



Outcomes Focused, Child Centred

Northern Education Trust Recruitment & Selection Policy

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Recruitment & Selection Policy

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1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Throughout the policy it refers to Nominated Officer. This will usually be the Executive Principal, Service Director, Line Manager or any officer nominated by the Chief Executive Officer. In some instances, it will be the Chief Executive Officer as outlined in the Scheme of Delegation.
- 1.2 This Recruitment and Selection Policy has been produced in line with and should be read in conjunction with the Department for Education document 'Keeping Children Safe in Education, Statutory Guidance for Schools and Colleges September 2018' or subsequent versions. The document can be found online by following this link: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- 1.3 This policy aims to ensure both safe and fair recruitment and selection is conducted at all times. Making safeguarding and promoting the welfare of children an integral factor in recruitment and selection is an essential part of creating safe environments for children.
- 1.4 This procedure was ratified by the Trustees on 14th December 2018, following consultation with recognised Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

2. Recruitment & Selection Policy Statement

- 2.1 The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment.
- 2.2 The Trust is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing a valuable service. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the Trust's performance and fundamental to the delivery of a high quality service.
- 2.3 The Trust recognise their responsibilities to provide job opportunities to internal and external candidates on a fair, consistent and equitable basis. All appointments to the Trust will be made on merit, and the appointments process is designed to ensure that the best person for the job is recruited. Supplementary information on equal opportunities issues is shown at **Appendix 1**.

3. Purpose

- 3.1 To ensure the recruitment of all staff including volunteers is conducted in a fair, effective and economic manner, and in accordance with statutory requirements and good practice.
- 3.2 To achieve this purpose, those that are responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants.

4. Scope

- 4.1 The policy applies to all employees responsible for and involved in recruitment and selection of all Trust staff.

4.2 The Trust Scheme of Delegation clearly defines responsibilities for recruitment.

5. Aims & Objectives

5.1 To ensure that the safeguarding and welfare of children and young people is rigorously applied at each stage of the recruitment and selection process.

5.2 To ensure a consistent and equitable approach to the appointment of all Trust based staff.

5.3 To ensure all relevant equal opportunities legislation is adhered to and that all applicants and appointees are not discriminated against on the grounds of any protected characteristic as defined under the Equality Act 2010.

5.4 To ensure the most cost effective use is made of resources in the recruitment and selection process.

6. Principles

6.1 The following principles are encompassed in this policy:

6.1.1 All applicants will receive fair treatment and a high quality experience of the recruitment process.

6.1.2 The job description and person specification are essential tools and will be used throughout the process.

6.1.3 Employees will be recruited on the basis of knowledge, experience, skills and suitability to work in the post.

6.1.4 Selection will normally be carried out by a panel with at least three members. At least one panel member will have successfully completed training on the recruitment and selection process through an online training package. At least one, and preferably all, member(s) of the panel will have undertaken appropriate equalities training; subject to approval of a training programme by the Trust Board and dependant on availability. All panel members must have, as a minimum, read the information included at **Appendix 1**. Wherever possible, if a panel member has a close personal or financial relationship with a candidate, they will withdraw from the process; but where this is not possible they must declare an interest.

6.1.5 Selection will be based on a minimum of completed application form, short listing and interview.

6.1.6 Monitoring and evaluation are essential for assessing the effectiveness of the process.

6.1.7 Normally, all posts will be advertised at least internally in the first instance, and all appointments to posts on the leadership scale will always be advertised internally as a minimum.

7. Equal Opportunities

7.1 The Trust is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will

be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of any protected characteristic as defined under the Equality Act 2010.

8. Recruitment & Selection Guidance

8.1 Safer Recruitment – Recruitment & Selection Training

8.1.1 The School Staffing (England) Regulations 2010 require governing bodies to ensure that at least one person on any appointment panel has undertaken safer recruitment training.

8.1.2 The Trust will advise which training package is to be used. The training should cover, as a minimum, the content of the guidance in the current document 'Keeping Children Safe in Education'.

9. Advertisement of jobs

9.1 It is recommended that the Trust adopt a consistent approach when considering whether to advertise internally or externally for vacancies.

9.2 The Trust must also give careful consideration before advertising externally to avoid a situation where recruitment of external candidate would potentially lead to a redundancy situation due to staff budget restrictions. However, if resignation deadlines are looming, the Trust may concurrently advertise the post both internally and externally.

9.3 In certain circumstances there may be a need to safeguard the interests of employees who might otherwise face redundancy. The Trust will seek to cooperate wherever possible, on the advice of the Trust HR Function, to offer re-deployment opportunities to affected staff. Location of posts in relation to employees at risk will also be taken into consideration.

10. Pre-Recruitment Process

10.1 Objective

10.1.1 The objective of the recruitment process is to attract, select and retain staff that will successfully and positively contribute to the future development of the Trust. The first experience an individual has is important, therefore the experience should be positive and all those responsible for recruiting should:

- Leave a positive image with unsuccessful applicants, and where requested give feedback to unsuccessful applicants.
- Give successful applicants a clear understanding of the post and what is expected of them
- Reduce the risk of an inappropriate selection decision that can be expensive or may not meet the Trust's commitment to safeguard children.

10.2 Information to Applicants

10.2.1 As a minimum, all prospective applicants will receive

- The job description for the job
- The person specification for the job

- A copy of the staffing structure for all posts of responsibility
 - Application form
- 10.2.2 A standard Trust application form should be used to obtain a common set of core data from all applicants. A CV drawn up by the applicant must not be accepted in place of the standard application form.
- 10.2.3 Late applications will only be accepted in exceptional circumstances. The Nominated Officer is advised to seek the advice and guidance of the Trust HR Function. No further applications will be considered once the shortlisting process has commenced.
- 10.2.4 Papers related to an individual's application for a job are confidential, and will only be circulated to those directly involved in the recruitment and selection process.

10.3 Job Description & Person Specification

- 10.3.1 A job description should detail the purpose, tasks and responsibilities of the job. Taken together, the job description and person specification will form the basis for advertisement of the job, interview and assessment, and subsequent appointment to the post.

A good job description should include:

- Main purpose of the job, ideally in one sentence
 - Main tasks of the job
 - Scope of the job – expanding on the main tasks and the importance of the job. This can be done by indicating information such as the number of people to be supervised, degree of precision required and the value of any materials and equipment used.
- 10.3.2 A good job description can also help with induction and training. It also provides the basis for drawing up a person specification – a profile of the skills and aptitudes considered essential and desirable in the jobholder. It enables prospective applicants to assess themselves for the job and provide a benchmark for judging achievements.
- 10.3.3 Drawing up a person specification will allow the Trust to profile the ideal person required for the post. It is important that the skills, aptitudes and knowledge in the specification are related precisely to the needs of the job.
- 10.3.4 Care must be taken when drawing up a person specification to ensure none of the factors are discriminatory. Factors to consider when drawing up a person specification include:
- Skills, knowledge, aptitudes directly related to the job
 - Type of experience necessary
 - Competencies necessary
 - Education and training

10.4 References

- 10.4.1 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Open references should not be relied upon; for example, in the form of 'to whom it may concern' testimonials.
- 10.4.2 It is recommended that references be sought on all short listed candidates, including internal ones, and should be obtained before interview so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.
- 10.4.3 It is recommended that the panel member who has undertaken the safer recruitment training assumes responsibility for checking the references on behalf of the panel and advises on how issues of concern can be explored further with the referee, and taken up with the candidate at interview. It is not necessary or advisable that the whole panel read the references prior to interview.
- 10.4.4 Where a reference has not been obtained on the preferred candidate before interview, the Trust should ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.
- 10.4.5 If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

10.5 Shortlisting

- 10.5.1 The basis for shortlisting will be the matching of information from a candidate's written application assessed against the requirements of the person specification for the job. No additional criteria will be introduced at the shortlisting stage.
- 10.5.2 The shortlisting process must be undertaken on a fair and consistent basis. Usually, no-one should be shortlisted who does not, as a minimum, meet the defined essential criteria within the person specification. However, if a candidate believes they meet the majority of the criteria it would be useful to word the information in the recruitment pack to ask them to discuss with the panel lead the merits of making an application.
- 10.5.3 No person who has a close personal relationship with a candidate for a specific job, may shortlist for the job, or be on the interview panel, unless they have declared the relationship. Wherever possible, if a panel member has a close personal or financial relationship with a candidate, they will withdraw from the process; but where this is not possible they must declare an interest.
- 10.5.4 To avoid any possibility of discrimination, application forms must not contain any information relating to any protected characteristics. The standard Equal Opportunities monitoring form must be removed prior to any shortlisting activity taking place.

- 10.5.5 Shortlisting will be carried out by at least two people, one of whom will, wherever possible, be the line manager to whom the job holder will report. At least one person involved in shortlisting will have received the safer recruitment training. At least one of the people involved in the shortlisting will have undertaken appropriate equalities training, subject to paragraph 6.1.4 above.
- 10.5.6 It is recommended that the shortlisting panel complete the process in line with the standard format set out in **Appendix 2**. The reasons for not shortlisting a particular candidate will be clearly recorded.

10.6 Interviews

- 10.6.1 Face to face interviews will be the primary means of recruitment to all vacant jobs, however, other means such as Skype interviews can be used in exceptional circumstances. A range of other selection methods and processes may also be considered in relation to each vacant job. When adopting selection tools, care must be taken to ensure that they are relevant to the person specification and able to be objectively assessed as part of the selection criteria.
- 10.6.2 The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. The selection process for people who will work with children should always include a face-to-face interview even if there is only one candidate, unless the applicant is an internal candidate already working with children.
- 10.6.3 The Nominated Officer will ensure that candidates are informed in writing of:
- the date, time, location and approximate length of the interview
 - the format of the interview and details of the names and designations of the interview panel
 - details of any other selection methods which will be used in addition to interview
 - the person to be contacted for any further information on recruitment arrangements.
- 10.6.4 Wherever possible, external candidates should be given a minimum of 5 days' notice of the interview date and internal candidates should be given a minimum of 3 days' notice.
- 10.6.5 An example 'Invitation to Interview' letter is attached at **Appendix 3**.
- 10.6.6 All candidates invited for interview will be asked to indicate if they require any specific facilities or assistance. In particular, disabled applicants will be asked to specify any particular arrangements which they will require e.g. British Sign Language interpretation.
- 10.6.7 Assessments from application form, interview, all tests and/or other exercises used within the selection process will be properly documented and recorded against each individual candidate, and details placed within the recruitment file. In line with GDPR regulations, personal information for unsuccessful candidates will be retained for six months and then securely destroyed. Information will not be shared with any third parties.

10.7 Interview Panel

- 10.7.1 Interviews will be conducted by a minimum of three interviewers wherever possible, and in some cases, e.g. for senior or specialist posts, a larger panel might be appropriate. A panel of at least three people ensures one member can observe and assess the candidate, and make notes, while the candidate is talking to the others. It also reduces the possibility of any dispute about what was said or asked during the interview.
- 10.7.2 A representative from the Trust should always be involved in senior appointments. (Refer to Scheme of Delegation)
- 10.7.3 The members of the panel should:
- Have the necessary authority to make decisions about appointments.
 - Be appropriately trained, as outlined in paragraph 8 above.
 - Meet before the interviews to agree the structure, format and core questions to be used within the interview process. Core interview questions will be based upon a proper consideration of the person specification for the job and will be common for all applicants.
 - Agree the assessment criteria in accordance with the person specification.
- 10.7.4 Supplementary questions are appropriate to clarify or expand on a candidate's response to a core question, but must relate clearly to the duties and responsibilities of the job. Supplementary questions will be properly recorded and candidate's responses logged within the appropriate documentation.
- 10.7.5 It is recommended that model answers in bullet point form are recorded against each core question so that candidate responses can be effectively assessed. However, the model answer is only a guide and will not serve to devalue good candidate responses to questions in any way.

10.8 Scope of the Interview

- 10.8.1 In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:
- The candidate's attitude toward children and young people.
 - His/her ability to support the Trust's agenda for safeguarding and promoting the welfare of children.
 - Gaps in the candidate's employment history.
 - Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

Discuss any criminal convictions or safeguarding issues declared on the application form. Previous offences do not automatically disqualify an applicant and each need to be considered on individual case by case basis.

- 10.8.2 If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare/discuss in light of the questions that have been (or will be) put to

his/her referees. (It is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before s/he starts work).

11. The Equality Act 2010

- 11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and the wider society. It is unlawful to discriminate against anyone with a protected characteristic during the recruitment process because of that protected characteristic. See **Appendix 1** for supplementary information.

12. Appointment

- 12.1 The successful candidate will be contacted by the chair of the interview panel to advise of the conditional job offer as soon as practicable after the interview process has been completed, and the decision to appoint has been made.
- 12.2 For Executive Principal / Principal appointments, the panel will consist of a number of Trustees. The decision will be minuted at the Board
- 12.3 The decision must be confirmed in writing.
- 12.4 The Nominated Officer will ensure that a letter of appointment is issued to the successful candidate:
- the job title and grade of the job
 - the date of commencement of employment (if confirmed)
 - salary and payment arrangements
 - the term of the employment (whether temporary/fixed-term, permanent contract). as set out in the advert
 - reference requirements
 - medical clearance, if required
 - DBS Disclosure requirements
 - whether the employment is subject to a trial period and if so, the terms which will apply to this
 - any particular or special benefits which might apply
 - the notice periods for termination
 - the main terms and conditions of their employment

An example 'letter of appointment to successful candidate' is included in **Appendix 4**.

- 12.5 Once an acceptance of the job offer has been secured verbally the unsuccessful candidates will be notified of the outcome.
- 12.6 It is good practice to offer feedback to all unsuccessful applicants. Candidates should be kept informed should there be an unreasonable delay with this process. It is the responsibility of the chair of the panel to ensure that all candidates are advised by letter, telephone or face-to-face of the outcomes of their application. An example 'letter to unsuccessful candidate' is included in **Appendix 5**.

13. Conditional Offer of Appointment: Pre Appointment Checks

- 13.1 An offer of appointment to the successful candidate should be conditional upon the following and confirmed in writing:

- The receipt of at least two satisfactory references (these should have already been received and checked prior to interview)
- Verification of the candidate's identity (this should have been checked at interview stage)
- Verification of the candidate's medical fitness
- An enhanced DBS check with a barred list information where the person will be engaging in regulated activity
- A separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- For teaching posts; a prohibited list check using the employer access online service
- Verification of professional qualifications as appropriate
- Verification of eligibility to work in the UK
- Further checks on people living or working outside the UK
- For those involved in the management of a school, a Section 128 check must be completed. (includes Trustees, Governors, Principals, SLT and Heads of Departments).

All checks should be:

- Confirmed in writing
- Documented and retained on the personnel file (subject to certain restrictions on the retention of information imposed by DBS regulations)
- Followed up where they are unsatisfactory or there are discrepancies in the information provided
- Entered on the Single Central Register (SCR)

Where:

- The candidate is found to be on the barred list, or the DBS Disclosure shows s/he has been disqualified from working with children by a Court; or,
- An applicant has provided false information in, or in support of, his/her application
- There are serious concerns about an applicant's suitability to work with children,

The facts should be reported to the police and the DBS and the offer of employment withdrawn.

14. Post Appointment Induction

- 14.1 There should be an induction programme for all staff, Governors and other volunteers newly appointed in an establishment, including teaching staff, regardless of previous experience. All staff should be aware of systems within the Trust which support safeguarding and this should be included as part of induction. As a minimum everyone should be provided with the Trust Code of Conduct and the Academy Child Protection policy.

15. Maintaining a Safer Culture

- 15.1 It is important that all staff within in the Trust receive appropriate training and induction so that they are aware of their role and responsibilities and are confident about carrying them out. Staff, pupils, and parents also need to feel confident that they can raise issues or concerns about the safety or welfare of children, and that they will be listened

to and taken seriously. This can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children and young children and protecting staff.

16. Volunteers

- 16.1 There must be compliance with Safer Recruitment and Selection when looking to appoint volunteers. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. At a future date to be announced, there will be an additional duty to obtain a barred list check on a volunteer who will be engaging in regulated activity.

17. Agency/Supply Teachers

- 17.1 It is important that thorough checks are made on anybody who will be working in the Trust both to prevent unsuitable people from gaining access to children and young people and to maintain the integrity of the teaching profession and confidence that schools are safe places for children and young people. The same range of checks which are required for school staff providing education are also required for supply staff including those employed via employment agencies.
- 17.2 The Trust must check with the relevant supply agency and obtain written confirmation that all appropriate checks have been undertaken. They *must* also see the DBS disclosure in cases where the disclosure contains information.

18. Governors

- 18.1 It is Trust policy that we should obtain an enhanced DBS check on all governors. However, if the governor is not working in regulated activity, DBS regulations stipulate that only an enhanced check without a barred list check can be obtained. In addition, a Section 128 check must be obtained.

19. Review and Monitoring of Appointments

- 19.1 Applicants for all jobs will be asked to provide details of their ethnic origin, gender, marital status, religion, sexuality and disability status by completing the monitoring documents issued with the application form. This information is confidential and will not be seen or used by the panel in selection in any way. The information will be recorded through the HR Transactional and Payroll provider and monitored through reporting methods by the Trust HR function, for information and guidance <https://ico.org.uk/> and the Trust's GDPR policy.
- 19.2 The aim of recruitment monitoring is to enable the academies and the Trust to identify the numbers and relative proportion of various groups participating in the selection process at application, shortlisting and appointment stages. This information will also help to assess progress in implementing the Trust's Equal Opportunities Policy, and identify actions which might improve the fairness of its recruitment and selection procedures.
- 19.3 Data will be reviewed in conjunction with the recognised Trade Unions.

SUPPLEMENTARY INFORMATION ON THE EQUALITY ACT 2010 EQUALITY OF OPPORTUNITY IN EMPLOYMENT

1. Background

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

1.1 Equality Act Provisions which came into Force on 1 October 2010:

- the basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions, work, education, associations and transport;
- changing the definition of gender reassignment, by removing the requirement for medical supervision;
- providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic;
- clearer protection for breastfeeding mothers;
- applying a uniform definition of indirect discrimination to all protected characteristics;
- harmonising provisions allowing voluntary positive action.

1.2 April 2011

Equality Act provisions which came into force in April 2011:

- positive action - recruitment and promotion

To avoid discrimination of any sort in recruitment and selection, it is important that all the decisions made during the process are based on the genuine needs of the job as defined in the person specification and job description.

1.3 Protected Characteristics

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

2. Types of Discrimination: Definitions

2.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

2.2 Discrimination by Association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

2.3 Perception Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if that person does not possess that characteristic.

2.4 Indirect Discrimination

Indirect discrimination can occur when the employer has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the Trust can show that they have acted reasonably, i.e. that it is a 'proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision the Trust may make in running the Trust, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that less discriminatory alternatives to any decision made have been looked at.

3. Sex and Race Discrimination

Representatives of the Trust must not discriminate against anyone on the basis of sex or marital status. In the selection process a person should not be offered a contract that is less favourable than that offered to another applicant of a different sex or status where the work is of equal value. (Paying a higher salary to someone of greater experience where his or her work could be said to be of higher value would be allowable.)

Discrimination on the grounds of race includes discrimination based on colour, nationality or citizenship, ethnic or national origin.

4. Religious Belief, Sexual Orientation and Gender Re-assignment

Representatives of the Trust must not discriminate against candidates on the basis of their religion (which may require them to observe specific religious practices such as the wearing of a turban by a Sikh.)

People must not be discriminated against on the basis of sexual orientation (e.g. homosexuality) or gender re-assignment (whether the re-assignment is intended, being undergoing or has been undergone).

5. Disability Discrimination

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

The Act puts a duty on the Trust to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively).

The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the Trust know, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement in place disadvantages people with the same disability. Unless this can be justified, it would be unlawful.

The Act also includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Where, for example, an intrinsic part of the job requires a significant amount of manual handling it would be legitimate for the panel to ask applicants about their health in relation to this particular aspect of the job. However, general checks on potential levels of attendance should not be carried out until after the successful applicant has been offered the position, on a conditional or unconditional basis.

Potential applicants should be provided with full information on the assessment process to be used and asked if, for reasons concerned with their health or a disability, they require an adjustment to the assessment process to be made.

It is also unlawful for an employer to fail to make a reasonable adjustment when a person with a disability is placed at a substantial disadvantage. Where an applicant with a disability meets the essential criteria specified on the person specification, the applicant is to be interviewed in accordance with the guaranteed interview scheme.

6. Age Discrimination

In line with Equalities Act 2010, this policy requires that no one should be discriminated against on the grounds of age. Care must be taken when compiling person specifications and advertisements in order to avoid any inference of age discrimination.

7. Pre-employment Health-related Checks

The Equality Act limits the circumstances when health-related questions can be asked before an individual has been offered a job. Before an offer is made, health-related questions can only be asked to help the panel:

- Decide whether any reasonable adjustments need to be made for the individual for the selection process
- Decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Assure themselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

A jobseeker cannot take the employer to an Employment tribunal if they think they have acted unlawfully by asking questions that are prohibited, though they can complain to the Equality and Human Rights Commission. However, if prohibited questions are asked, and the applicant is not employed, they may bring a claim of discrimination and the burden of proof would be on the employer to demonstrate that they had not discriminated.

Once a person has been offered a job (whether this is an unconditional or conditional job offer) it is then permitted to ask appropriate health-related questions.

7.1 Teaching Appointments

Does the statutory fitness requirement for teacher's amount to an intrinsic part of their role, meaning questions can be asked about health before a job offer is made?

No, this is not considered to be the case. Regulation 6 of the Education (Health Standards) (England) Regulations 2003 states that a person must not carry out a 'relevant activity' (subject to the duty to make reasonable adjustments) unless they have the fitness to carry out that activity. Relevant activities are defined in the regulations and are very general in nature, including activities such as 'delivering lessons to children' and an 'activity which is ancillary to the provision of education'.

Because of the general nature of the statutory requirement it will in most cases be difficult to say that it amounts to an intrinsic part of the role, about which questions can be asked about health before a job offer is made.

8. Reference Requests

Under statutory safeguarding guidance references are taken up prior to interview. Questions about health cannot routinely be asked until the offer of work has been made.

The question on absence should state:

"Please supply details of a contact within your organisation who can provide information on attendance/sickness record, should a job offer be made".

In practice this means that once an offer of employment has been made, the employer can then go back and seek information from the referee about attendance and absence. The offer of the job should be made subject to the necessary clearances being received, including medical fitness to carry out the job. Once medical information is revealed, the employer cannot discriminate against the applicant and any reasonable adjustments in the circumstances must be made to accommodate any disability.

9. Positive Action

The Equality Act allows an employer to take positive action if they think that job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low. These actions could include offering training opportunities or other initiatives to disadvantaged groups.

In order to promote diversity positive action includes encouraging applicants from minorities to apply. The successful application of this policy will lead to a more diverse workforce that is more representative of the general population and will bring a wider range of candidates (with a greater range of skills) into the selection process. The use of a scoring scheme will minimise the risk of breaching equalities legislation.

10. Genuine Occupational Qualifications or Requirements

Under the Equality Act 2010 one of the (very limited) defences to a discrimination claim arises if the employer can show an occupational requirement. This will not happen very often. This single occupational requirement applies to all of the protected characteristics. An occupational requirement can only arise for a few specific jobs which are reserved for people with a protected characteristic. It is important to understand that this exception is very limited indeed. In these rare cases, discrimination by the employer in favour of the particular protected characteristic will be allowed:

Examples of these are:

- where jobs require the provision of personal care then the gender, colour or nationality of applicants can be stipulated if only such a person could provide effective care
- where the job holder needs to deal with people from a particular ethnic background their background can be specified.

11. Asylum & Immigration Act

In complying with this Act, assumptions should not be made about a person's right to work, or immigration status, on the basis of their colour, race, nationality or ethnic or national origins or the length of time they have been in the UK.

In order to eliminate direct or indirect discrimination on the grounds of race the Trust will not reject any applications on the grounds that the applicants do not have a British Nationality. Representatives of the Trust involved in the recruitment procedure will carry out the relevant checks on eligibility to work in the UK in accordance with statutory requirements.

12. Rehabilitation of Offenders

Representatives of the Trust must not discriminate against anyone on the grounds of spent convictions. The elapsed time between conviction and the point at which a conviction becomes spent varies with the seriousness of the offence and length of any prison sentence. This does not remove the need to carry out DBS checks for all those in regulated activity. Only relevant convictions and other information will be taken into account so disclosure need not necessarily be a bar to obtaining a position.

13. GDPR – formerly Data Protection Act 1998

All advertising, job applications, verification, short-listing, interviews, pre-employment vetting and the retention of recruitment records must comply with the code of practice set out in this Act.

All applicants will be told why information is required, how it will be used and to whom it will be disclosed. <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

14. Prevention of Illegal Working

Work permits

Governors should ensure that all prospective employees are entitled to work in the UK. If there are any doubts about a prospective employee, managers should consult the Trust HR function for advice on how to proceed. An employer can apply for a work permit to employ a

person who is not entitled to work in the UK provided that certain conditions are met. More information can be obtained from the Trust HR function.

RECRUITMENT – SHORT- LISTING ANALYSIS FORM

POST TITLE:

CRITERIA (Please relate to Person Specification)

CRITERIA MATCH (use (/) or (x) to indicate below whether the applicant meets the required criteria)

Applicant No	CRITERIA																												Short Listed (Y/N)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
1																													
Comments																													
2																													
Comments																													
3																													
Comments																													
4																													
Comments																													
5																													

Comments	
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Applicant No	CRITERIA																												Short Listed (Y/N)	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28		
6																														
Comments																														
7																														
Comments																														
8																														
Comments																														
9																														
Comments																														
10																														

Comments		
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Signed:

Print:

Date:

Example Invitation to Interview Letter

Private & Confidential

Mrs J Smith
101 New Road
Bradford
West Yorkshire

Date

Dear Mrs Smith

Re: Teacher of Science – Name of Academy

With reference to your application for the above position I am pleased to invite you for interview on Monday 13th October 2018 at xxxxxxxx Academy, *enter address*.

Please arrive at the Academy for 9.00am and report to reception. I attach for your information a schedule for the day.

In line with DfE regulations, we **MUST** see **THREE** forms of identification, where possible one of these needs to include a photograph. As identity checking guidelines have recently changed, please see the attached list of valid identity documents you can provide. Please note that many documents previously accepted have now been removed so please check the list carefully. Original copies of identification must be provided and printed documents from online banking etc. are no longer accepted.

You **MUST** also produce a current DBS certificate (if held) **and** confirmation of qualifications mentioned in your application. These will be photocopied on arrival.

Please confirm your attendance by emailing patoprincipal@northerneducationtrust.org

If you have any specific individual needs to be able to allow you to attend the interview, please let me know as soon as possible so that the necessary arrangements can be made. If you have any queries in relation to available facilities on the day, please contact xxxxxxxxxxxxxxx.

Parking is available on site.

In the meantime, on behalf of Northern Education Trust, we look forward to seeing you on the day.

Yours sincerely

Name
Job Title

Valid Identity Documents

Appendix 4

We can only accept valid, current and original documentation. No photocopies or documentation printed from the internet e.g. internet bank statements should be accepted. Documents must be provided to evidence any reasons for different names across documents (i.e. marriage certificate, divorce decree, deed poll). **NB:** If the applicant is not a national of the UK or the European Economic Area (EEA), they must use a different route to apply for paid work in the UK. Please see further details on page 24.

Right to Work Documents
<ul style="list-style-type: none"> • Current Valid Passport UK or EEA (or Non-EEA in combination with a Biometric Residence Permit or current Work Permit/Visa) • Biometric Residence permit (UK) • Full Birth Certificate (UK & Channel Islands) – issued within 12 months of date of birth – which includes the name(s) of at least one of the holder’s parents or adoptive parents, together with an official document giving the person’s permanent National Insurance number and their name issues by a Government agency or a previous employer.

DBS Check ID Documents

Group 1 Primary Identity Documents	
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence	UK, Isle of Man, Channel Islands and EEA. From 8 th June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by the DVLA.
Birth Certificate – issued within 12 months of birth	UK, Isle of Man and Channel Islands – including those issued
Adoption Certificate	UK and Channel Islands

Group 2a Trusted Government Documents		All driving licences must be valid
Current driving licence photocard (full or provisional)	All countries outside the EEA (excluding Isle of Man and Channel Islands)	
Current driving licence (full or provisional) – paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EEA	
Birth Certificate – issued after time of birth	UK, Isle of Man and Channel Islands	
Marriage/civil partnership certificate	UK and Channel Islands	
Immigration document, visa or work permit	Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based.	
HM Forces ID Card	UK	
Firearms Licence	UK, Channel Islands and Isle of Man	
Group 2b Financial / Social History Documents		
Issued within last 3 months	Issued within last 12 months	No time limit
<ul style="list-style-type: none"> • Bank/Building Society Statement (UK, Channel Islands or EEA) • Bank/Building Society Statement (Countries outside the EEA) [Branch must be in the country where the applicant lives and works] • Bank or building society account opening confirmation letter (UK) • Credit Card Statement (UK or EEA) • Utility Bill – electricity, gas, water, telephone –NOT mobile phone contract/bill • Benefit Statement (UK) – e.g. Child Allowance, Pension* 	<ul style="list-style-type: none"> • Mortgage Statement (UK or EEA) • Financial Statement – e.g. pension, endowment, ISA (UK) • P45/P60 Statement* (UK & Channel Islands) • Council Tax Statement (UK & Channel Islands) 	<ul style="list-style-type: none"> • EU National ID Card [Must still be valid] • Cards carrying the PASS accreditation logo (UK) [Must still be valid] • Irish Passport Card (Cannot be used with an Irish Passport) [Must still be valid] • Valid letter of sponsorship from future employment provider (Non UK/EEA only – valid only for applicants residing outside of UK at time of application). • Letter from head teacher or college (UK – for 16 to 19 year olds in full time

<ul style="list-style-type: none"> • A Document from Central/Local Government/ Government Agency/Local Authority giving entitlement (UK & Channel Islands): e.g. from the Department of Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security 		education – only used in exceptional circumstances if other documents cannot be provided) [Must still be valid]
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DBS Checks Routes:

Route 1
<p>You must be able to show:</p> <ul style="list-style-type: none"> - one document from Group 1 - 2 further documents from either Group 1, or Group 2a or 2b <p>At least one of the documents must show your current address. If applicant isn't a national of the UK or the EEA and is applying for voluntary work they may need to be fingerprinted if they can't show these documents. Further information can be found below.</p>
Route 2
<p>If you do not have any of the documents in Group 1, then you must be able to show:</p> <ul style="list-style-type: none"> - one document from Group 2a - 2 further documents from either Group 2a or 2b <p>At least one of the documents must show your current address. Northern Education Trust must then also use an appropriate external ID validation service to check the application.</p> <p>EEA nationals who have been resident in the UK for 5 years or less may need to be fingerprinted if they can't show these documents.</p> <p>If the applicant isn't a national of the UK or the EEA (either paid or voluntary work) they cannot use Route 2.</p>

Route 3

Route 3 can only be used if it is impossible to process the application through Routes 1 or 2.

EEA nationals who have been resident in the UK for 5 years or less can't use Route 3.

If the applicant isn't a national of the UK or the EEA (either paid or voluntary work) they cannot use Route 3.

For Route 3, you must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- one document from Group 2a
- 3 further documents from Group 2a or 2b

At least one of the documents must show your current address. If you can't provide these documents then you may need to be fingerprinted.

For Non UK and EEA applicants please follow the guidance below:

An applicant who wants to do paid work and is not a national of the UK or EEA must be able to show:

- one primary document – please see table below
- 2 supporting documents from the above categories (Group 1, Group 2A and Group 2B)

If an applicant is unable to provide this documentation, they cannot submit a DBS check. This is because the Right to Work in the UK cannot be established. They cannot use any other route.

Primary Documents

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Example letters of appointment to successful candidate

Private and Confidential
Insert Name and Address

Date

Dear

Conditional Offer Letter – INSERT POST TITLE

Following your recent interview for the post of (insert job title) I am pleased to confirm the offer of the following position:

Title:

Location:

Contract Status: (if fixed term, state reason for fixed term contract and end date)

Salary:

Teacher Scale:

Terms and Conditions: Teachers STP&CD

Hours:

Start Date:

The offer of appointment is subject to all necessary pre-employment checks, including enhanced DBS, references, pre-employment medical and the production of any essential qualification certificates for the post if they have not already been produced.

Your pay date will be the 19th of every month.

Please sign the enclosed copy of this letter as your acceptance of this offer and return it to me within two weeks of receipt. The additional copy should be retained by you.

If you fail to return a signed copy, (insert name) will take it that you have accepted this offer as outlined above.

I look forward to welcoming you to Northern Education Trust and would like to take this opportunity to congratulate you on your appointment.

Yours sincerely

Name

Job Title

***** Please Do Not Detach*****

I acknowledge receipt of this document and return a signed copy as confirmation of my acceptance to the offer as outlined above

Signed:.....Date:.....

Private and Confidential
Insert Name and Address

Date

Dear

Conditional Offer Letter – INSERT POST TITLE

Following your recent interview for the post of (insert job title) I am pleased to confirm the offer of the following position:

Title:

Location:

Contract Status: (if temporary, state reason for temporary contract and end date)

Salary:

NJC Scale:

Terms and Conditions: NJC

Hours:

Start Date:

The offer of appointment is subject to all necessary pre-employment checks, including enhanced DBS, references, pre-employment medical and the production of any essential qualification certificates for the post if they have not already been produced.

Your pay date will be the 19th of every month.

Please sign the enclosed copy of this letter as your acceptance of this offer and return it to me within two weeks of receipt. The additional copy should be retained by you.

If you fail to return a signed copy, (insert name) will take it that you have accepted this offer as outlined above.

I look forward to welcoming you to Northern Education Trust and would like to take this opportunity to congratulate you on your appointment.

Yours sincerely

Name
Job Title

***** Please Do Not Detach*****

I acknowledge receipt of this document and return a signed copy as confirmation of my acceptance to the offer as outlined above

Signed:.....Date:.....

Example letter to unsuccessful candidate

Private & Confidential

Mrs J Smith
101 New Road
Bradford
West Yorkshire

Date

Dear Mrs Smith

Re: Application for position of INSERT POST TITLE

I refer to your recent application and subsequent interview for the above position.

I am sorry to inform you that on this occasion you were unsuccessful. If you would like feedback on your interview, please do not hesitate to contact me on *enter telephone number* or by email to xxxxxxxxxxxxxxxxx.

Thank you for the interest you have shown in working for Northern Education Trust.

Yours sincerely

Name
Job Title

CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.