



## Our Mission Statement

Granville Sports College is committed to:

- Raising standards of achievement and creating opportunities for all pupils, regardless of needs to develop their full potential and improve their life chances
- Raising the aspirations of the whole school community by creating a culture of continuous learning that celebrates success at all levels
- Developing a school that is the pride of the local area where pupils, parents, staff, governors and wider community feel safe, valued, listened to and welcomed for the diverse contribution they make to our school life

## Recruitment and Selection Policy

Adopted From DCC

Responsible::	Governing Board
Delegated Responsibility	Jo Kingswood (Headteacher)
Start date:	1 <sup>st</sup> September 2016
Review date:	1 <sup>st</sup> September 2018 (or sooner if LA guidance revised)

Signed .....  ..... Jo Kingswood (Head)

Signed .....  ..... Karen Mitchell (Chair of Governing Board)

## Contents

### Policy for Recruitment and Selection

	Page No
Policy Statement	3
Review the Vacancy	3
Planning the Process	3
Job Description	4
Person Specification	4
Job Evaluation	4
Application Form	5
Advertisements	5
Scrutinising and Shortlisting	5
References	6
Selection Process	7
Offer of Appointment	8
Monitoring and Evaluation	8
Flow Chart	9

### Advice and Guidance for Governors, HT and staff involved in recruitment process.

Introduction	10
Safer Recruitment	10
Policy Statement	10
Training	11
Legislation	11
Staffing Review	13
Planning the Process	14
The Selection Panel	14
The Job Description	15
The Person Specification	15
Job Evaluation	16
Application Form	17
Advertising Vacancies	17
E-Recruitment	18
Applicant's Information Pack	19
Scrutinising and Shortlisting	19
References	20
Selection Process	22
Assessment	23
Selection	26
After the interview	26
Pre-Employment Checks	27
Monitoring and Evaluation	28
Exit Interviews	28
Appendix 2 Other Relevant Documents	29
Appendix 3 Model Reference Pro-forma	30
Appendix 4 Guidance on Positive Action in Recruitment & Selection Decisions	33

## **RECRUITMENT AND SELECTION POLICY**

It is the policy of Granville Sport College 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 procedure. Throughout the policy the safeguarding of children is given priority and recommendations from the DfE (formerly DCFS) guidance document “***Safeguarding Children: Safer Recruitment and Selection in Education Settings***” are incorporated. The policy aims to deter, identify, and support the school in rejecting people who may be unsuited 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 personnel 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.

### **Policy Statement**

Granville Sports College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

This statement will be utilised on advertisements, information for candidates, person specifications and job descriptions. It is the Governing Body’s policy that at least one member of each interview panel should have completed safer recruitment training.

### **Review 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 Body will follow an agreed consultation process to amend the staffing structure.

### **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 Body’s policy. *(Insert here your own decision, following Governing Body consideration of School Staffing Regulations, updated 2009).*

The selection panel will:

- Agree the panel member responsible for scrutinising the applications prior to short listing and references prior to interview
- 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.

### **Job Description**

The job description will describe the purpose, scope, duties and responsibilities of the job. The existing job description will be reviewed before a new postholder is recruited to check that the duties, responsibilities and grading of the post are still correct. 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.

### **Person Specification**

Every post will have a person specification. It will be reviewed along with the job description 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.

### **Job Evaluation**

The following will be utilised to support the grading and designation of posts:

- Leadership Group - National Standards for Headteachers
- 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 for award of allowances for Special Education Needs – for teachers in relevant circumstances
- Support Staff Roles- Following the implementation of Single Status in schools all jobs are allocated into a job family and evaluated using the scheme adopted by the Local Authority. Job descriptions and matched person specifications are evaluated 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.

### **Application Form**

All applicants will be required to complete all sections of the relevant standard application form. Most posts will also require the submission of a covering letter of application. CV's will not normally be accepted.

For online applications arrangements will be made for candidates to sign the declaration when attending for interview.

## **Advertisements**

Consideration will be given by the panel 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 will be placed in the printed media circulated throughout England and Wales, except where the Governors secure confirmation from the Local Authority that the situation is one where this may not be required.

## **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.

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 CAYA HR team 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 by the LA that schools receive support to ensure the shortlisting process is robust.
- Applications will be measured against the selection criteria and not other applications
- 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

## **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, or worked, 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, to meet a tight timescale, then secure transfer of data must be ensured and the source verified. A follow up hard copy, which is signed, will also be required. 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 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 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 DfES (now DfE) in 2005 and reissued in 2007. (see Appendix 3 for sample reference questionnaire)

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. Where the information requires discussion with the candidate, this will be arranged before employment is confirmed.

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 misstatements or omissions and that relevant factual content of the reference may be discussed with the applicant.

The nominated panel member will scrutinise the references before interview and seek clarification were necessary. Any issues will be taken up with the applicant during the interview.

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 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 not proven or found malicious will not be included in references.

## **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 DfE (formerly DCFS) updated in January 2007.

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.

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 role.

### **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.

Where this information raises any concerns about the candidates' attendance history, the school will contact CAYA HR 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. All documentation relating to the selection process will be retained for 6 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.

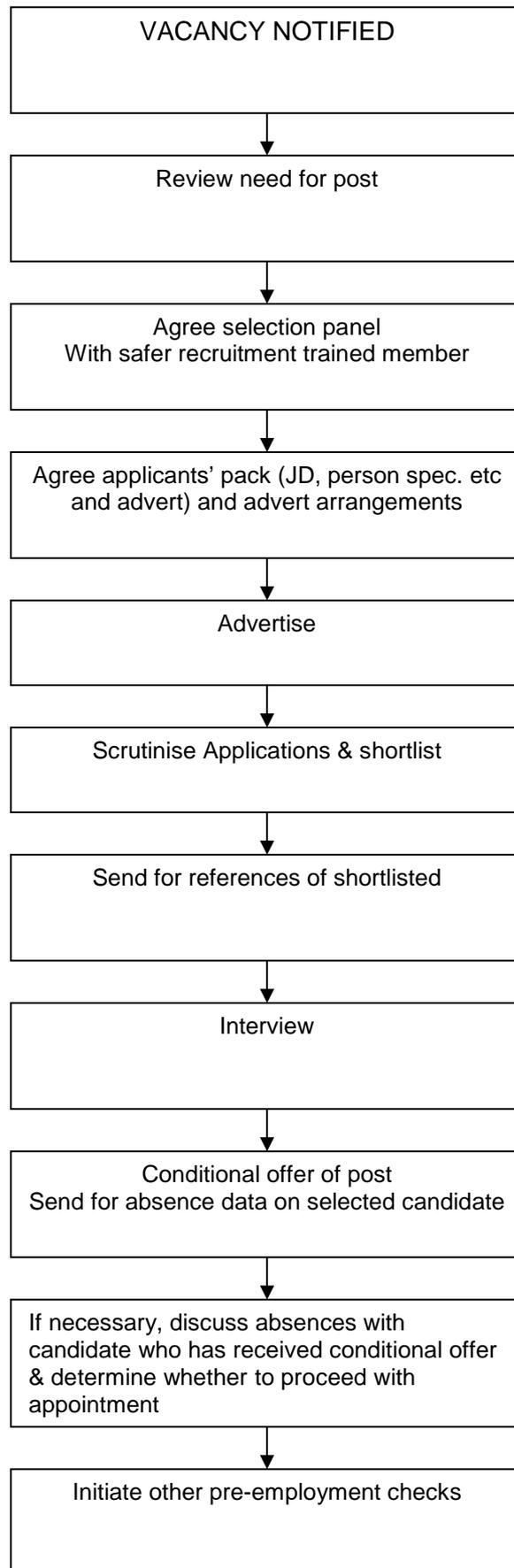
Feedback will be offered after the recruitment process to all applicants.

### **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

This policy will be reviewed every 2 years or when changes in legislation, best practice indicate/dictate.



# Appendix 1

## RECRUITMENT AND SELECTION

### Advice and Guidance

#### 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 CAYA HR Advice and Guidance team on 01629 535734

#### 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.

#### 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

*'XXX 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

### **Safer Recruitment Training**

Safer recruitment 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.

The training can be accessed at <http://www.education.gov.uk/e-learning/login/index.php>

### **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. Further advice and guidance is given in 'The Immigration Asylum and Nationality Act 2006 Guidance' available on the extranet.

### **Data Protection Act 1998**

The recruitment and selection process necessarily involves 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 44 and above of the Local Government Pay Scales. 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 CAYA HR.

### **Staffing Review**

There may be occasions when rather than filling a post on a like-for-like basis a staffing review would be beneficial. The following points should be taken into account.

- 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?
- Will the post requirements change in the near future?
- Are there any other material factors that affect the post ie predicted falling pupil numbers/budgetary constraints?
- If undertaken, feedback received during the exit interview (See Exit Interview, page 28).

If the job description is amended and the level of responsibility changed the post should be re-evaluated (see Job Evaluation, page 15).

Please be aware that you will need to consult with school employees if you intend to amend the staffing structure. (Further advice can be found in *Statutory Requirement to Review the Staffing Structure -published*

25.9.05).

### **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 one member has the Safer Recruitment Training certificate
- Agree the panel member responsible for scrutinising the applications prior to shortlisting and references prior to 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 page 22)
- In particular circumstances (eg 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 attended throughout a selection process. 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 Body’s policy on the level of Governor involvement in the recruitment processes and should take account of the current School Staffing Regulations.

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.

One panel member should be nominated to scrutinise the application forms and references. 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 the person 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 Headship Recruitment and Selection Service,

The members of the selection panel should be:

- Appropriately trained (see section Safer Recruitment Training page 11)
- Available for all stages of the process
- Able to commit the time required
- Wherever possible balanced in respect of race/gender/age etc.

## **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 and updated as appropriate. This will ensure that the duties, responsibilities and grading of the post are correct prior to the advert. 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 – if appropriate
- To whom the job is responsible
- Responsibility for other employees
- Job duties
- The postholder'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 equal opportunities policy”.

### **Job Evaluation**

If the duties of a post have changed, or if it is a new post, then it should be evaluated to ensure that it is graded correctly. Information should be submitted to the LA to facilitate a job evaluation. This is likely to include:-

- The reason for the job evaluation and a brief rationale for the revised or new post
- A copy of the current job description and person specification for an existing post as well as grade and current hours and weeks worked
- A copy of the new or revised job description and person specification along with proposed hours and weeks worked. Changes to the previous post should be highlighted
- A brief organisation chart or a list of posts, showing the position of the post within the structure. This should clearly show posts responsible to and responsible for

Information on the LA job evaluation scheme, following the introduction of Single Status, can be found on the website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk)

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

### **Application Form**

All applicants must complete all sections of the standard 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 CAYA HR Advice and Guidance 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)
- Non-teaching 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.

### **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 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
- Consideration should be given to all jobs being open to job share
- The School's Safer Recruitment Policy statement should appear in the advert
- If a post has a 'genuine occupational qualification' please contact the CAYA HR Advice and Guidance for advice
- Does the school encourage 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.

Adverts need to be placed in the correct media to ensure that the target audience is reached. Local and regularly used media are listed on the *Advertising Service* document along with costings. If you wish a teaching advert to be placed in the Times Educational Supplement you should consult the *T.E.S. Classification List* to identify the correct section.

When appointing to either the post of Headteacher or Deputy Headteacher the position should be advertised in printed media circulated throughout England and Wales. 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 Headship Recruitment and Selection Service within CAYA HR.

The headteacher will normally attend relevant meetings during the selection process for a deputy headteacher. This applies to foundation and voluntary aided schools only after the governing body has agreed.

### **E-recruitment**

E-recruitment enables adverts to appear on the Derbyshire County Council website ([jobs@derbyshire](mailto:jobs@derbyshire)) 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 Shared Services Centre, 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 01629 535118.

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](mailto: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 Shared Services Centre, Advertising Team. Applicants apply using the online facility or make contact to request despatch of an applicant's pack.

Applications can be submitted electronically or in hard copy. The closing date for adverts is either a Sunday or Wednesday at 12 midnight. Applications are either:-

- Despatched by first class post the next working day after the closing date
- Forwarded by e-mail after 3.00 pm on the next working day after the vacancy closes
- Available for collection between 1.00 pm and 5.00 pm the next working day after the closing date from John Hadfield House, Dale Road, Matlock

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 Schools' Shared Service Centre.

### Applicants' Information Pack

It is important that all job applicants receive the same pack of information. As posts appear both on-line, 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
- Teaching/Support Staff Conditions of Service
- Covering letter from Derbyshire County Council
- Criminal Record Check Policy
- Return envelope
- Equal opportunities policy

### **Scrutinising and Shortlisting**

After the closing date and prior to shortlisting taking place one member of the panel should scrutinise all application forms to.

- Ensure they are fully and properly completed
- 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 (eg a repeated change in employment without any clear career or salary progression, or a move from a permanent to relief or temporary work)

An incomplete application form should be returned for completion if at all possible. Any discrepancies, anomalies or concerns should be considered during shortlisting and, if 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 CAYA HR team 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 CAYA HR team 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.

#### 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. If the applicant is not currently working with children but has done so in the past it is important that a reference is obtained from this employer as well.

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 source of the email must be verified as official and a follow-up, signed hard copy obtained.

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.

- About the referees relationship with the candidate eg 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 Capability (competence) proceedings within the last 2 years. In such circumstances, the Governing Body of a maintained school or proprietor of an Academy must then provide details of the concerns that led to the application of the proceedings, their duration and outcome.] The attached 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 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
- Details of any allegations or concerns that have been raised about the applicant relating to the safety and welfare of children or young people of behaviour towards children or young people, along with the outcome. **It should be made clear that any allegations which were proven to be malicious, unfounded or unsubstantiated are not required**

**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
- Relevant factual content of the reference may be discussed with the applicant
- Discriminating 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 should 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.

Information provided about past disciplinary action 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.

### **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.

The candidate should be asked to bring all relevant certificates for relevant qualifications to the interview along with a form of identification. A copy of the successful candidates' documentation should be made and placed on their personal file. Candidates should also be asked to bring, in a sealed envelope, a list of any convictions (spent or otherwise) they may hold.

The interview letter should also ask candidates if they have any specific requirements that need to be taken into account. Care should be taken to ensure such requirements are met and those candidates are not disadvantaged.

### **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 positions 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.

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. In such circumstances further advice may be obtained from Schools' Personnel Section.

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.

### **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, with the exception of questions arising from their application or references. 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 school's equal opportunities 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. Its 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
- Gaps in employment history
- Concerns or discrepancies arising for the information provided by the candidate 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
- 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

### **Examples of Other Types of Assessment**

#### **Classroom Observation - Teachers**

Observation of the candidate undertaking teaching in a classroom situation. Other types of interaction with pupils could be utilised.

#### **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.

#### **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.

- *ICT Test*
- *Written Test*

### **Selection**

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 CAYA HR team.

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 on p.26)

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

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.

### **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.

### **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.

### **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. Further advice and guidance is given in 'The Immigration Asylum and Nationality Act 2006 Guidance' available on the extranet.

### **Disclosure and Barring Service Check**

All posts in schools are subject to enhanced DBS check.

Confirmation of the DBS check needs to be recorded on the confidential school record.

More guidance can be found on the extranet under Disclosure and Barring Service Checks.

### **Medical Clearance**

When you receive the absence data for the candidate who has been made a conditional offer, if you are not satisfied with the responses you receive regarding their attendance history, it is lawful not to continue with the appointment. Where this is considered contact should always be made with CAYA HR Advice and Guidance 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. 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.

### **Checking of Qualifications**

Certificates should be checked to verify that the successful candidate holds the required qualifications. It is essential when appointing a newly qualified teacher that confirmation is provided that they have successfully completed the skills tests in addition to any teaching qualification. Until the skills tests have been successfully completed the person appointed can only be paid on the unqualified teachers' scale. Further advice on this can be obtained from the Shared Services Centres or CAYA HR Advice and Guidance team.

### **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.

### **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

## **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 2**

### **Other Policies/Documents Relevant to the Recruitment and Selection Procedure**

Contracts of Employment  
E-recruitment Guidelines  
Equal Opportunities Policy  
Asylum and Immigration Act 2006  
Statutory Requirement to Review Staffing Structure  
School Teachers' Pay and Conditions Document  
Burgundy book  
Local Government Conditions of Service  
Guidelines for Equal Opportunity Observers  
Disclosure and Barring Service Checks  
Data protection Act 1998  
The Employment Practices Code – Information Commissioner's Office  
Equality Act 2010  
Guidance on managing staff employment in schools

## **APPENDIX 3**

All the specific questions, numbered 1 to 9, are recommended in the DfES (now DfE) guidance 'Safeguarding Children: Safer Recruitment and Selection in Educational Settings'.

Schools may wish to incorporate these questions into their own proforma for each type of post. Alternatively referees may be asked to include the specific responses in their reference. Questions 4 to 9 are only relevant to references from previous employers.

# **Employee Reference Questionnaire**

**Name of Referee:**

**Designation:**

**Name of Applicant:**

**Post applied for:**

**Current Post & Salary:**

---

We would be grateful if this proforma could be endorsed with the school's stamp.

The Governing Body 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.

**Please respond to the following questions:**

1. How long have you known the candidate?
2. 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 reference must be provided by the Headteacher)**
3. 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.
4. Please provide details of the candidate's success in role and provide any specific information concerning performance history and conduct.

*(current employer please also see question 7 below)*

**5. (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.

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

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

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

Has the candidate been the subject of 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.

8. Has the candidate been subject to disciplinary procedures in which the sanction is current?

Yes                          No   

If yes, please provide details.

9. 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.

10. 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 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.

11. Reasons for leaving post, where known.

12. Please provide your recommendation for appointment and any other relevant information, not included in previous section.

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 4

### 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 Bodies 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 CAYA HR, Advice and Guidance team 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 CAYA HR 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 CAYA HR Advice and Guidance team .