



# Exeter Learning Academy Trust

## Recruitment and Selection Policy

### 2021

This policy was adopted by the Trustees of Exeter Learning Academy Trust  
on

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## **1. INTRODUCTION & PURPOSE**

- 1.1. This policy provides the approach to recruitment and selection of staff, workers and volunteers at the Exeter Learning Academy Trust (ELAT).
- 1.2. This policy directly endorses and supports the mandatory guidance in *Keeping Children Safe in Education* (Document). Recruitment and selection to ELAT will focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.
- 1.3. The Board of Directors are the employers of the staff of ELAT and have overall responsibility for staffing matters including recruitment.
- 1.4. ELAT actively promotes equal opportunities, aims to eliminate discrimination, promote positive attitudes to disabled people and take account of disabilities in any staffing dealings, including recruitment.

## **2. POLICY STATEMENT**

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

- Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

### **3. KEY LEGISLATION, POLICY AND GUIDANCE**

- 3.1 This policy is underpinned by legislation relating to employment rights, equality, protection of children, and rights of access to information. A full list of this legislation can be found at Appendix 2.
- 3.2 In addition to the other forms of discrimination set out in the Equality Act, people with a disability, as defined in the Equality Act 2010, are protected from:
- Unfavourable treatment due to something connected with their disability.
  - Failure to make “reasonable adjustments”.

In applying this policy, ELAT is committed to ensuring that disabled candidates are treated fairly and in accordance with the relevant equality provisions.

### **4. SELECTION PANEL**

- 4.1 The Board of Directors have overall responsibility for all staff appointments to ELAT. The Board of Directors may delegate these responsibilities to the Headteacher, an individual governor or group of governors, Director, or a group of Directors.
- 4.2 The Headteacher will normally be expected to lead in determining staff appointments outside the leadership group with assistance from other senior leadership colleagues and/or governors or Directors where appropriate.
- 4.3 Prior to the selection process commencing, a selection panel of at least two people and ideally three will be identified. The same people will, where possible, conduct the whole recruitment and selection process.
- 4.4 The selection panel will, where possible include women and men.
- 4.5 The School Staffing Regulations (England) 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. Although this requirement does not apply to academy schools, ELAT applies this as best practice. Appointments will be made in line with any relevant requirements set out in the funding agreement and the Education (Independent School Standards) Regulations 2014.
- 4.6 Prior to the selection process commencing, it will be confirmed that the selection committee members are not related to, nor have a close personal relationship with any candidate.

### **5. ANALYSIS OF POST REQUIREMENT**

- 5.1 When a post becomes vacant, an analysis will be undertaken to establish whether the vacancy needs to be filled. If it does, the requirements of the post will be reviewed. This will include the working hours of the post, aspects of the role and how they relate to the overall objectives of the school.
- 5.2 The Headteacher and/or the Governing Body / Board of Directors will consider the financial implications of creating a new post or increasing the working hours of an existing post.
- 5.3 All jobs will be considered suitable for flexible working using the adopted Flexible Working Policy should this be appropriate.

## **6 JOB DESCRIPTION**

- 6.1 The job description for the vacant post will be reviewed to ensure it reflects the requirements of the post. If there is no job description, one will be produced.

## **7. PERSON SPECIFICATION**

- 7.1 The person specification sets out the selection criteria, specifying the essential and desirable attributes needed by the successful candidate. These attributes will include:
- Qualifications, experience, and any other requirements needed to perform the role
  - Competences and qualities that the successful candidate should be able to demonstrate, including suitability to work with children.
- 7.2 These requirements will be justifiable and clearly defined to show that no section of the community is being unlawfully discriminated against. Where the post is considered 'customer facing', i.e. where the post holder is required to speak with members of the public (including children) as a regular and intrinsic part of their role, the 'fluency duty' will apply and the person specification will note as essential criteria the ability to fulfil all spoken aspects of the role with confidence and fluency in English.
- 7.3 Applicants will be made aware that these requirements will be tested and assessed during the selection process.
- ## **8. NEW OR AMENDED POSTS**
- 8.1 All changed/new support staff job descriptions will be evaluated under the Job Evaluation scheme used by ELAT.
- 8.2 Any amendments to teachers' job descriptions will be made in line with the conditions of service and the framework of professional standards for teachers as set out in the School Teachers' Pay and Conditions Document.

## **9 ADVERTISING THE POST**

### **9.1 Where to Advertise**

- 9.1.1 For each vacancy which may arise, the governing body will consider the most appropriate way of advertising the post and the best way of reaching the most suitable target audience. A decision not to advertise may be taken if the governing body can demonstrate there is good reason not to. In some circumstances the vacancy may only be advertised internally. All decisions will be documented fully.
- 9.1.2 In the case of a vacancy for a Headteacher or Deputy Headteacher, the Governing Body / Board of Directors will consider the most suitable way of advertising and filling this vacancy.

### **9.2 Advertisements**

- 9.2.1 Advertisements will be appropriate, cost effective, non-discriminatory, and will:
- be based on the details in the job description and the agreed selection criteria in the person specification.
  - avoid any gender, age or culturally specific language or implication.
  - be clear and precise to attract applicants to seek more detail.
  - include a statement confirming the school's commitment to safeguarding and promoting the welfare of children.
  - (for schools judged to require Special Measures), state that applications from Newly Qualified Teachers will not be considered unless Ofsted has expressly stated that NQTs may be appointed
  - give reasons for the appointment being temporary if the post being advertised is for a fixed term or temporary period.

## **10. SHORTLISTING**

- 10.1 All applicants will be expected to complete an application form.
- 10.2 All application forms will be scrutinised to ensure that they are fully completed and that the information provided is consistent and does not contain any discrepancies. Any anomalies or gaps in employment will be noted and taken up as part of the consideration of whether to shortlist the candidate.
- 10.3 Shortlisting will be undertaken by the selection panel. The panel will agree a final shortlist of applicants to invite to the selection process.

- 10.4 Late applications will not generally be considered and not once shortlisting has commenced.
- 10.5 Shortlisting will be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification.
- 10.6 Applicants may be asked to complete an Equal Opportunities Monitoring Questionnaire as part of the application form. This will be detached from the application form prior to shortlisting and the anonymous details recorded by ELAT for monitoring purposes only. Applicants will not be eliminated from the shortlist on the grounds of:
- disability
  - gender
  - pregnancy
  - sexual orientation
  - race
  - marital status
  - religion or belief
  - age
  - 'spent convictions' unrelated to the job

other than where an Occupational Requirement applies. These are situations when it is possible to specify the sex, racial background, religion or sexual orientation of the person that we wish to carry out a role, if there is an objective justification for doing so and where this requirement is a proportionate means of achieving a legitimate aim.

- 10.7 The Equality Act 2010 limits the circumstances when an employer can ask general health-related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions will only be asked to help ELAT to:
- decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process.
  - decide whether an applicant can carry out a function that is essential ("intrinsic") to the job once reasonable adjustments are in place.
  - monitor diversity among those making applications for jobs.
  - take positive action to assist people with disabilities.
  - be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

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

## **11. REFERENCES**

- 11.1 References will always be sought and obtained directly from the referee, not via the candidate. Open references addressed, for example 'To whom it may concern' will not be relied upon.
- 11.2 Regardless of the type of post being applied for, references from the previous two employers covering at least the previous three years' employment history will be taken up. This also applies to internal candidates. The references may be obtained before interviews take place on all short-listed candidates so that any issues of concern they raise can be explored further with the referee, if appropriate, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that will be the aim in all cases.

References will not request details about the candidate's sickness record or disability, in order to ensure that they comply with The Equality Act 2010. Further information regarding the candidate's sickness record will be obtained after interview and for the successful candidate only.

- 11.3 On receipt, all references will be checked to ensure all the questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if answers are vague.
- 11.4 Any information about past disciplinary actions or allegations will be considered carefully when assessing the candidate's suitability for the post.
- 11.5 If a referee fails to provide a reference the candidate will be contacted to provide an alternative referee. If a candidate for a teaching post is not currently employed as a teacher, a check will be carried out with the school or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.
- 11.6 References for candidates for posts not involving children, young people and vulnerable adults may be obtained after interview, and for the successful candidate only. This is to comply with The Equality Act 2010, which prevents references being taken that require disability or sickness absence details to be provided prior to interview.

## **12. ASSESSMENT AND SELECTION**

- 12.1 Assessment and selection methods will be used to assess the candidates' suitability to the role and whether the candidate meets the criteria for the role.
- 12.2 Appointments will be based on merit and the suitability of each candidate for the job, as evidenced against the person specification, and demonstrated by the selection methods. Selection methods will not disadvantage any particular group and all applicants will be treated in a consistent and a non-discriminatory manner.

12.3 Appropriate and effective selection tools and processes will be used and a range of selection methods will be considered in order to test candidates' suitability for the role. The candidates will be notified of this in advance.

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

## **12.6 Pre-employment health enquiries**

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

## **12.7 Interview**

12.7.1 Each shortlisted candidate will be invited to interview in writing and we may request that appropriate documentation is brought to the interview for checking of identity and eligibility to work in the UK.

Each candidate will be asked:

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

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

12.7.3 Some questions may explore the candidate's suitability to work with children as well as their suitability for the post.

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



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

- 12.8.1 When assessing candidates with disabilities, suitability for the post will be considered on the basis that any reasonable adjustments, that may be required, have been made. Similarly, if special equipment is required the candidate's suitability will be evaluated on the basis that the equipment is in place.
- 12.8.2 Each member of the selection panel will score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these will be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.
- 12.8.3 The selection panel will agree feedback for each candidate and record whether or not each candidate is suitable for appointment, even if not the first-choice candidate.
- 12.8.4 Offers of employment will not routinely be made at interview.
- 12.8.5 All candidates will be notified of the outcome of the interview as soon as possible. However, the selection panel will wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.
- 12.8.6 All candidates will be offered feedback on their performance during the selection process and an explanation of the decision, if requested.
- 12.8.7 The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks as listed at 15.1.
- 12.8.8 Original documents should be produced and a copy of these will be taken and kept on the successful candidate's personal file with the exception of the DBS check.

## **12.9 Records of interviews**

A central record of the complete recruitment process will be maintained for a minimum of twelve months. The following will be recorded:

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

All recruitment documentation relating to the successful candidate will be retained on the employee personal file.

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

### **13 ELIGIBILITY TO WORK IN THE UK**

- 13.1 Immigration legislation requires all UK employers to make basic document checks on **every** person before they start work to help ensure that they do not employ illegal workers, and to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK.
- 13.2 To ensure that recruitment practices are not discriminatory, **all** short-listed applicants, regardless of race, nationality, or ethnic or national origin, will be asked to produce original documents as evidence of their right to work in the UK.

### **14. APPOINTMENTS**

#### **14.1 Pre-employment checks**

14.1.1 An offer of appointment to the successful candidate will be conditional upon:

- the receipt of at least two satisfactory references (if those have not already been received – see section 11).
- verification of the candidate's identity (original documentation will be seen and a copy taken).
- where appropriate, a satisfactory Enhanced DBS Check (before working unsupervised with children) including barred list checks.
- pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
- verification of qualifications (original documents will be seen and a copy retained).
- verification of professional status where required.
- (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999).
- (for non-teaching posts) satisfactory completion of the probationary period.
- verification of the right to work in the UK (original documents will be seen and a copy retained – section 13)
- Declaration/confirmation that the candidate is not disqualified under the Childcare Act 2006 (see 15.2).
- *Optional* (for qualified teachers applying for support staff posts) a check to establish whether the applicant has been deregistered from the teaching profession.
- a check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

## **15.2 Disqualification under the Childcare Act 2006**

15.2.1 the 2006 act provides that a person who is disqualified may not:

- provide relevant childcare provision
- be directly concerned in the management of such provision

15.2.2 Pre-employment checks will be made to seek confirmation of any such disqualification.

## **15.3 Contracts of employment / The right to written terms**

15.3.1 All employees and workers will be provided with written details of the main terms and conditions of employment by day one as per the statutory stipulation (effective from April 2020). This is known as the Statement of Particulars.

15.3.2 The type of contract and the terms and conditions of employment will be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this will be written in the contract.

15.3.3 Previous employment at any school or academy covered by the Redundancy Modification Order will count towards continuous service for all teaching and non-teaching staff across the Trust where there is no break in service of more than 7 days. This is for statutory, contractual and redundancy purposes and is regardless of whether the previous school is local authority maintained or an academy and regardless of its location.

## **15.4 Administration**

15.4.1 All employment checks, including qualifications, DBS, identity and right to work in the UK will be placed on a central record at the school which will be subject to Ofsted inspection.

## **16. INDUCTION**

16.1 Appropriate induction arrangements will be made for all newly appointed staff.

16.2 In accordance with the *Keeping Children Safe in Education 2020* statutory guidance, new staff will, as part of induction, be given a copy of 'Part one' of that guidance. The school will also provide a copy of (or provide access to) the relevant policies relating to Child Protection/Safeguarding and Code of Conduct, with the expectation being that these are read fully and thoroughly. New staff will be made aware of systems within the school which support safeguarding, including the role of the designated safeguarding lead. A record will be made and kept on personal file of these documents having been provided and/or signposted as part of the induction.

- 16.3 Where applicable, the statutory induction programme for Newly Qualified Teachers will be followed.

## **17 PROBATIONARY PERIOD**

- 17.1 The performance of new support staff will be rigorously monitored during a probationary period of six months with close attention being paid to learning needs and performance issues. Support staff who are taking up a post having joined from a maintained school without a break in service will be monitored through a six month probationary period.

## **18. VOLUNTEERS**

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

## **19. WORKERS**

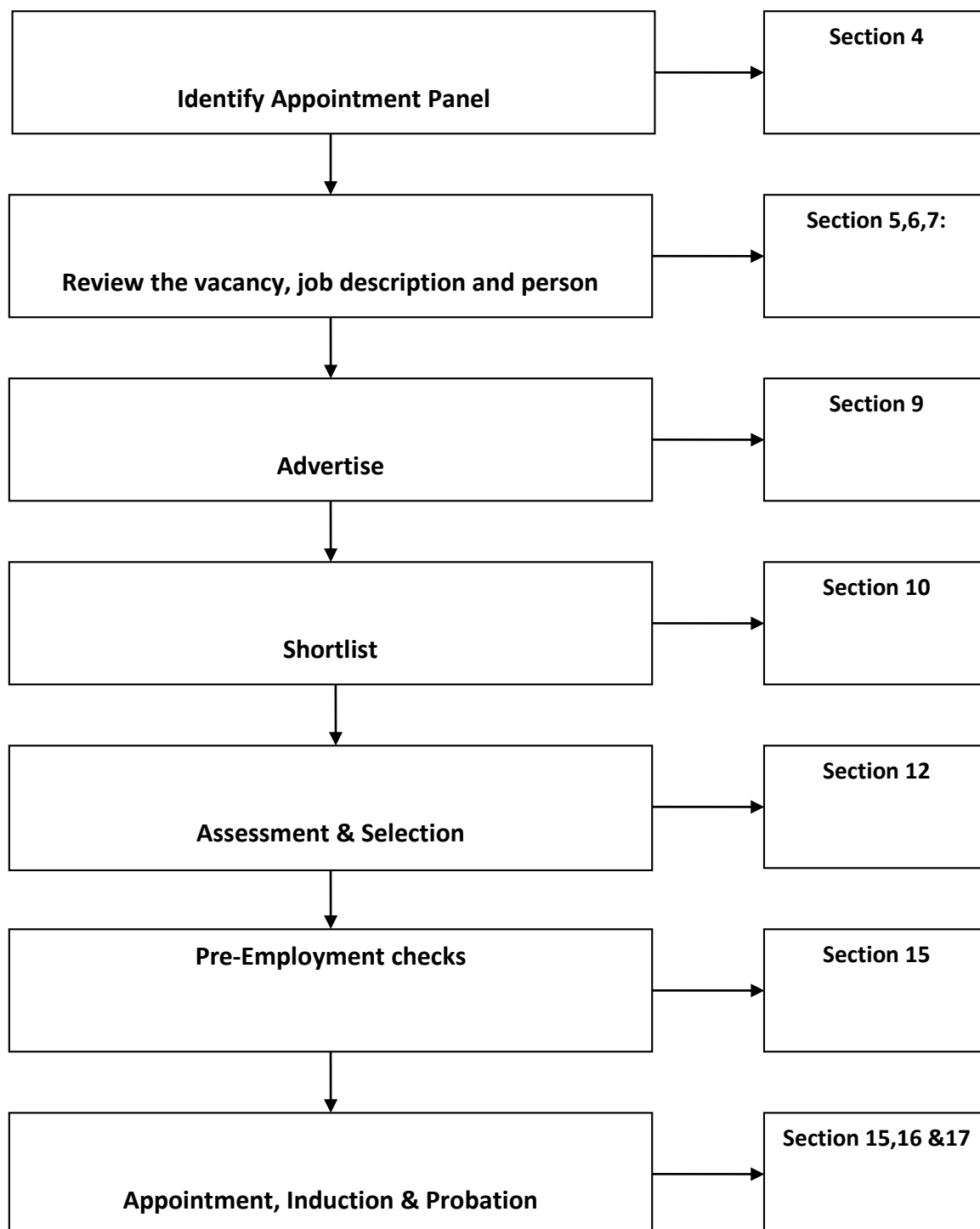
- 19.1 Recruitment of workers\* will be in line with this policy and all appropriate recruitment checks will be made on workers as would be done for substantive, fixed term and temporary staff. In addition, workers will be provided with written details of the main terms and conditions (Statement of Particulars – see 15.3) by day one as per the statutory stipulation effective from April 2020.

*\*Workers have a status in between employment and self-employment, and provide services personally to an organisation but under an arrangement that is looser than employment. Workers are free, without penalty, to accept or reject any offer of work made to them. Although the control element undoubtedly exists when a worker accepts an offer of casual work, the ability to reject such an offer at will, and without penalty, distinguishes such a worker from an employee. Short-term casual workers are therefore likely to be workers in most instances. Further guidance is available from HR Direct.*

## **20. REMUNERATION**

- 20.1 It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g. to take account of current salary levels, experience or qualifications.
- 20.2 Teachers' remuneration will be in line with the school's adopted pay policy.

## **APPENDIX 1 - Recruitment and Selection Flowchart**



**Please Note:** we take accessibility seriously and recognise that some of the information presented in this document may not be fully accessible to someone using assistive technology such as a screen reader. If you need guidance or an alternative format, email [Hrdirectmailbox@devon.gov.uk](mailto:Hrdirectmailbox@devon.gov.uk) with details of any preferred format and the assistive technology you use.

## **APPENDIX 2 - KEY LEGISLATION, POLICY AND GUIDANCE**

### **Legislation specifying employment rights:**

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002
- Education Act 2002
- Equality Act 2010
- Immigration Act 2016, Part 7 – Fluency Duty
- Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- Employment Rights (Miscellaneous Amendments) Regulations 2019

### **Equality legislation:**

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

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

### **Legislation and guidance for the protection of children:**

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Rehabilitation of Offenders Act 1974
- Working together to safeguard children March 2018
- Keeping children safe in education DFE September 2020

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

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

## POLICY HISTORY

Policy / Version Date	Summary of change	Contact	Implementation Date	Review Date
January 2016	Recruitment and Selection Policy updated in line with Keeping children safe in education guidance. This version replaces the Schools Recruitment Policy 2011	HR One	January 2016	As necessary and appropriate
February 2017	Recruitment and Selection Policy updated in line with Keeping children safe in education statutory guidance September 2016 version and to take account of public sector fluency duty	HR One	February 2017	As necessary and appropriate
10/12/2020	Additional Accessibility Information added below Flowchart – Appendix 1.	HR Direct	10/12/2020	

April 2021	General update and review including update in line with changes to contracts effective 6/4/20	HR One	April 2021 2020	As necessary and appropriate
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