RESTRICTED

Date last updated	October 2022
Confirmed current	May 2024

DERBYSHIRE LA

RECRUITMENT AND SELECTION POLICY

Palterton Primary School

FOREWORD

The document has been the subject of formal negotiation and consultation with the recognised Trade Unions and Professional Associations.

The guidance and related material were agreed and adopted by the Schools' Joint Consultative Committee.

The Governing Board needs to formally adopt the policy.

It is essential to adopt the policy in its entirety and follow the requirements set out in the Advice and Guidance which provides more detail as well as guidance to Governing Boards.

The Governing Board of any school wishing or intending to adopt an alternative recruitment and selection policy must conduct its own formal consultations. It is also important to share the policy and advice and guidance with staff and report any feedback received to the Governing Board.

The changes can be summarised as follows:

- The document now reflects the expectation outlined in Keeping Children Safe in Education 2022 that schools undertake proportionate and reasonable on-line checks on shortlisted candidates.

- Minor updates have been made to provide further advice on the use of electronic references and on the right to work checks for EU (non UK) citizens who have settled status.

September 2022

Recruitment and Selection Policy

Contents

	Page No
Purpose	3
Scope	3
Volunteers	3
Policy Statement	4
Reviewing the Vacancy	4
Redeploying Existing Employees	4
Workforce Planning	4
Planning the Process	4
Job Description/Job Profile	5
Person Specification/Person Profile	6
Job Evaluation	6
Application Form	7
Advertisements	7
Scrutinising and Shortlisting	7
References	8
Selection Process	10
Offer of Appointment	11
Monitoring and Evaluation	12
Flow Chart	13

RECRUITMENT AND SELECTION POLICY

1. Purpose

It is the policy of this school to achieve a consistent and equitable approach to recruitment and selection which will be used by all Governors, Headteachers and school employees involved in this policy. The purpose of the policy is to set out the school's approach to ensuring it is effectively resourced with staff to meet the school's needs. Throughout the policy the safeguarding of children is given priority and recommendations from the latest DfE statutory guidance document "Keeping Children Safe in Education (KCSiE). The policy aims to deter, identify, and support the school in rejecting people who may be unsuitable to work with children and may present a risk of abuse to children. Safer recruitment practices are considered at every stage of the recruitment process.

In addition to safer recruitment, the policy seeks to eliminate discrimination and promote equal opportunities in employment, thereby enhancing the quality and range of people employed by the school to enrich the education of students. This policy takes account of relevant legislation, case law and best practice in human resource management. This policy is consistent with, and links with other, model human resources policies provided by the Local Authority. The Local Authority has no formal statutory role in the recruitment and selection of staff in schools, excepting that of Headteachers.

The recruitment and selection policy does not stand alone, it is essential to adopt the policy in its entirety and follow the requirements set out in the advice and guidance, which provides more detail of the process as well as guidance to Governing Boards in respect of recruitment and selection matters.

2. Scope

This policy applies to all appointments to be made by the Governing Board to the school's staffing complement. The process may be adapted, as described in relevant sections, where a temporary or internal appointment is undertaken.

The policy needs to be applied in conjunction with other related advice/guidance or policy documents, for example Restructuring and Redundancy Procedure, Single Central Record guidance, requirements relating to Criminal Record Checks, Employees' Subject Access Request, Safer Recruitment and the Governing Boards decisions concerning the delegated powers to committees and the Headteacher. *Any updates to these policies and relevant sections of the Derby and Derbyshire Safeguarding Children Partnership - Derby & Derbyshire Safeguarding Children procedures will need to be reflected in this document.*

3. Volunteers

When recruiting volunteers, the school will apply the stages of the Safer Recruitment process appropriately. This will include providing information, prior to considering the individual for the role, on any criminal records checks that may be made, the school's safeguarding policy and a role descriptor. Currently an enhanced DBS check may be undertaken on a supervised volunteer, a Barred List check and enhanced DBS check

will be necessary for a volunteer who is undertaking 'regulated activity'. This will therefore include an identity check. There should also be an interview/discussion to ascertain the person's suitability to work in a setting with children and any recommendations that can be provided from other settings. References should be sought. Induction, ongoing supervision and mentoring/guidance will be important to ensure appropriate conduct in relation to the safety and welfare of children. Volunteers will be subject to the school's Code of Conduct. *(see also Derby and Derbyshire Safeguarding Children Partnership procedures, chapter on Recruitment and Selection).*

4. Policy Statement

Palterton Primary school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Online checks on shortlisted candidates may form part of the schools safeguarding due diligence, this would include a search of social media and search engine presence.

This statement will be utilised on advertisements, information for candidates, person specifications and job descriptions. It is a requirement that at least one member of each interview panel should have completed safer recruitment training, which covers at least the minimum content prescribed by the DfE document above.

5. Reviewing the Vacancy

When a vacancy occurs the need for the post will be reviewed before a recruitment process is undertaken. This will establish whether the need for the duties and responsibilities of the post still exist, have increased, decreased, or changed in any way, taking into account developments that are predicted or anticipated in the foreseeable future. If a change to the nature of the post is planned, the Governing Board will follow an agreed consultation process to amend the staffing structure.

6. Redeploying Existing Employees

Existing employees at risk of redundancy or subject to redeployment, protection of earnings or buy out of hours issues must be considered for suitable vacancies which match their skills. It is recognised that retaining such employees captures their existing knowledge and experience and, where appropriate, avoids the expense, delay and potential risk of taking on a new employee.

7. Workforce Planning

The school will take an active approach workforce planning, in seeking to develop employees to potentially fill any gaps which arise, as colleagues move on or when the schools staffing needs change. Succession planning will benefit both individuals and the school by increasing skills and experience.

8. Planning the Process

Once it has been determined to recruit to a vacant post, a panel will be set up in accordance with the Governing Board's policy.

The selection panel will:

- Agree the panel member(s) responsible for scrutinising the applications, for inconsistencies and gaps, prior to short listing and references prior to interview. This member to also receive notification if any applicant has declared a criminal conviction.
- Agree a timetable with panel members.
- Review the job description and person specification and ensure any necessary re-evaluation of grade, salary and conditions of service is undertaken when necessary.
- Draft the advertisement and covering letter or delegate this to one member.
- Plan the methods of assessment to be utilised during the selection process.
- Consider whether it would be appropriate to invite external advice or support from the Local Authority, or a trade union observer to attend for monitoring of equal opportunities.

A selection panel will always be of at least 2 people, preferably a minimum of 3.
For the recruitment of a Headteacher, Deputy or Assistant Headteacher the selection panel must consist of at least 3 Governors. Specific advice will be obtained whenever the appointment of a headteacher is undertaken.

The members of the selection panel will, wherever possible, be:

- appropriately trained, one member at least holding the 'Safer Recruitment Training' certificate.
- available for all stages of the process.
- balanced in respect of race, gender, etc.

9. Job Description/Job Profile

The job description will describe the purpose, scope, duties and responsibilities of the job. The existing job description will be checked for accuracy regardless of the type of job, and for support staff alongside the Job Family Role Profile(s) before a new post holder is recruited. This is to check that the duties, responsibilities and grading of the post are still correct, conform to the parameters of the role and in line with the School Staffing structure and in accordance with the Restructuring and Redundancy Policy

For support staff, the emphasis of the Job Family is to focus on a group of similar jobs, rather than individual jobs. A Job Family considers how many levels of that type of work there are and describes the key factors that differentiate one level from the next and can be used to provide a clear structure for defining how individuals may progress and develop, as well as providing a tool to allow managers to put the right people in the right job.

Each level in a particular Job Family is differentiated by changes in accountabilities, technical knowledge and skills expected at each level. It can be used to identify and understand the work expected at each and where individual roles fit against each level.
The appropriate level of responsibility for the safeguarding and welfare of children must be included in the job description for all posts, not just with direct responsibility for children.

In terms of recruitment, the job and person profile format should be used rather than the previous 'job description', other than for those posts which are not Single Status posts.

The job description will provide the basis of the selection procedure along with the person specification. The appropriate level of responsibility for the safeguarding and welfare of children must be included in the job description.

10. Person Specification/Person Profile

Every post will have a person specification. It will be reviewed along with the job description and, for support staff the job family role profile before recruitment is undertaken. The person specification may identify both essential and desirable criteria which are required to perform the duties of the post. The skills, attitudes and expertise required for the level of responsibility for the safeguarding and welfare of children must be included in the person specification. The selection panel will use the person specification at both shortlisting and interview.

The person specification should indicate how the requirements of the post will be tested and assessed during the selection process.

11. Job Evaluation

Grading and designation of posts:

All teachers are required to meet the National Standards for Teachers but for specific posts of responsibility additional standards/criteria apply as follows:

- Leadership Group - Headteacher Standards (2020) which are non-statutory and intended as guidance to be interpreted in the context of each individual headteacher and school. They are designed to be relevant to all headteachers. School's pay policy and STPCD.

- Posts of Responsibility for Teachers - The criteria for the award of Teaching and Learning Responsibility (TLR) payments, in line with the school's pay policy and staffing structure.

- Pay Policy criteria and guidance in the STPCD for the award of allowances for Special Education Needs – for teachers in relevant circumstances.

Support Staff Roles:

Following the implementation of Single Status in schools all support staff jobs in Local Authority maintained schools are allocated into a job family and evaluated using the Hay Job Evaluation scheme adopted by the Local Authority (LA). Where schools have adopted the Single Status scheme, job and person profiles are evaluated by the LA and awarded a points score in relation to common work elements, of knowledge & skills, problem solving, accountability and additional work elements. Each element is scored on a separate matrix to arrive at a grade for the post. This enables the school and authority to operate a fair and equal pay structure. Schools should seek HR

advice when identifying benchmark roles or school support staff posts. (see Advice & Guidance for further information in relation to job evaluation when support staff roles are changed).

12. Application Form

All applicants will be required to complete all sections of the relevant standard application form. *(Insert here whether CVs will also be accepted for some posts, they must not be accepted instead of application forms).* Most posts will also require the submission of a covering letter of application.

13. Advertisements

For all posts advertised, either internally and externally, consideration will be given by the panel to where the post should be advertised, in addition to the Local Authority media. In circumstances where attracting good quality candidates from diverse backgrounds is not easy, the school will explore other ways of publicising vacancies which might appeal to potential candidates. In order to secure the best possible candidate to fill a vacant post and to provide equal opportunity to all potential applicants, posts will be advertised externally. In certain circumstances, particularly where staffing reductions are required, only an internal advert may be placed in the first instance. Also, where there is no vacancy, but it has been decided to incorporate additional temporary or permanent allowances, or promoted posts in the staffing structure, an internal advertisement will be placed. Consideration will be given by the panel as to where the post should be advertised in addition to the Local Authority media. Only essential elements of the person specification will be included in the advert, not desirable criteria. The school's safer recruitment policy statement will appear in the advert. Only genuine occupational qualifications will be included. Advertisements for Headteachers *or Deputy Headteachers (schools to decide whether to include deputy posts as well, in the interests of attracting the best candidates)* will be placed in the electronic media, except where the Governors secure confirmation from the Local Authority (for Maintained Schools) that the situation is one where this may not be required.

14. Scrutinising and Shortlisting

After the closing date and prior to shortlisting taking place, the delegated panel member will scrutinise all application forms.

Discrepancies, anomalies or concerns identified will be considered during shortlisting and further investigated prior to interview. If the candidate is selected for interview, they will be explored during the selection process, in accordance with Safer Recruitment. Gaps in a candidate's employment history or reasons not given for leaving previous posts will be noted for exploration at interview. Shortlisting decisions will be recorded.

At shortlisting the qualifications, experience, knowledge and skills of the candidate will be assessed against the essential and desirable criteria of the person specification. The following principles will be followed:

- All members of the panel will be involved in the shortlisting.
- Shortlisting will be based only on the information contained within the application form and letter or arising from scrutiny.
- The criteria will be consistently applied to all applicants. Advice from the Schools HR Advisory Service should be sought where an applicant indicates a disability. Such applicants can anticipate an invitation to interview if they meet the essential criteria. It is advisable that schools receive support to ensure the shortlisting process is robust.
- Applications will be measured against the selection criteria and not other applications. Any applicants who do not meet the essential criteria should not be shortlisted.
- Selection criteria may be weighted to recognise more important aspects.
- Unless it is one of the criteria for the post, the application form should not be used as a test of literacy.
- Where the Equality Act may apply to the applicant, further advice will be sought in applying the shortlisting criteria to ensure such applicants are invited to interview where appropriate under the legislation.
- Any requirement for formal qualifications will be linked to the requirements of the post. Candidates will not be given priority, nor discriminated against, because they hold a higher qualification than specified.
- The reasons for selecting or rejecting candidates for shortlisting will be recorded.
- Applicants who are not shortlisted will be notified as soon as possible.
- A critical re-appraisal of the original documentation will take place if a sufficient field is not secured before re-advertisement.
- If an applicant declares a criminal conviction during the application process the Chair of the panel should discuss how this should be handled with the Schools HR Advisory Service.

15. References

References will be taken up prior to interview. Wherever possible, adequate time will be allowed between shortlisting and interview in order for references to be scrutinised. If, in exceptional circumstances, references are taken up after the offer of an appointment has been made, the selection panel will ensure that the references are obtained, scrutinised and any concerns resolved before the appointment is confirmed.

Applicants will be asked to provide the details of two referees. One referee will be the applicant's current or most recent employer. If the applicant is working in a school, then the reference must be sourced from the Headteacher and signed. If the applicant is not currently working with children but has done so in the past, details will also be requested of that employer. References will be requested from work based addresses. If references are emailed, then secure transfer of data must be ensured, and the source verified. No open references or testimonials will be accepted, nor references from relatives or people solely in the capacity as friends.

Referees will be supplied with a copy of the job description and person specification (for support staff roles, job and person profile) and will be asked:

- about their relationship with the candidate (e.g. how long they have known the candidate and in what capacity).

- whether the referee is satisfied that the person has the ability and is suitable to undertake the post.
- how the candidate has demonstrated that they can meet the requirements of the person specification.
- whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, details will be requested of their concerns.
- for teachers, the referee will be asked to state whether the candidate has been subject to Formal Capability (professional competence) procedures, within the last 2 years, and to provide details where this is the case.

In addition, the applicant's current and/or previous employers will be asked the questions recommended in the guidance on Safer Recruitment from the DfE, in Keeping Children Safe in Education. (See Appendix 2– Advice & Guidance for sample reference questionnaire)

The referee will be informed that they have a responsibility to ensure the accuracy of the reference and that it does not to the best of their knowledge, contain any mis-statements or omissions, relating to the requirements of the person specification/job description and/or reference questions. They will also be informed that the content of the reference may be discussed with the applicant. (See Appendix 4 - Advice and Guidance for advice on employees' records & references). It should be noted that outgoing references, and those for internal transfers, will be open to inspection on request by the employee.

The nominated panel member will scrutinise the references before interview and seek clarification were necessary. The referee(s) will be asked to confirm any additional information in writing, or the panel member should record the information and send to the referee for their confirmation. If this is not forthcoming, the panel member should sign and date the record along with any other panel member or colleague who witnessed the call.

Any issues arising from the references, or inconsistencies between the information contained in the application and in the references, will be taken up with the applicant during the interview.

Information concerning absence, of the candidate **who has received a conditional offer** only, will be requested from the current (most recent) employer after the interview process. In order to fulfil the school's responsibility to determine whether successful candidates have the physical and mental capacity for the role, where there are grounds for concern, a referral to Occupational Health, in addition to the medical questionnaire completed by all prospective employees, should be arranged. Where the information requires discussion with the candidate, this will be arranged before employment is confirmed. The School may take HR advice on the provisions of the Equality Act 2010 Where such a discussion is held with the provisionally selected candidate who has declared a disability, this will include identification of any reasonable adjustments that may be relevant.

Information provided about past disciplinary action or allegations, which would only relate to harm to the safety and welfare of children, will be considered in the circumstances of each individual case and will not automatically rule out an applicant

before the selection procedure. Allegations that were found to be unsubstantiated, unfounded, false, or malicious will not be included in references.

As part of safeguarding due diligence, you should also consider carrying out an online search on shortlisted candidates. The search, which should only be undertaken on candidates who have been shortlisted, may help identify any incidents or issues that have happened and are publicly available online which you might want to explore with the applicant at interview. See Advice & Guidance.

The selection criteria based on the person specification and job description must be applied to all candidates equally and fairly.

For the issue of an individual's access to view their reference please see Appendix 4 - Advice and Guidance.

16. Selection Process

Candidates shortlisted for interview will, wherever possible, be given at least 7 days written notice of the procedure. Candidates will be informed what selection procedures will be included in the recruitment process and approximately how long it will take. Candidates will be asked to bring all relevant documentation to verify qualifications and form of identity to the selection procedure. They will also be asked to bring, in a sealed envelope, a list of any convictions, spent or otherwise, they may hold, and any sanctions imposed by a regulatory body. Arrangements will be made to copy the documentation of the successful candidate for retention on file.

Candidates should be asked if they have any specific requirements that need to be taken into account. Where necessary, advice will be sought in relation to making adjustments under the Equality Act 2010.

The selection process for people employed to work with children should always include a face-to-face interview, even if there is only one candidate. The interview will assess the candidate against the job requirements and explore their suitability to work with children. The content of the questions will be planned by the panel beforehand and will reflect the guidance on Safer Recruitment from the latest DfE in Keeping Children Safe in Education and in safer recruitment training.

If, for whatever reason, references were not available before the interview, the candidate will be asked if there is anything they wish to declare or discuss as a response to the questions that will have been put to the referees. They will be informed that the appointment will not be confirmed until responses to the range of checks and references have been received.

The panel may then need to reconvene to discuss any issues arising from the references or online checks with the preferred candidate.

Candidates will be asked if they would require any adjustments to carry out the role. Where an intrinsic part of the job requires a significant amount of manual handling, for instance, it is legitimate for the panel to ask about the candidates' experience and skills in relation to fulfilling this aspect of the roll.

17. Offer of Appointment

The successful candidate will be verbally informed of the intention to offer them the post. It will be made clear that this does not constitute a formal offer of appointment and that a number of checks are required before such an offer can be made. Any written communication will also make this clear. Information on health and attendance will now be requested from the current employer of the candidate who has received a conditional offer of employment. Arrangements will be made to discuss this information prior to confirming the employment where relevant.

Detailed information on the range of checks required, including for internal appointments, is available in the LA advice on the Single Central Record and Disclosure & Barring checks. The 'Disqualification' check, for relevant employees only, is carried out by the school.

When an offer of employment is made it should be made clear to the successful candidate that the offer of employment is conditional upon receipt of a satisfactory employment clearance, this will include an enhanced DBS disclosure. The disclosure will contain details of all spent and unspent criminal convictions as this post is exempt under the Rehabilitation of Offenders Act 1974. At this point the candidate should be given the opportunity to disclose any relevant information that they wish to discuss prior to the receipt of the enhanced DBS.

As already outlined above, successful candidates will be required to complete a medical questionnaire, which may be followed by an appointment with Occupational Health, where this is appropriate in order to ascertain their fitness for the role and any reasonable adjustments that may be necessary. Arrangements will be made to discuss this information prior to confirming the employment, where relevant. In particular, the school will explore with a candidate for a teaching post any information that calls into question their potential fitness and capability for the role. Where this information raises any concerns about the candidates' suitability, the school will contact their HR provider for advice.

In the event that the candidate does not take up the appointment any decision to offer the appointment to a second choice candidate will be taken by the whole panel. Unsuccessful candidates will be advised as soon as possible after the interview. Feedback will be offered after the recruitment process to all applicants. All documentation relating to the selection process will be retained for 12 months.

Whenever possible, the panel will review the process and communicate any learning points to the wider group of those undertaking recruitment for the school.

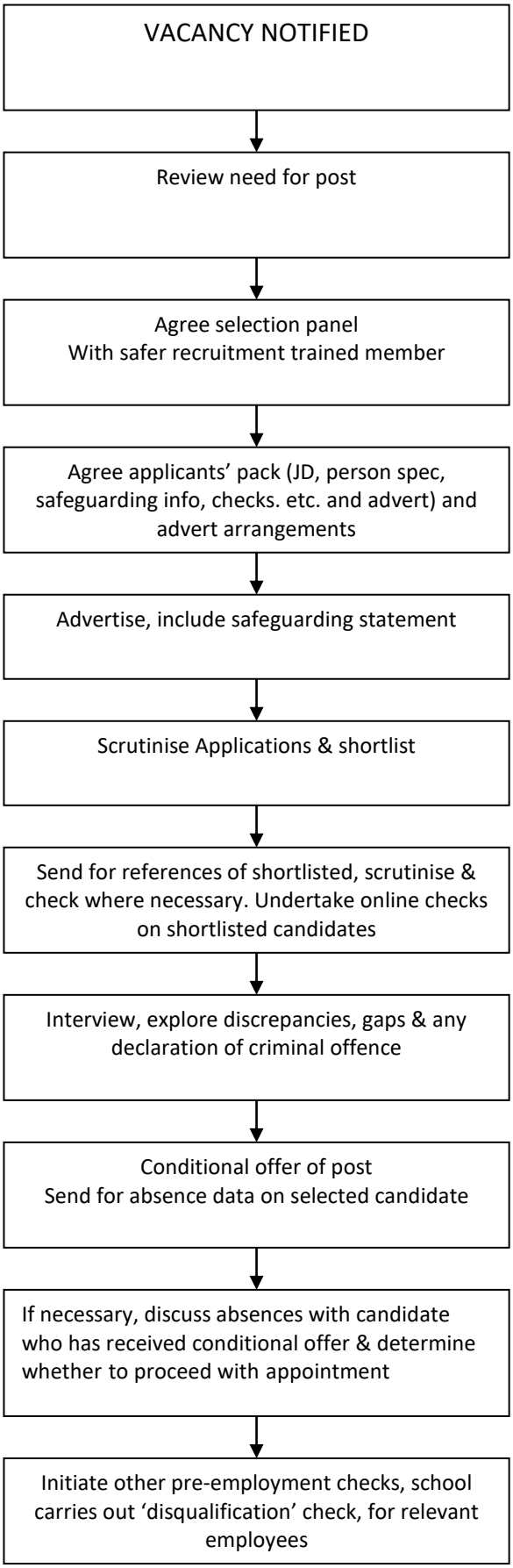
18. Monitoring and Evaluation

This policy will be monitored through:

- Feedback from applicants.
- Staff turnover – reasons for leaving.
- Feedback from selection panels.
- Reflection from Headteacher on effectiveness of appointments.

- *When the school/academy has access to the equalities monitoring data, the Governing Board will compare with the LA's data to consider whether the school/ academy should address any areas of potential discrimination identified. From time to time the Local Authority may conduct an analysis of equalities monitoring information. The school will co-operate with any such initiative and take on board any conclusions.* (*How frequently the recruitment monitoring information is collated, compared to benchmarking data and analysed will depend on the size of the school and staff turnover).*

This policy will be reviewed every _____ or when changes in legislation, best practice indicate/dictate.


VACANCY NOTIFIED
Review need for post
Agree selection panel
With safer recruitment trained member
Agree applicants' pack (JD, person spec, safeguarding info, checks. etc. and advert) and advert arrangements
Advertise, include safeguarding statement
Scrutinise Applications & shortlist
Send for references of shortlisted, scrutinise & check where necessary. Undertake online checks on shortlisted candidates
Interview, explore discrepancies, gaps & any declaration of criminal offence
Conditional offer of post
Send for absence data on selected candidate
If necessary, discuss absences with candidate who has received conditional offer & determine whether to proceed with appointment
Initiate other pre-employment checks, school carries out 'disqualification' check, for relevant employees

RESTRICTED

DERBYSHIRE LA

RECRUITMENT AND SELECTION ADVICE & GUIDANCE

Palterton Primary School

Recruitment and Selection Advice & Guidance

Contents

	Page No
Introduction	1
Safer Recruitment	1
Policy Statement	1
Safer Recruitment Training	2
Legislation • Equality Act 2010 • Immigration & Asylum and Nationality Act 2006 • General Data Protection Regulation 2018 • Local Govt Housing Act 1989	2
Staffing Review	4
Planning the Process • The Selection Panel • The Job Description • The Person Specification • Job Evaluation for Support Staff Roles • Application Form	4
Advertising Vacancies	8
E-Recruitment	10
Applicants Information Pack	10
Scrutinising and Shortlisting	11
References	12
Online checks	15
Selection Process	16
Assessment	17
Interviews	17
Examples of Other Types of Assessment	19

Decision making 20

After the interview 21

Feedback 21

Audit 21

Pre-Employment Checks 22

- The Immigration and Nationality Act 2006
- Disclosure and Barring Service Check
- Disqualification Check
- Medical Clearance
- Checking of Qualifications and Professional Status
- Checking Identity

Monitoring and Evaluation 25

Equalities monitoring 25

Exit interviews 25

Appendix 1 Other relevant documents 27

Appendix 2 Model Reference Pro forma 28

Appendix 3 Guidance on Positive Action in Recruitment & Selection 32

Appendix 4 Advice On Employees' Records & References 35

1. Introduction

The aim of the policy is to enable schools to achieve a consistent and equitable approach to recruitment and selection. It is intended for use by all governors, Headteachers and school employees involved in this procedure.

Throughout the policy the safeguarding of children is given priority and it incorporates recommendations made following the report by Sir Michael Bichard. The policy advises schools on processes that help deter, reject or identify people who might abuse children or are otherwise unsuited to work with them. Safer recruitment practices are considered at every stage of the recruitment process.

In addition to considering safer recruitment, this policy seeks to eliminate discrimination and promote equal opportunities in employment thereby enhancing the quality of the education that the school provides to its pupils. The policy also aims to promote the understanding of best personnel practice, relevant legislation and policy.

This document links with all other Authority policies, advice and guidance available to schools that relate to the area of recruitment.

This document should be made available to all staff and governors who take part in recruitment and selection procedures within the school.

If further advice, guidance or clarification is required schools should contact Schools HR Advisory Service, email: Schools.HRAdvisory@derbyshire.gov.uk

2. Safer Recruitment

Safer recruitment practice means thinking about and including issues of child protection, safeguarding and the welfare of children throughout the process, starting with planning.

Such practices will lengthen the time needed to fill a post; however, it is vital to allow enough time for important tasks to be meaningfully undertaken. Interview panels should always be prepared not to appoint to a post rather than making an appointment where concerns exist.

3. Policy Statement

In accordance with safer recruitment practice each school should have its own recruitment and selection policy statement. The statement should also link to the school's child protection policy.

Example –

'This School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

The statement should be used on all literature associated with recruitment including:

- Advertisements.
- Information for candidates.
- Person Specifications.
- Job descriptions.
- Covering letter.

4. Safer Recruitment Training

Safer recruitment face to face on-line training has been developed as part of the response to the Bichard Report. It is currently required that at least one member of the selection panel has passed the training and it is strongly recommended that the headteacher and one governor undertake this training before undertaking any recruitment and selection. Since September 2014 schools are not restricted to securing safer recruitment training from only those who were trained by the DfE however it is strongly recommended that schools utilise accredited trainers as referenced below. The minimum content of the training is detailed in KCSiE and schools should ensure that any training they access covers these areas and meets their particular requirements. The DfE set up a national consortium to draw up a replacement for the original certified training and this is being delivered through the Lucy Faithful Foundation, who have accredited trainers to deliver their workshop materials, and the NSPCC, who are providing on-line training.

Schools should take particular care that the training is sufficient and meets their needs, if accessing training from providers other than these. It is important to consider the safer recruitment training in conjunction with other safeguarding training, ensuring the links are made and that within their portfolio the school benefits from some inter agency training and that those attending share learning with colleagues. Ideally, staff attending a mixture of workshop and on-line training will enable colleagues to share the benefits accrued from both methods. It is strongly recommended that staff/relevant governors renew/refresh their Safer Recruitment training after a maximum of 5 years.

5. Legislation

All governors, Headteachers and school employees involved in the recruitment and selection process should be aware of their responsibilities under the law to behave in a non-discriminatory manner. There are a number of key areas of legislation relevant to recruitment and selection.

These are:

Equality Act 2010

This act largely consolidates previous legislation but also includes some new ‘protected’ characteristics of employees. The total protected characteristics now comprise:

- Age.
- Disability.
- Gender Re-assignment.
- Marriage and civil partnership.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

The Act makes it illegal to discriminate against a person, in relation to one of the protected characteristics, when making recruitment decisions.

Public bodies have a duty to show due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not. There is also a duty to foster good relations between people who share a protected characteristic and those who do not.

The Immigration, Asylum and Nationality Act 2006

This act makes it an offence to employ a person with no immigration entitlement. More information can be found in the section on pre-employment checks below.

General Data Protection Regulation 2018

The recruitment and selection process necessarily involve an employer in collecting and using information about workers. Much of this information is personal in nature and can affect a worker's privacy. The Act does not prevent an employer from carrying out an effective recruitment exercise but helps to strike a balance between the employer's needs and the applicant's right to respect for his or her private life. (see Information Commissioner's Office publication 'The Employment Practices Code' part one, Recruitment and Selection.)

Local Government and Housing Act 1989

This stipulates that every appointment of a person to a paid office of employment with a Local Council "shall be made on merit".

The Act also designates certain posts as 'politically restricted'. Politically restricted posts are those for support staff remunerated at SCP 48 and above on the Derbyshire Pay & Grading Structure. For posts at this level it is a condition of employment that the postholder does not stand for election to Local Authority (excluding Parish Council), the House of Commons or European Parliament, hold an office in a political party or act as an election or sub-election agent for a candidate for election. Nor are they allowed to canvass at elections or speak or write publicly with an apparent intention to affect public support for a Political Party. An employee is also given the right to appeal this decision. Further advice can be sought from Your HR Advisory Service Provider.

6. Staffing Review

On every occasion the school should consider whether the post should be filled on a like-for-like basis and if staffing review would be beneficial. The following points should be taken into account.

- Are there any other material factors that affect the post, i.e. predicted falling pupil numbers/budgetary constraints?
- Have any reforms/initiatives altered the nature of the post?
- Have workforce reforms/remodelling/other initiatives altered the nature of the post
- Are the duties of the post still required?
- Could duties be reallocated/should they be included in this post/could other duties be included in this post?
- Is the workload reflected correctly by the hours of the post/or management time awarded?
- Is there a plan to increase or reduce hours?
- Will the post requirements change in the near future?
- If undertaken, feedback received during the exit interview (See Exit Interview).

When a vacancy arises in school consideration should be given to whether redeployment under the redundancy and restructure procedures applies and whether consideration should be given to any fixed-term contracts in school (see contracts guidance for schools).

If the job description is amended and the level of responsibility changed the post should be re-evaluated (see Job Evaluation for support staff roles).

Please be aware that you will need to consult with school employees and trade unions/professional associations. if you intend to amend the staffing structure. (Further advice can be found in *Statutory Requirement to Review the Staffing Structure - published 2005 and* the DCC model **Redundancy and Restructure Policy and Procedure - available on S4S***).*

7. Planning the Process

When the decision is taken that a vacancy should be filled, the following should be undertaken.

- Agree the panel for the recruitment and selection process. Ensure that at least one member has the Safer Recruitment Training certificate.
- Agree the process for scrutinising the applications prior to shortlisting and references prior to interview for concerns and inconsistencies. Also determine the process for receiving any declarations of criminal records and for consulting with HR for advice on how this should be handled at interview.

- Agree a timetable with all the panel members – the agreed time scale should not be rushed. For example, the panel needs to allow adequate time to obtain references prior to the interview.
- Review the job description and person specification – ensure that these are available in an electronic format. Check for reference to responsibilities for 'safeguarding'.
- Draft the advertisement and the covering letter for the applicant's pack.
- Consider methods of assessment that will be used during the selection process (see Assessment).
- In particular circumstances (e.g. school reorganisation) the panel may wish to request a trade union observer attend the selection process for monitoring of equal opportunities. There may also be instances when a trade union requests that one of its observers attends throughout a selection process. It is usual to accede. The observer should be party to all stages of the recruitment and selection process but not participate in the decision-making process. Any concern they may have should be raised outside of any interviews

The Selection Panel

The selection panel should be formed in accordance with the Governing Boards policy on the level of Governor involvement in the recruitment processes and should take account of the current School Staffing Regulations. The school/academy should endeavour to establish panels that represent a balance of gender, other characteristics and categories of governor, where reasonably practicable.

It is recommended that the selection panel consists of at least 2, but preferably 3, people and all members should be involved at all stages of the process. Usually the Headteacher should lead the selection process. Having a panel of at least 2 people allows one member to observe and assess the candidate while being questioned by the other and also reduces the possibility of any dispute about what was discussed during the interview.

Ideally more than one panel member should be nominated to scrutinise the application forms and references. This means that issues are less likely to be missed and the potential effect of different panel members' preconceptions is minimised. Although it is not essential for all panel members to have undertaken the Safer Recruitment training it is strongly recommended that this has been undertaken by one of the people scrutinising the application forms and references

In instances where the appointment is for the Headteacher, Deputy or Assistant Headteacher the selection panel must consist of at least 3 governors.

When recruiting to the post of Headteacher further information can be sought from the DCC Headship Recruitment and Selection Service.

The members of the selection panel should be:

- Appropriately trained (see section Safer Recruitment Training).
- Available for all stages of the process.

- Able to commit the time required.
- Wherever possible balanced in respect of race/gender/age, etc.

Once the applications have been received any panel member who has a connection to any applicant must declare this. Where the panel decides that the connection amounts to 'an interest' they may seek a replacement member.

The Job Description

The job description describes the purpose, scope, duties and responsibilities of a particular job. When a post is vacated, it is important that the job description is reviewed, taking into consideration for support staff posts the Job Family Role Profiles and updated as appropriate, in line with the School Staffing structure and in accordance with the Restructuring and Redundancy Policy. This will ensure that the duties, responsibilities and grading of the post are correct prior to the advert. For teaching posts, the job description will provide the basis for the selection procedure along with the person specification. The job description should be written in a clear and simple manner and criteria should be relevant to the requirement of the post.

The job description usually includes the following

- Job Title, Department and Grade.
- Purpose of the Job.
- Location.
- Hours of work and Management Time– if appropriate.
- To whom the job is responsible.
- Responsibility for other employees.
- Job duties.
- The post holder's responsibility for promoting and safeguarding the welfare of children and young people within the school*.
- Safer recruitment policy statement.
- Date of issue.

*This will vary from post to post, however, every post within school will have some degree of responsibility for safeguarding children.

The job description of a teaching post should state clearly that the post is one to which the rights and duties set out in the STPCD, and the Burgundy Book apply. The list of professional duties in the Pay and Conditions Document should be attached as an annex to the job description so that its limits are clear to all concerned.

The Person Specification

Every post in school should have a person specification. It is important that this is reviewed along with the job description so that it accurately reflects the requirements of the post.

The person specification will identify both the essential and desirable criteria which are required to perform the duties of the post. These criteria must relate to the duties in the job description.

The selection panel will use the person specification at both the shortlisting and interview stages of the recruitment process. It should also form part of the information provided to all potential applicants.

A person specification would normally include the following:

- Skills required to undertake the duties of the post.
- Experience required to perform the duties of the post.
- Knowledge required to perform the duties of the post.
- Qualifications required for the post.
- Any other requirements in relation to working with children and young people - in particular reflect the knowledge, skills and attitudes which are required to sustain and promote the safety and welfare of children.
- Any other requirements specific to the post which have not previously been included.
- Date of issue.

Criteria used should be able to be assessed or verified as well as being relevant to the post. Care should be taken to ensure that criteria are neither discriminatory nor unnecessarily restrictive. The person specification should indicate how the requirements of the post would be tested and assessed during the selection process.

The person specification should include a criterion with wording such as, “a commitment to the school’s or LA’s Equality and Diversity Statement”.

Job Evaluation for Support Staff Roles

Schools, where the local authority will be the employer, need to be mindful of their obligations under equal pay legislation and take into account the agreed local authority job evaluation scheme and any associated guidance.

When making any changes to a job, considering a restructure to a team or function or creating a new job, any school who has adopted the DCC Single Status agreement for their support staff posts should liaise with their HR Provider who will assess any changes in order determine if they will have any impact upon the grading of the job(s) affected. Where necessary, they will then arrange for the job to be formally evaluated by the Pay & Reward Team by trained evaluators, using the Korn Ferry (Hay) Scheme and where required, in conjunction with a joint Trade Union job evaluation panel.

If a job evaluation is required, the following information must be submitted:

- A Job and Person Profile (Job Description & Person Specification) showing changes if editing an existing profile.

- An organisation chart, which clearly shows the job and its subordinates, peer roles and reporting lines, highlighting any changes.
- A completed Job Evaluation Request Form.

Following the formal evaluation process, you will receive confirmation of the grade, the identified benchmark and also the job family.

The decision of the evaluators is final and will only be reviewed if new information is provided.

Information on the LA job evaluation scheme, following the introduction of Single Status, can be found on the S4S HR advisory services resources – Job Evaluation page

Advice and guidance on the roles and responsibilities for teaching posts can be found in the School Teachers Pay and Conditions Document.

Application Form

All applicants must complete all sections of the standard relevant application form as this ensures all candidates have the opportunity to provide the same information. A CV should **never** be the only source of information used for selection as these contain information applicants wish to present and often omit important information. If Governors wish to consider information on CVs, then all applicants should be asked to submit one along with the completion of the standard application form.

In some instances, additional information may be requested in the form of a covering letter. This request should be made of all applicants with clear instructions as to what is required and its purpose.

If an applicant requires assistance to complete an application form or requires it to be in an alternative format (such as Braille) then this should be allowed. Please contact your HR provider for further advice.

There are a number of standard application forms available for use these are as follows:

- Teaching Application form (plus on-line version).
- Support Staff Application form (plus on-line version).
- Short-version – used for cleaning posts (plus on-line version).

The on-line version of all application forms varies from the paper version slightly in layout, however, the information requested on both is the same. Shortlisted candidates who have applied on-line are required to sign the application when attending for interview.

8. Advertising Vacancies

The advert is important as this is used to encourage applications from suitable people. If the advert fails to target the correct audience a suitable appointment may not be made. It is important, therefore, that thought is given to both the content of the advert and where it is placed. The advert also needs to deter unsuitable people from applying by including the requirement for Disclosure and Barring Service check plus the school's statement regarding the commitment to safeguarding children.

Vacant posts should be advertised externally to provide the opportunity to attract the best candidate for the post and to offer equal opportunity to potential applicants. In some circumstances, it may be appropriate to first consider internal candidates, as this may offer redeployment to reduce/remove the risk of future job loss. Similarly, some responsibility allowances could only be advertised internally as there is no vacancy to which they are attached.

The following points should be considered:

- Adverts should be clear and unambiguous, reflect fairly the requirements of the post and be consistent with the job description and person specification.
- The number of words in the advert should be kept to a minimum – good adverts are focussed and relevant. Supplementary information can be provided in the additional information included in the applicant's pack.
- Ensure the name and location of the school are included in the advert.
- Only essential elements of the person specification should be reflected in the advert, this will allow potential applicants to self-select. The desirable criteria should not be used as this may discourage potential applicants who do not meet them.
- All jobs being open to part time working.
- The School's Safer Recruitment Policy statement should appear in the advert
- If a post has a 'genuine occupational qualification' please contact Schools HR Advisory Service for advice.
- The advert should state that an online check may be undertaken on all shortlisted candidates.
- Whether the school encourages visits from potential candidates.

If the school encourages potential applicants to visit the school prior to making an application for the post, then this should be mentioned in the additional details attached to the post. If at all possible no one on the selection panel should take the potential applicant round the school.

The success of an advertisement should not be gauged by the number of enquiries received but by the number of applications received from people who could be appointed. In order for the advert to be successful, the timing and the time scale to apply contained within the advert must be reasonable.

Adverts need to be placed in the correct media to ensure that the target audience is reached. Online advertising services in the schools sector such as the DFE teacher vacancy service may help to keep costs to a minimum

When appointing to the post of Headteacher the position should be advertised in such a manner as it considers appropriate. This does not always mean advertising nationally, although this is often a good way of maximising the field of potential candidates to attract and secure the best possible candidates. The only exception to this is in certain circumstances when the school or schools are going through a re-organisation or federation. Further advice on any Headship appointment should be sought from the Schools HR Advisory Service.

9. E-recruitment

E-recruitment enables adverts to appear on the Derbyshire County Council website (https://jobs.derbyshire.gov.uk/) with the job description attached. There is also the facility for the person specification and other post details to appear as attachments to the advert. All documents, job description and other attachments, need to be provided to HR Service Advertising Team in an electronic format. Although it is not essential, it is advisable for the person specification to appear as an attachment to the advert as this allows self-selection at a very early stage of the process.

Contact may be made with the Advertising Team on recruitment@derbyshire.gov.uk

Adverts should be placed by completing the *Advertising Request Form*. This form should then be emailed, along with the relevant attachments, to recruitment@derbyshire.gov.uk .

As well as appearing on the website adverts also appear weekly in the Jobs@Derbyshire Bulletin.

The administration of the advertising process is handled by HR Services, Advertising Team. Applicants apply using the online facility or make contact to request despatch of an applicant's pack.

More detailed information on the e-recruitment system, including deadlines for placing adverts, can be found in *E-recruitment – Guidance Notes* for Schools or alternatively you can contact HR Services.

10. Applicants' Information Pack

It is important that all job applicants receive the same pack of information. As posts appear both on-line (https://jobs.derbyshire.gov.uk/), in the Jobs @ Derbyshire Bulletin and sometimes in the press all information needs to be available in an electronic format. The following information will be included in a standard Applicant's Pack:

- Application form.
- Copy of the advert.
- Job description (provided by school).
- Person Specification (if provided by school).

- Additional information/Covering letter (if provided by school) including a statement if the post is politically restricted. Information about the school and the selection process, including interview date.
- Safeguarding information/policy.
- Teaching Staff Conditions of Service.
- Support Staff 'Working for Us' book.
- Criminal Record Check Policy and information concerning Disqualification under the 2006 Children Act, where appropriate.
- Return envelope.
- Equality and Diversity Policy.

11. Scrutinising and Shortlisting

After the closing date and prior to shortlisting taking place, in line with the agreed process, scrutinising of all application forms should take place to:

- Ensure they are fully and properly completed.
  An incomplete application form should be returned for completion if at all possible
- Check that information provided is consistent and does not contain any discrepancies.
- Identify any gaps in employment that are not explained.
- Identify any unusual career patterns (e.g. a repeated change in employment without any clear career or salary progression, or a move from a permanent to relief or temporary work). *

*There can be a variety of reasons why an individual may have an unusual career path, and this should not prevent a candidate from being shortlisted as it can be explored at interview.

The Headteacher has the overall responsibility (except for a Headteacher recruitment process) for the identification of any discrepancies, anomalies or concerns which should then be referred for consideration during shortlisting and, if the candidate is shortlisted, explored and verified during the selection process.

The shortlisting process looks at knowledge, skills, experience, and qualifications identified by candidates through their application and measures them against the essential criteria on the person specification.

The following principles should be followed:

- All members of the selection panel should be involved in the shortlisting process.
- The shortlisting must only be based on information contained within the application form, job description and person specification.
- The criteria must be consistently applied to all applicants. ***Advice from Schools HR Advisory Service should be sought where an applicant indicates a disability. Such applicants can anticipate an interview, where they meet the essential criteria. It is recognised that this assessment is not always straightforward.***

- Applicants should not be shortlisted on the basis of subjective information or characteristics not referred to in the person specification.
- An application should always be measured against the selection criteria and not other applications.
- Selection criteria can be weighted to recognise more important aspects of a particular post.
- Unless it is a requirement of the job, the application form should not be used as a test of literacy.
- Some applicants may not be able to complete the application form without help. This factor, in itself, may not be relevant in making a final decision. Please contact Schools HR Advisory Service for advice.
- Any requirement to hold formal qualifications should be linked to the requirements of the post. Candidates should not be given priority, or discriminated against, because they hold a higher qualification than specified.
- Reasons should be recorded for rejecting or shortlisting candidates.

Applicants that are not shortlisted should be notified as soon as possible

If shortlisting does not produce a sufficient field from which to recruit consideration should be given to re-advertising the post. A critical appraisal of the original advert should take place and any necessary amendments made.

12. References

References should be taken up prior to interview. Adequate time needs be allowed between shortlisting and interview in order for references not only to be received but also scrutinised. Only in exceptional circumstances should references be taken up after the offer of a job has been made. In such instances the selection panel must ensure that references are obtained, scrutinised and any concerns resolved before the appointment is confirmed.

Applicants should be asked to provide the name, address, and telephone number of two referees. One referee should be the applicant's current or most recent employer. Where an applicant is working (or worked) in a school the reference must be provided, and signed by, the Headteacher. For those who will work directly with children but are not currently working with children, if they have done so in the past, consideration should be given to seeking a reference as to the person's suitability to work with children from that employer. The candidate must be informed of this potential. (See Appendix 4 - advice on employees' records & references)

The purpose of a reference is to obtain factual information to support appointment decisions. References should always be sought and obtained directly from the referee using their work base address. Open references or testimonials provided by the candidate should not be used, nor should references be accepted if they are from relatives or from people writing solely in the capacity of friends. References received via email, for reasons of timescale, must conform to policy on the secure transfer of personal data. The emailed reference should be printed off and a phone call should be made to the referee to verify that it is themselves who have provided the reference (i.e. that the email is authentic). The person making this call should

then sign and date the reference and annotate that they have spoken to the referee to verify the email's authenticity. This is a purely administrative task and the person making the call must not engage in any dialogue regarding the content of the reference. Their accountability is limited to recording a summary of the conversation when they are informed about the origin of the reference.

When seeking a reference, it is important that objective verifiable information is requested and not subjective opinion. A copy of the job description and person specification for the post should be included with the request. All reference requests should ask the following questions.

- About the referee's relationship with the candidate, e.g. how long has the referee known the candidate and in what capacity?
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the post?
- How the candidate has demonstrated that they can meet the requirements of the person specification?
- If the referee is completely satisfied that the candidate is suitable to work with children and, if not, request specific details of the referee's concerns.

As well as the above the applicant's present employer should also be asked:

- To confirm details of the applicant's current post and salary.
- Specific verifiable comments about performance history and conduct. [For a teaching post, the DfE advises that the relevant body considers directly asking the current employer whether the candidate has been subject to Formal Capability (competence) proceedings within the last 2 years. In such circumstances, the Governing Body of a maintained school or proprietor/trustees of an Academy must then provide details of the concerns that led to the application of the proceedings, their duration and outcome.] The model Recruitment and Selection policy commits the school to requesting this information from the employer of applicants who are currently in teaching posts.
- Details of any disciplinary procedures the candidate has been subject to where the sanction is current.
- Details of allegations or concerns that have been raised about the applicant relating to the safety and welfare of children or young people or of unsuitable behaviour towards children or young people, along with the outcome. **It should be made clear that any allegations which were proven to be unsubstantiated, unfounded, false, or malicious should not be included.**
- Details of any disciplinary sanctions the applicant has received involving issues relating to the safety and welfare of children or young people (including any which have been expunged) along with the outcome.

From 1 October 2010 a reference must not ask for health related information on the candidate or for absence data. This information should be sought from the current or most recent employer of the preferred candidate only when a conditional offer has been made.

Additionally, all requests should also state that:

- The referee has a responsibility to ensure the accuracy of the reference and that it does not contain any misstatements or omissions related to the requirements of the job description/person specification and/or reference pro-forma questions;
- Relevant factual content of the reference may be discussed with the applicant;
- Discriminatory statements should be avoided.

A *pro forma* for reference requests covering all the relevant questions has been devised for schools to use or adapt as appropriate for different posts. (Appendix 2).

Before the interview takes place, all references should be checked to ensure that all specific questions have been answered satisfactorily. If the reference does not answer all the relevant questions or is vague, the referee should be telephoned and asked to provide a written response to the omission or clarification as appropriate.

Information in references also needs to be compared with the application form to ensure there is consistency. The checking of references may be allocated to one member of the selection panel and it is important that adequate time is allowed for this to be undertaken.

Any discrepancy between the application form and reference should be taken up with the applicant during the interview.

Where Information that fulfils the criteria for disclosure in a reference is provided about current, or relevant spent disciplinary sanction(s) or allegations should be considered in the circumstances of each individual case. Cases where the issue was satisfactorily resolved some time ago or did not require formal disciplinary sanctions and where no further issues have arisen, are less likely to cause concern than more serious or recent concerns as well as those that were not resolved satisfactorily. A history of repeated concerns or allegations over time is also likely to be a cause for concern. However, repeated unsubstantiated or malicious allegations should not be included on the reference.

In instances where there are frequent or inexplicable changes of employment or unexplained anomalies in the career path, references should be taken up from other previous employers.

The sections of the reference that are not related to issues of safeguarding should preferably not be considered until the panel has made its decision. Undue weight should not be given to references in the selection process.

Advice on the Writing of References

Staff should be advised that when they are applying for jobs, they must nominate the Headteacher as the first referee, to provide the 'employer's reference'. It is not sufficient for this to be a Head of Department or line manager. The Headteacher may call upon other staff to help compile the reference but it should be provided by the Headteacher to the organisation requesting the reference.

The reference should not contain anything that has not already been communicated to the employee in work reviews, supervision and/or performance management discussions. The reference should be based on evidence. Further advice is attached as Appendix 4 - Advice & Guidance - advice on employees records & references.

References should be kept on employees' personal files.

13. Online checks

Online checks should be undertaken prior to interview so that anything that arises can be discussed fully with the candidate.

The purpose of the online check is to identify information which would make an individual unsuitable to work with children. The online checks will inevitably provide additional personal information and care must be taken to avoid unconscious bias and any risk of discrimination. The checks should be proportionate and reasonable.

To this end a consistent approach to online checks should be implemented. The approach, including the scope of the searches should be set out before any checks are undertaken and should include:

- **Who will undertake the check** – Finding out personal information about a candidate can lead to unconscious bias. It is therefore advised that an individual of sufficient seniority who is not part of the recruitment panel or decision making process undertakes the checks on a confidential basis and provides only relevant information that is of concern to the panel in advance of the interview. Any information learnt regarding any protected characteristic as a result of the check **must not be shared**.

- **What checks will be undertaken** - Googling the name of the individual the person may crop up in 'News' if they've been involved in something high profile locally. This google check should be undertaken along with checks on the main social media sites: Facebook, Twitter, Instragram, TikTok and YouTube where possible. Checks should be made using approved school devices and individuals should not use their own personal device to undertake these checks.

- **What information will be relevant** – any relevant evidence which suggests that the individual may not be suitable to work with children should be identified. Relevant evidence may include offensive or inappropriate behaviour, jokes or language, discriminatory comments or inappropriate photos etc. Affiliation with certain online groups, or the responses to posts made by others may also indicate that the individual is unsuitable to work with children. To ensure consistency of approach you may wish to use a safeguarding lead to have oversight of any findings which could be open to

interpretation for them to determine whether further discussion and a risk assessment are required.

- **Record Keeping** - The recruitment records should include a note of the checks undertaken including the date and time of the search and the search terms used and should be retained in accordance with the retention schedule for such records. For the successful candidate a note that checks have been undertaken should be kept on the personal file maintained in school

Care should be taken to ensure that the record that has been accessed is for the candidate being checked. Additional checks such as location, job role or employer etc should be made to establish this. At interview a check of the personal image, where one is available, may also be helpful.

Only information which is openly available should be checked. No attempts should be made to access any sites which are held privately or try to connect with a candidate for the purpose of accessing private information.

The information once identified should be treated in the same way as other information relevant to the process such as that contained in the application form, the DBS certificate and the references. It should be reviewed and if appropriate the candidate should be given the opportunity to address any concerns. An on-line risk assessment is available to assist with this assessment.

14. Selection Process

Candidates selected for Interview should, whenever possible, be given at least seven days written notice of the selection process unless the date has been given in previous information. If the process involves a number of activities candidates should be fully informed of what to expect and how long the process will take.

As part of the interview process the identity of candidates will be verified. Candidates, including internal ones, should be asked to bring all original certificates for relevant qualifications with the appropriate documentation to verify their dates of birth and right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then the advice on the GOV.UK website should be followed. This advice provides additional information about employing EU, EEA and Swiss citizens coming to the UK to work after 1 January 2021. A copy of the successful candidates' documentation should be made and placed on their personal.

Candidates must disclose any relevant criminal convictions to the recruiting manager or if they are at present the subject of criminal charges. Contact should be made by using the details at the end of the interview letter. Having a criminal conviction does not automatically mean that they cannot be employed by the school. It will only be taken into account if it is relevant to the job for which they have applied. All information must be provided in accordance with the UK General Data Protection Regulation and Data Protection Act 2018.

The interview letter should also ask candidates if they have any specific medical requirements that need to be taken into account to enable reasonable adjustments need to be made during the interview process. Care should be taken to ensure such requirements are met and those candidates are not disadvantaged.

15. Assessment

Interviews are the most widely used method of assessing candidates, however, additional methods are also used in determining whether candidates are suitable for appointment.

When deciding on the selection procedure for some position's consideration should be given to using some form of testing. Selection decisions must be directly based on the selection criteria as detailed in the person specification. It may be that information required to make an appointment cannot be obtained from either the application form or an interview. Other assessment methods used should link to specific requirements of the post and be identified in the person specification.

In order for the school to be a good recruiter and employer of disabled people it is necessary to be imaginative and flexible in approach. If a disabled person cannot carry out the assessment, or is disadvantaged due to their impairment, the assessment may need to be revised or the result used differently. For instance, that might mean offering a later interview time because of a longer journey or extra time in a selection test which a disabled applicant might need. If you are in any doubt as to what you should do, please ask your HR provider for advice.

It is important that the selection process is planned well in advance. It should be clear exactly what part of the selection criteria is being tested by each part of the process. Candidates should be informed prior to interview of the format of the interview process giving them adequate time to prepare if necessary.

16. Interviews

The selection process for people employed to work with children should always include a face-to-face interview even if there is only one candidate. The interview should assess each candidate against the job requirements and explore their suitability to work with children.

The content of questions to be asked during the formal interview should be planned by the panel beforehand bearing in mind the following points.

- All questions should be open, expressed in plain language and be directly relevant to the post. The panel should be clear which part of the job description and/or person specification each question relates to or is testing. All candidates should be asked the same questions so that each one is tested on every criterion in the person specification. This is essential to make as fair a comparison possible. Some flexibilities are permissible in that the supplementary question may be asked to probe further into a particular topic to help a candidate to supply more relevant information;

- The exception is the part of the interview where questions arising from their application or references are posed. The information provided should be explored with all candidates and this provides the opportunity to probe any concerns or discrepancies arising from scrutiny of the application and references;
- The school's Equality and Diversity policy places a duty on employees to implement the policy and challenge all forms of discrimination. In view of this candidates would be expected demonstrate, in their answers, a commitment to the policy. A specific equal opportunities question may be asked or for some posts it may be more appropriate to expect that candidates show a commitment throughout their answers;
- The panel should determine what information they are seeking from each question. A marking system and an appointable threshold should be agreed in advance. The answer may consist of a number of essential elements along with a number of desirable points. Supplementary questions may also need to be asked for clarification or to explore points made in the answer;
- The panel should ensure that candidates are fully aware of the requirements of the post and clarify any points if required;
- All candidates should be asked, 'if appointed, would they require any assistance in order to fulfil the duties and responsibilities of the post'. It is also acceptable to ask about candidates' capability to undertake a specific requirement of the post, for instance where a significant amount of manual handling will be required. It's important not to ask general health related questions. Therefore, you might ask candidates about their recent experience related to specific requirements of the job, not whether they have a particular health issue.

In addition to assessing and evaluating the candidate's suitability for the post, the interview should also be used to explore:

- Their attitude towards children and young people;
- Their ability to support the establishment's policy for safeguarding and promoting the welfare of children, providing the opportunity for the candidate to offer evidence of this;
- Gaps in employment history;
- Concerns or discrepancies arising for the information provided by the candidate, on-line and/or referee;
- Whether the candidate wishes to declare or discuss anything in view of the requirement for a DBS check.

If, for whatever reason, references are not available at time of interview, the candidate should be asked if there is anything they wish to declare or discuss as a response to the questions that have or will be put to the referee. (It is vital that references are obtained and scrutinised before a person's appointment is confirmed and they commence employment).

In order to gain as much information as possible from the candidate the panel should:

- Encourage the candidate to relax and feel at ease;
- Introduce the members of the panel and explain the plan of the interview;

- Explain that notes will be taken during the interview
- When interviewing candidates:

    - check assumptions;
    - rephrase and explain question if necessary;
    - allow as much time as necessary to answer the question;
    - if possible, link questions so the interview flows.

- Provide the opportunity for the candidate to ask any questions and cover any relevant areas that may not have been previously mentioned;
- Ask whether they feel that they have been given the opportunity to present their candidacy for the post or if there is anything they want to add;
- Ask whether the candidate feels they have had a fair interview process;
- Check that the person is still a firm candidate for the post and confirm how and when they will be notified of the outcome of the recruitment process.

Members of the panel should not, under any circumstances, ask questions relating to matters on the following list. Such questions are unlikely to relate to a candidate's potential for fulfilling a post and are likely to be contrary to good equal opportunities practices.

- Marital status or plans;
- Number and age of children;
- Domestic, childcare or other caring arrangements;
- Occupation of partner;
- Information on medical fitness;
- Sexuality;
- Residence or accommodation;
- Mobility or means of transport;
- Nationality.

17. Examples of Other Types of Assessment

Observation

The most common is observation of a candidate undertaking teaching in a classroom situation. Other types of interaction with pupils could be utilised. These are useful, not just for education support staff and teachers, to observe the candidates' interaction with children, the suitability of their response and understanding of the expectations that will be placed on all members of staff in a child centred environment.

In-tray Exercise

Usually used for the appointment of senior teaching staff and administrators. Candidates are given an in-tray containing a variety of everyday tasks that the postholder may deal with. During a given period of time they must prioritise and deal with the paperwork. They will be required to provide a written response or a verbal response to the selection panel.

Presentation

The candidate has to give a presentation on a specified topic in a specified amount of time. The panel may specify what materials/equipment can be used.

Preparation of a Report

Candidates are given a topic and a period of time in which to produce a report.

Written Exercise

Candidates are asked to produce a response to a given topic to be submitted with the application form or at interview. The candidate can be questioned further on the topic at interview.

Skills Tests

May include:

- analysis of spreadsheet information;
- use of particular IT programmes;
- general computer literacy;
- practical demonstration.

Role Play/Group Exercises

For appropriate posts role play or group activities can reveal aspects of a candidate's suitability for the post. In particular the panel can see how the candidates interact with others. However specialist advice may be needed to ensure that the experience is fair for all candidates, panel members are clear what aspects of the person specification the exercise is seeking to illustrate and what a good or unsatisfactory response would look like.

Psychometric Tests

These are used to measure qualities such as intelligence, personality types, work styles or emotional stability. These are generally expensive and require licences and training for users.

18. Decision Making

During the selection exercises accurate and detailed information on each candidate should be kept. These should be as comprehensive as possible. This documentation should clearly demonstrate the decisions made and how they were arrived at. All records of the selection process must be retained for 6 months, in case of challenge to the process.

In deciding whether to select a candidate, interviewers must only consider factors relevant to the post, as detailed in the person specification and job description. It is

considered good practice to make a selection decision at the conclusion of the interviews.

When informing the successful candidate of the intention to offer them the post, it should be made clear that this does not constitute a formal offer of appointment and that a number of checks are required before such an offer can be made. When a candidate is advised of this in writing care must be taken to state that the letter does not constitute an offer of appointment. The candidate should be advised not to resign from their present post until all clearances have been obtained.

In the event that the candidate selected does not take up the appointment any decision to offer the appointment to the second choice candidate, must be taken by the whole selection panel.

When deciding on the successful candidate, having a disability should not be considered as grounds for non-selection. In accordance with the Equality Act 2010 every effort should be made to identify and make suitable adjustments to meet the needs of the provisionally selected candidate. Further advice can be obtained from Schools HR Advisory Service.

When a candidate has been made a conditional offer of employment, the details concerning the level of absence from their current (most recent) post should be requested (see Medical Clearance).

Unsuccessful candidates should be advised as soon as possible. Feedback should be offered to all candidates after the process has concluded.

19. After the Interview

All application forms and interview notes should be retained for a period of six months after the end of the recruitment process.

In the event of a candidate submitting a claim of discrimination to an employment tribunal, such records and correspondence will be used as evidence.

19. Feedback

In most instances it will be appropriate to offer feedback after the recruitment process has been completed. All applicants should be offered this not just those called to interview. In the case of an unsuccessful candidate feedback offered should be constructive and address the extent to which they did not meet the criteria for the job. In most cases comparisons with the successful candidate should not be made unless the unsuccessful candidate also satisfied the job criteria.

Care should be taken to ensure that feedback does not take the form of coaching.

20. Audit

When the school is audited, the Auditor will require access to the following information from the personal files of selected members of the School staff, which should be readily available (original information will be required):

- Principal statements (re: appointments and promotions);
- Governors' Minutes granting approval to appoint or promote or retrospectively ratifying an appointment or promotion;
- References in respect of successful candidates (see process for Verifying emailed references);
- Person and job specifications/profiles produced prior to appointment;
- Advertisement details relating to appointment;
- Interview notes for all candidates (after 12 months the interview notes for the successful candidate only may be available, as per retention guidelines);
- Evidence of induction process;
- Letters of resignation;
- Details of selection panels;
- Disclosure issued by the Disclosure & Barring Service.

21. Pre-employment Checks

The successful candidate should be made aware of the requirement to obtain appropriate clearances and they should be informed that their appointment will not be confirmed until satisfactory results have been received.

The following guidance has been designed to assist Headteachers and governors to administer the checks as quickly as possible in order that the recruitment process is not delayed unnecessarily. ***Please check the latest guidance on the Single Central Record to see more detail about pre-employment checks and the recording requirements. The DfE statutory guidance document, "Keeping Children Safe in Education" (KCSiE) contains the latest regulations.***

The Immigration Asylum and Nationality Act 2006

Employers have a duty to prevent illegal working and to carry out prescribed document checks to ensure potential employees are lawfully permitted to work in the UK. Employers must also keep a record of the checks undertaken.

From 1 January 2021, freedom of movement between the UK and EU ended and the UK introduced an immigration system that will treat all applicants equally, regardless of where they come from.

You must check that a job applicant is allowed to work in the UK before you employ them.

You can:

- check the applicant's original documents
- check the applicant's right to work online, if they've given you their share code

The majority of non-UK EEA citizens are now able to prove their right to work by providing a share code and an applicant's right to work can be checked by using the Home Office online services.

More information can be found in the employer's guide to right to work checks: 6 April 2022.

You do not need to do checks for **existing** employees from the EU, EEA or Switzerland if they came to the UK before 1 July 2021.

Any school wishing to appoint a new teacher from the EEA will have to follow the new points-based immigration system. Recruit teachers from overseas provides full details.

Please check with the HR Advisory service of the Local Authority or your Trust if any prospective employee requires sponsorship for their sponsorship status.

More information can be found in the section on pre-employment checks. The original ID documents must be seen, copies taken before employment commences and the match of the documents to the individual in question ensured. It is important that there is compliance with these requirements.

Disclosure and Barring Service Check

All posts in schools are subject to enhanced DBS check, including a Barred List check.

Confirmation of the DBS check needs to be recorded on the confidential school record. For checks on Volunteers see further guidance contained within the *Single Central Record Guidance* and the documents referenced below. For agency staff the school will need written confirmation that the agency has carried out all relevant checks and that they will share traces returned on DBS checks with the school, in order for the appropriate Risk Assessment to be carried out. More guidance can be found on the DCC website as follows: Criminal Background Policy. For jobs which require a DBS check, if the successful candidate has worked or lived abroad, a certificate of Good Conduct may need to be sought. Therefore, although the information should be available from the application form, the successful candidate should be asked if they have lived or worked abroad. For detailed advice please see the Single Central Record Guidance and the latest Keeping Children Safe in Education, DfE.

Disqualification Check

This needs to be carried out by the school for those employees who will be involved with childcare/education for children of up to and including reception age and for children from reception until the age of 8 in out of school hours childcare activities. This includes those senior leaders employed in relation to the management of this provision. Please see detailed guidance in Disqualification under the Childcare Act 2006, available on Derbyshire Schoolsnet, and DfE document of the same name.

Medical Clearance

When the absence data, for the candidate who has been made a conditional offer, is received and the responses given regarding their attendance history are not thought satisfactory, taken in conjunction with information from Occupational Health, it may be lawful not to continue with the appointment. Where this is considered contact should always be made with Schools HR Advisory Service to consider the situation on a case by case basis.

If the successful candidate is new to the Authority, or school if foundation or aided, they are subject to satisfactory pre-employment health checks to ensure they are able to undertake the duties and responsibilities of the post. Foundation and aided schools within the Authority may arrange for a re-clearance when a staff member has been appointed from another Authority school– on the basis that the role or context presents different demands, or the sickness/absence history of the candidate suggests it would be advisable. Similarly, employees who are transferred or promoted to a post in the same or another establishment with a different range of duties may be required to complete the health declaration form Med 1.

All employees must be cleared medically before the appointment can be confirmed or taken up. For teachers it is important to clarify that the candidate meets the requirement for physical and mental fitness to teach.

Checking of Qualifications and Professional Status

Certificates should be checked to verify that the successful candidate holds the required qualifications. The school is responsible for carrying out the Teachers Regulation Authority (TRA), 'Teacher Services' check to ensure that a teacher is not the subject of a permanent or temporary prohibition order by the Secretary of State. *(Refer to SCR guidance for information on when this check should also be applied to Teaching Assistants).*

From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions, so this check undertaken by schools via the Teachers Services Portal will no longer be available. Instead, teachers should be asked to provide a letter of professional standing from the organisation responsible for regulating teachers in the country in which they qualified.

The DfE guidance changes to checks for EU sanctions on EEA teachers from 1 January 2021 provides full details

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available schools should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment. Although sanctions and restrictions imposed by another regulating authority do not prevent a person

from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: Recruit teachers from overseas.

Checking Identity

The successful candidate should be asked to produce documentation to confirm their identity. Often documentation provided for the *Asylum and Immigration* or Disclosure and Barring Service checks will be sufficient. It is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the GOV.UK website.

22. Monitoring and Evaluation

Monitoring of the recruitment process is essential to ensure that future recruitment practices continue to meet the needs of the school as well as ensuring safety and welfare its pupils. Any monitoring should cover:

- Feedback from applicants for posts both successful and unsuccessful;
- Staff turnover and reasons for leaving;
- Exit interviews;
- Attendance at safeguarding children training during induction period.

23. Equalities Monitoring

Schools have a public sector duty under the Equality Act 2010 to monitor, evaluate and act on information concerning the impact of school policies with regard to persons who have the protected characteristic as defined in the act. The school must collate and analyse relevant information in order to identify whether there is any indication that persons with the protected characteristics are being treated less favourably that those without that characteristic.

The processes undertaken and frequency will vary considerably depending on the size of school and level of recruitment activity. The school should seek to learn from any equalities monitoring undertaken by the Local Authority.

24. Exit Interviews

Exit interviews should be offered to all employees who have resigned from their post. The purpose of the interview is:

- To enable them to provide feedback on their employment experience with the school;
- Allow employees to be open and frank;
- Identify areas for improvement.

Employees should be offered an exit interview with either their line manager or Headteacher. In exceptional circumstances it may be appropriate for such an interview to be carried out by the Chair or other suitable Governor.

Information gained from exit interviews should be used to evaluate recruitment practice within the school as well as being used to reviewing the vacant post. Relevant information received from exit interviews should be reported to the Personnel Sub-Committee.

Exit interviews can also provide information as to the culture of the school; this is particularly useful when considering aspects of safeguarding children.

An exit interview would normally cover the following areas:

- Reason for leaving;
- Aspects of the post;

APPENDIX 1

Other Policies/Documents Relevant to the Recruitment and Selection Procedure

- Contracts of Employment
- E-recruitment Guidelines
- Equality & Diversity Policy
- Asylum and Immigration Act 2006
- School Teachers' Pay and Conditions Document
- Burgundy book
- Working for Us
- Guidelines for Equal Opportunity Observers
- Single Central Record Guidance for Schools
- General Data Protection Regulation 2018
- The Employment Practices Code – Information Commissioner's Office
- Equality Act 2010
- Guidance on managing staff employment in schools - DfE 2018
- Keeping Children Safe in Education
- School Safeguarding Policy & Procedures
- Restructuring & Redundancy Policy
- Job Family Role Profiles and Framework for Teaching Assistants

This List is not exhaustive.

APPENDIX 2

Questions, 1 to 9, plus number 12 are recommended in the latest Keeping Children Safe in Education (KCSiE) DfE chapter on the requirements of Safer Recruitment and Selection.

Schools may wish to incorporate these questions into their own proforma for each type of post. Alternatively/additionally referees may be asked to include the specific responses in their reference. *Questions 1 to 6 are only relevant to references from recent employers.*

Employee Reference Questionnaire

Name of Referee:

Designation:

Name of Applicant:

Post applied for:

Current Post & Salary:

The Governing Board believes referees have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission. Referees should bear in mind that the relevant factual content of the reference may be discussed with the applicant.

Where the reference is being provided by an organisation please attach a compliment slip/cover letter on the organisation's stationery. Emailed references will be verified.

The following questions to be completed by the candidate's current employer (or most recent previous employer for work with children):

1. Please provide the dates of the candidate's employment in the organisation.

2. Please provide details of the candidate's specific role and responsibilities and confirm salary above.

3. *(For teaching posts, where the candidate is currently employed as a teacher)*

Has the candidate been the subject of Formal capability (professional competence) procedures during the last 2 years?

Yes No

If so, please provide details of the concerns which led to the application of the proceedings, their duration and the outcome.

4. Has the candidate been subject to Formal disciplinary procedures leading to a formal written warning which is current?

Yes ☐ No ☐

If yes, please provide details.

5. Has the candidate ever been subject to a disciplinary sanction involving issues related to the safety and welfare of children, including any which have expired?

Yes ☐ No ☐

If yes, please provide details.

6. Has the candidate ever been the subject of allegations or concerns that relate to the safety and welfare of children or young people or behaviour towards children or young people? Do not include any allegation(s) which were proven to be unsubstantiated, unfounded, false, or malicious.

Yes ☐ No ☐

If yes, please provide details of the concerns, whether the concerns were investigated, the conclusion reached and how the matter was resolved.

All referees please respond to the following questions:

7. How long have you known the candidate?

8. In what capacity do you know the candidate? Please confirm the context in which you know/knew the candidate and their role. (For applicants working in school the first, 'employer' reference must be provided by the Headteacher)

9. Are you completely satisfied that the candidate is suitable to work with children? If not please set out your concerns and the reasons why you feel that the candidate may be unsuitable.

10. Please provide details of the candidate's success in role and provide any specific information concerning performance history and conduct. (other than already provided by current employer in questions 3 to 6).

11. (For relevant posts)

Please comment on the candidate's experience and skills in relation to the leadership and management of a school, with particular relevance to this vacancy.

12. Reasons for leaving (or applying to leave) their post, where this is known to you given the capacity in which you know the candidate.

13. Please provide your recommendation for appointment, this should clearly indicate the level of support for their candidacy for this post. Specifically, is the candidate recommended without reservation or with a strong recommendation, are they supported with particular considerations taken into account or not recommended for this particular post?

Signed …….. Date ……

Please note, if this candidate is selected through the interview process to receive a provisional offer of the post, we will seek from their current (or most recent) employer details of their absence during the last 2 years. In order to facilitate the finalisation of the recruitment process, we are likely to place this request via email. We would be grateful if you could provide an appropriate email address in this space.

……

APPENDIX 3

Guidance on using positive action when making recruitment and selection decisions

From April 2011 onwards, the Equality Act 2010 allows positive action to be used on a **voluntary** basis in recruitment and promotion **as a 'tie-breaker' between candidates of equal merit**.

What is positive action in a recruitment or promotion context?

Positive action means choosing a candidate with a protected characteristic which is under-represented in the workplace. The full list of protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When can positive action be used?

Where appropriate positive action can only be used as a means of distinguishing between candidates of equal merit (sometimes called a tie-breaker). Positive action will only be legal if the candidate is of equal merit to other candidates. A candidate cannot be appointed just because they have a particular protected characteristic such as being from an ethnic minority. Positive action is only legal when it is a proportionate means of achieving the aim of addressing disadvantage or under-representation in the workforce.

What is Derbyshire County Council's position on this?

Derbyshire County Council is keen to have a diverse workforce which represents the community it serves. It must also choose the very best candidate for each and every appointment it makes. There may be circumstances where using positive action in recruitment or promotion is appropriate, but this will only be permissible where it would not mean a compromise on any of our other standards. The following guidance is to help Governing Boards who may wish to use positive action, where appropriate.

When would positive action be appropriate?

Each recruitment situation is different and decisions about positive action should be made on a case-by-case basis. If a certain protected group is under-represented in your workforce, you might consider it. There needs to be some reliable information

or evidence to back up the decision – e.g. low numbers of the group in the particular role for which you are recruiting.

Some protected characteristics are more visible than others and you may not be aware that a person has a particular protected characteristic.

For more detailed advice about your specific case you should contact Schools HR Advisory Service before making an appointment.

How can I be sure I am using positive action correctly?

You first need to be in a situation where a protected characteristic is under-represented in the part of the workforce to which you are recruiting.

Then when you have considered all the candidates who have applied for the role, positive action can only be used where two (or more) candidates are of equal merit and as qualified as each other. One of the candidates must have a protected characteristic which is under-represented in the workforce. You can take positive action only if there is genuinely no other means of distinguishing between the candidates. If this is the case, you may choose the one with the protected characteristic. In practice this situation is likely to arise extremely rarely. **It does it is advised that in these circumstances you contact Schools HR Advisory Service to discuss the situation before making the appointment.**

How can I avoid problems in using positive action?

As with any recruitment decision, you must record the decision making process and outcomes, as you may be challenged by candidates who were not successful.

You will need to be able to show that:

- There is sufficient justification for you to have concluded that a particular group is under-represented in the workforce.
- Your appointment process has objectively assessed the skills, abilities and qualifications of each candidate and you have kept careful notes to show this.
- You cannot choose between the best candidates in any way - the two or more potentially successful candidates were of demonstrably equal merit.
- The candidate you appoint was not chosen just because they have a protected characteristic.
- The action you are taking is a proportionate way of addressing any under-representation or tackling disadvantage.

Where can I go for more help?

If you are considering using the positive action provisions above or need to discuss the issues involved in a particular case, please contact the Schools HR Advisory Service.

APPENDIX 4

ADVICE ON EMPLOYEES' RECORDS & REFERENCES

1. Introduction

The School recognises the rights and expectations of employees that the information kept about them is accurate, relevant and safe from improper disclosure.

Staff who wish to view their file can do so using the Subject Access Request process. The General Data Protection Regulation (2016/679 EU) (GDPR) and Data Protection Act 2018 (DPA) give individuals the right to obtain a copy of their personal information as well as other supplementary information. The DPA covers data held on a 'structured, manual filing system', as well as computerised data. If Staff, make a subject access request (SAR) the school is legally obliged to respond and provide them with the information held about them within one month of receipt of the request. If the request is deemed complex, the school can extend the time limit for responding to three months.

There are some exceptions to accessing personal information, primarily, where disclosure could reveal a third parties' personal information. The school may disclose data without the consent of the third party, if it would be reasonable to do so – what is reasonable will depend upon the duty of confidentiality owed to the third party and whether the third party is capable of, or has refused to, provide consent.

Details of the SAR process are available from the schools designated Data Protection Officer and the schools Privacy Notice for staff members.

References from outside the School will be open to inspection on request, in line with The General Data Protection Regulation (2016/679 EU) (GDPR) and Data Protection Act 2018 (DPA).

On receipt of a reference request from a third party a school should only release this information with the consent of the referee if the reference has been marked as confidential. If the reference is not marked confidential, the school can release the information, without the consent of the referee unless the school can evidence grounds for concern upon disclosure. If so, they should consult their Data Protection Officer and secure consent, where necessary.

2. Amendment Rights

An employee objecting to information held on or missing from their personal data files should initially discuss any amendments or omissions with their line Manager/Headteacher.

Managers/Headteachers should comply with reasonable requests for alterations. However changes should not be made that are open to challenge or dispute and

should only be made on verifiable errors of fact. Managers/Headteachers should ensure that any alterations meet the requirements of GDPR, taking advice from their HR provider if necessary.

Where there is a difference of opinion between a Manager/Headteacher and employee, the manager may consider allowing an employee to place a note on file to record his or her own views or opinion about an item of information. Alternative courses of action are for the employee to approach the Information Commissioner or to use the School's Grievance Procedure.

Requests for amendments should be responded to within 10 working days of receipt and should always be undertaken by the Manager/Headteacher. Responses to employees should indicate what action management will take, if any, together with the detailed reasons for any partial or non-compliance.

3. Content of an Employee Record

Managers/Headteachers are advised to review the contents of employee records held by them on a regular basis and to dispose of any unnecessary or inappropriate information. For further guidance schools should view Derbyshire County Council's HR retention schedule.

4. Employment References

There is generally no obligation on an employer to provide a reference about an employee or ex-employee. Schools should however take into account the advice and expectation as part of the Safer Recruitment requirements contained within the most current DfE statutory guidance document "Keeping Children Safe in Education" KCSIE which requires schools to obtained satisfactory references on all staff that they are proposing to appoint to "regulated activity". The giving of references is also covered by discrimination legislation. A refusal to provide a reference may create difficulties if an employee is able to argue that the failure to provide a reference is for a discriminatory reason.

In providing a reference the school has a duty to the recipient not to make careless or negligent comments. The school must take reasonable care to ensure that any reference is true, accurate and fair, and does not give a misleading impression.

References must not:

- be misleading;
- include irrelevant personal information.

All details about the person, their role or performance must be fair and accurate. If opinions are provided, there should be evidence to support the opinion.

Outgoing references, and those for internal transfers, will be open to inspection on request by the employee, as this is the case schools are recommended to inform prospective employers that they have shared the reference with the employee.