DBS application		

and health assessment questionnaire (HAQ).		
<ul style="list-style-type: none"> • Retain all the interview notes and assessment materials securely for six months for unsuccessful candidates and indefinitely for appointed staff, in case any aspect of the appointment process is challenged (these can then be destroyed). 		
<ul style="list-style-type: none"> • Make a conditional offer of appointment (first verbally, then in writing) to the successful candidate (conditional upon references, and pre-employment checks). 		
<ul style="list-style-type: none"> • Contact and give constructive feedback to the unsuccessful candidates. 		

GUIDANCE ON ELIGIBILITY TO WORK IN THE UK

Name of person:		
Date of check:		
Type of check:	Initial check before employment <input type="checkbox"/>	Follow up check on an employee <input type="checkbox"/>

Step 1 Obtain

- You must obtain original documents from either **List A** or **List B** of acceptable documents.

1	<input type="checkbox"/>	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or citizen of the UK and Colonies having the right of abode in the UK.
2	<input type="checkbox"/>	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3	<input type="checkbox"/>	A registration certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4	<input type="checkbox"/>	A permanent residence card issued by the Home Office, to the family member of a national of a European Economic Area or country or Switzerland.
5	<input type="checkbox"/>	A current biometric immigration document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6	<input type="checkbox"/>	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7	<input type="checkbox"/>	A current immigration status document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's National Insurance number and their name issued by a Government agency or a previous employer.
8	<input type="checkbox"/>	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9	<input type="checkbox"/>	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10	<input type="checkbox"/>	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 1

1	<input type="checkbox"/>	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
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2	<input type="checkbox"/>	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3	<input type="checkbox"/>	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4	<input type="checkbox"/>	A current immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 2

1	<input type="checkbox"/>	A certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating the holder is permitted to take employment which is less than 6 months' old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2	<input type="checkbox"/>	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a positive verification notice from the Home Office Employer Checking Service.
3	<input type="checkbox"/>	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Step 2 Check

- You must check that the documents are genuine, that the person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering**

1	Are photographs consistent across documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2	Are dates of birth consistent across the documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3	Are expiry dates for time-limited permission to be in the UK in the future, i.e. they have not passed (if applicable)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4	Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for students who have limited permission to work during term times you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed).	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5	Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6	Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained).	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Step 3 Copy

You must take a clear copy of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:

1	<input type="checkbox"/>	Passports: any page with the document's expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
2	<input type="checkbox"/>	All other documents: the document in full, both sides of a Biometric Residence permit.

Know the type of statutory excuse you have

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found to be working with you illegally. However, you need to know whether you have a continuous or time limited excuse, because that determines how long it lasts for and if and when you are required to do a follow-up check.

The documents that you have checked are copied from:

1	List A <input type="checkbox"/>	You have continuous statutory excuse for the full duration of the person's employment with you. You are not required to carry out any repeat right to work checks on this person.
2	List B: Group 1 <input type="checkbox"/>	You have a time-limited statutory excuse which expires when the person's permission to be in the UK and undertake the work in question expires. You should carry out a follow-up check when the document evidencing their permission to work expires.
3	List B: Group 2 <input type="checkbox"/>	You have a time-limited statutory excuse which expires 6 months from the date specified in your positive Verification Notice. This means that you should carry out a follow-up check when this notice expires.

Date follow-up required:

CERTIFICATE OF GOOD CONDUCT

Whilst a DBS check is a check of a criminal record in the UK this cannot currently assess criminal records held overseas. Consequently if candidates have lived outside the UK for more than 3 months in the past 5 years they will need to obtain a criminal records check from **ALL** countries they have lived in during that period.

This is commonly referred to as a **Certificate of Good Conduct**.

Candidates will also be subject to a DBS check; both checks can be carried out simultaneously.

Applying for a Certificate of Good Conduct

The application process for criminal records checks or Certificates of Good Conduct varies from country to country.

Candidates should contact either the Foreign Embassy in this country, the British Embassy in the country concerned or the police station local to where candidates were living at the time, for guidance on obtaining this check.

For further information please visit:

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

Translation and related expenses

- A Certificate of Good Conduct should be issued in English or a certified translation of certificate should be obtained.
- A copy of the receipt should be retained.
- Any costs incurred will be reimbursed by the Trust/school. If receipts are in a foreign currency reimbursement will be payable in pounds sterling.
- Candidates should present HR with a copy of the certificate on receipt and prior to taking up the post.