

Recruitment & Selection: Model Policy and Procedure for Schools

*Personnel
Services*

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Sandwell
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Education and Children's Services

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Introduction

This policy contains the basic information required in order to appoint school-based staff, both teaching and non-teaching. School Management and Governors who are undertaking recruitment and selection procedures should have received appropriate training in order to ensure compliance with all appropriate employment legislation and the School's policy on child protection. Advice on all aspects of this policy can be sought from the LEA based Schools Personnel Adviser.

Child Protection

This policy incorporates the appropriate recommendations of the Bichard Inquiry. The full Bichard Inquiry Recommendations report, the Progress Report as well as information such as a summary of recommendations can be accessed via the Home Office website: <http://www.homeoffice.gov.uk/crimpol/police/bichard/index.html> Please also see Appendix 2 of this document for more information on the Bichard recommendations.

This policy document should be read in conjunction with the DfES guidance document entitled 'Safeguarding Children: Safer Recruitment and Selection in Education Settings'

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This school is totally committed to providing a safe environment for children. All aspects of this policy are geared towards recruiting only staff that are capable and prepared to uphold the highest standards of the safety, protection and welfare of children. We have adopted the following statement of our commitment, which will be included in all appropriate recruitment and selection documentation;

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

Principles of Effective Recruitment & Selection

The principal aim of the recruitment and selection process is to obtain the highest quality and appropriate number of employees required to satisfy the needs of the School, at minimum cost.

The recruitment and selection procedure fits into the overall managerial task of managing resources in order to achieve School and individual objectives. To achieve this the Head Teacher will consider the following key points:

1. Recruitment and selection must not be considered in isolation, but in the context of the School's overall staffing structure.

2. The need to consider not only applicants' professional or technical competence but also, and equally important, how new members of staff will contribute positively to the safeguarding of children and to the work of the team they will be joining.
3. The need to comply fully at all times with all legal requirements relating to employment, and ensure justice and fair treatment to all applicants in accordance with Sandwell MBC and/or Schools' Equal Opportunities Policies.
4. The need to bear in mind the full financial implications (including induction and CPD training) of the recruitment and selection procedure, therefore considering the financial implications of an appropriate appointment.

External Factors to Consider

Legal Requirements and Equality of Opportunity

The Asylum and Immigration Act 1996 makes it a criminal offence for an employer to employ those who do not have permission to live or to work in the United Kingdom.

By law employers must not discriminate on the grounds of race, sex, marriage, disability, sexual orientation or religion or belief (the law will be extended to cover age discrimination by December 2006). All stages of the recruitment process must treat applicants equally.

It is unlawful under the provisions of the Disability Discrimination Act 1995 for an employer to treat a disabled person less favourably because of a reason relating to their disability, when applying for or during employment, without a justifiable reason. Employers are required to make a reasonable adjustment to working conditions or the workplace where that would help to accommodate a particular disabled person. Disability is defined under the Act as a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Definitions

Direct discrimination: Treating someone less favourably than others would be treated in the same or similar circumstances.

Indirect discrimination: Applying unnecessary requirements to a post which certain groups may have more difficulty complying with. For example criteria relating to work patterns may be more difficult for women to fulfil as women are more likely to have caring responsibilities.

Discrimination, whether direct or indirect, on the grounds of race, gender, disability or religious belief is illegal unless there is a "genuine occupational requirement" (GOR).

In order to demonstrate a GOR the employer must be able to show that there is a genuine need for a person of a particular sex, race or religion etc, taking into account the type of work or the context in which the work is carried out. An example of such a requirement could be a case where a Voluntary Aided Church School advertise a Head Teacher vacancy with the requirement that candidates are of a particular religion.

Employers have a legal obligation to eliminate unlawful discrimination and to promote equality of opportunity regardless of race, gender, disability, etc.

Relevant legislation includes:

Equal Pay Act, 1970
Rehabilitation of Offenders Act, 1974
Sex Discrimination Acts, 1975 and (As Amended) 1986
Race Relations Act (RRA), 1976
Disability Discrimination Acts (DDA), 1995
Protection of Children Act, 1999
Criminal Justices and Court Services Act, 2000
Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003

Further details on these are included as Appendix 1.

Section A

The 6 Stages of the Recruitment & Selection Process

Once you have established there is a need to create a post or recruit to a vacancy, there are 5 stages in the recruitment and selection process:

1. Consider the job
2. Consider the person (competencies) required for the job
3. Consult with Personnel regarding availability of 'At Risk' candidates
4. Attract suitable applicants
5. Assessment and selection of candidates
6. Appoint the most suitable candidate

Figure 1, overleaf, outlines these stages.

Figure 1: Stages of the Recruitment & Selection Process

Recruitment

1. **Consider the job**
 - what are the tasks and responsibilities?
 - what competencies are required?
 - Contractual requirements eg fixed term or permanent.

Job Description (P65) – new, or review existing.



2. **Consider the person** needed for the job, and the essential competencies necessary
 - Abilities and experience
 - Personal characteristics
 - Relevant qualifications.

Personnel Specification (P66) – produced new or review existing document.



3. **Consult with Personnel** regarding the availability of “At Risk” candidates, in accordance with Redundancy and Redeployment Procedures.



4. **Attract suitable applicants**

Decide on appropriate methods and media for advertising. Agree selection methods, interview panel, venue and assessment/interview dates.



Selection

5. **Assess and select candidates**

Shortlist applicants against the personnel specification conduct interviews.



6. **Appoint**

Offer the post, subject to satisfactory clearances, to the candidate who best meets the job criteria.

Stage 1: Consider the Job

Note: At all stages of the recruitment and selection procedure remember to adhere to your Equal Opportunities Policy.

Before recruiting for a new or existing position it is important to invest time in gathering information about the nature of the job. This means considering not only the content / tasks but also the job's overall purpose, the outputs required from the post holder and how it fits into the overall structure of the school. The job description must also make reference to the responsibility for safeguarding the welfare of children.

A written job description should then be produced (see Appendix 5 for an example template). The job description is an effective way of communicating expectations about standards to employees and school management to help ensure effective performance in the job. The document also assists the process of drafting the personnel specification, which in turn aids the selection process.

Stage 2: Consider the Person

A Personnel Specification states the necessary competency criteria for selection (see Appendix 6 for an example template). The document assists potential applicants in deciding whether they should apply, as well as forming the basis for shortlisting candidates and drafting questions posed to applicants at interview and/or designing assessment centre activities.

The Personnel Specification should include details such as

- skills, aptitude, knowledge and experience
- qualifications (should usually be only those necessary to do the job)
- personal qualities relevant to the job, such as ability to work as part of a team.

It must also make reference to the responsibility for safeguarding the welfare of children.

Stage 3: Consult Personnel Regarding At Risk Candidates

In accordance with Redundancy and Redeployment procedures it is important that Personnel are consulted to ensure 'At Risk' status staff that may be suitable for the vacancy are identified.

Stage 4: Attracting Suitable Applicants

To help decide on the most effective recruitment method the following will be considered:

- The type of post.
- Where the school labour market is located.

- The circumstances of the school at the time.
- The type of person required (personnel specification).
- The resources available at the time ie budget.

It is clearly important to know where suitable applicants can be found, how best to make contact with them and to secure their application. This involves a thorough knowledge of sources of potential job applicants and methods of recruitment, further advice is available from Personnel Services and/or the LEA Recruitment and Retention team.

The overall aim of this stage is to attract suitable candidates at the least possible cost.

Suitable applicants could be attracted by means of:

A. Advertisements

- *Local, regional and national newspapers*
- *Internal bulletins (Schools and Sandwell MBC Bulletin)*
- *Ethnic minority newspapers and journals*
- *E teach*
- *Internet sites*
- *Professional Journals*
- *Shops / public places*
- *Notice Boards*

All advertisements will contain the school's statement on Child Protection (see page 1 of this policy document) and reference to the need for the successful candidate to undergo an enhanced level CRB disclosure check.

B. Schools/Colleges and Universities and other providers of Educational Services

C. For NQT recruitment information with regard to the POOL will be sought from the LEA Recruitment and Retention team.

D. Job Centres/Careers Services

Where to Advertise

The following will be considered when choosing the media in which to advertise:

- Who is likely to be attracted;
- The commuting patterns of potential applicants;
- Where potential applicants normally look for this type of job;
- Costs of different types of media compared to your recruitment budget;
- Which media gained a qualitative not quantitative response last time;
- Deadlines for publication and frequency of publication;
- Whether the use of specialist media would be more effective.

Date for Interview

Whenever possible a date for interviews will be set and incorporated into the advertisement, or information package sent to applicants, to ensure that all applicants have advance notice to make themselves available. All people on the selection panel will agree dates for short listing and interviews before placing the advertisement.

Advertising Deadlines

A schedule of advertising deadlines for local and regional press is contained as Appendix 3. At least one week's notice is required to place an advert either in the local Authority Green Bulletin or local and national press.

Issuing Recruitment Packs

In response to their request for further information on the post, potential applicants will be sent a recruitment pack. This will be despatched promptly following their request and will include;

- Application form
- Job description
- Personnel specification
- Clear information setting out the extent of the relationships/contact with children and the degree of responsibility for children that the person will have in the position to be filled.
- Any other relevant material to attract candidates (eg School prospectus, local information etc).

Stage 5: Assessment and Selection of Candidates

Short listing

All applications will be treated confidentially and only circulated to those individuals involved in the recruitment process. (ie Recruitment panel members and administrator)

Panel members will be sent one set of all applications forms received. Shortlisting for interview will then be carried out by assessing each applicant in relation to the criteria listed on the Personnel Specification. Panel members will complete a Shortlisting Record form (see Appendix 7) annotating reasons for shortlisting or rejecting each applicant. Where appropriate one consolidated and agreed record of the panel's reasons for selecting or rejecting applicants will be kept on file.

Interviews

Interview will be as stress free as possible and designed to enable candidates to present themselves well. Every effort will be made to ensure that during the interview there are no interruptions or distractions

Candidates will be met on arrival by someone who is expecting them and can explain the interview process / arrangements.

The application form will be thoroughly scrutinised prior to interview in order that any gaps in the candidate's employment history can be explored at interview.

Timing

A realistic timetable for the interviews will be scheduled to;

allow sufficient time for each interview, and

- a) ensure the panel has sufficient time in between each interview for assessing the candidate.
- b) include comfort breaks (and a lunch break where necessary)

The Interview Panel

All members of the selection panel will meet well in advance of the interview to:

- Re-examine the relevant documents: job description, personnel specification and the application forms of the candidates;
- Agree the interview structure; what key areas to explore at interview, what points need probing and expanding;
- Keep equal opportunities in mind when formulating questions
- Decide the roles of the interviewers and the questions each will ask.

Where appropriate an Interview Plan (example at Appendix 8) will be used, which details a best practice format. Best practice recommends the interview panel should produce accepted answers or agreed behavioural responses to the questions being posed to candidates prior to the assessment/interview process, to prevent any bias towards a particular candidate's responses.

The panel will not discriminate on the basis of gender, race, age, marital status etc. Therefore, questions on the following areas must be avoided:

Marital status, or intentions in this respect

- Occupation of spouse/partner
- Children, or intentions in this respect
- Domestic / living arrangements
- Sex, colour, race, age, national origin
- Disability.

Applicants who are unsuccessful and have been asked questions in these areas could pursue an application to an employment tribunal on the grounds of sex, race or disability discrimination.

Questioning Techniques

Effective questioning skills need considerable thought and care. The panel will use a range of questioning techniques to obtain all of the information necessary to assess effectively each candidate:

Open questions

- Those asking Which? Why? How? What? Who? When? Or Where? These elicit fuller answers than closed questions.

Probing questions

- Those seeking further explanation. Useful if a candidate's answers are too brief or superficial. Probing questions will be used to thoroughly explore a candidate's background to ensure suitability to work with children.

Competency questions

- Those requiring the candidate to look back to similar relevant situations or actions.

Closed questions

- Those resulting in very short answers, for example yes or no. These are not used very often in selection interviews but are useful for obtaining confirmation of a fact.

Comparisons

- Those asking for opinion or judgement.

Avoid

Leading questions

- Those demanding only one response, and where the interviewer 'gives away' the desired answer.

Multiple questions

- More than one question put together. These can confuse candidates to lead to them answering only the part they find the easiest. Instead, split into separate questions.

Hypothetical questions

- Those asking for speculation. Candidates will tend to give predictable, hypothetical answers.

Jargon and acronyms

- Candidates may not understand these.

Listening Techniques

As important as asking the right questions is listening to what the candidate is and is not saying. Has s/he answered your question, misunderstood it or avoided it? Make sure that you listen to both with your ears and your eyes. By using both verbal and non-verbal communication you should gain an in depth insight into which candidate best matches the competencies and criteria specified in the person specification.

Listening techniques also include:

- Reflecting;
- Seeking clarification;
- Drawing out or probing;
- Repetition and summarising;
- Encouraging responses.

Avoid:

- Losing concentration;
- Having a closed mind or belief;
- Prejudices – be aware of yours and don't let them influence your decision

In general interviews should have candidates speaking for 80% of the time and interviewers speaking for only 20% of the time.

Selecting the Most Suitable Candidate

The decision is all-important, as wrong decisions could prove costly, both in terms of time and money. The panel will be as objective and fair as possible in order to reach the right selection decision and will use a comprehensive job description and personnel specification in order to assess and score candidates' performances.

As with short listing, the panel will rate each candidate by scoring their performance during interview against agreed criteria. Candidates will not be scored in comparison with each other.

Therefore, the scoring for each candidate will be done immediately after their interview. Each interviewer will have a copy of the Interview Panel Score Sheet. The candidate's performance will be discussed only after all the interviewers have completed their score sheet.

After all interviews are completed the scores will be totalled. Using this method ensures the interviewee with the highest score is objectively identified as the successful candidate. In the event of a tied score, the criteria from the personnel specification can be weighted against each other, dependant upon the crucial aspects of the post, and the tied candidates reassessed. Alternatively, the highest scoring candidates may be called back for a second interview.

At the completion of the recruitment process the appropriate equal opportunities monitoring form will be completed and submitted to Personnel (Form PERS 7 for Teaching Staff or P7 for Non Teaching).

Stage 6: Appoint the Most Suitable Candidate

The Governing Body has responsibility for all staff appointments in its school. Head Teachers will normally be responsible for taking the lead in determining staff appointments outside the leadership group, therefore, other than in exceptional circumstances the governing body will delegate the responsibility for this to the Head Teacher.

Alternative arrangements:

Alternative arrangements may be made in the following circumstances:

- Head Teacher did not previously undertake such responsibilities;
- Head Teacher is subject to disciplinary measures;
- LEA has expressed serious concerns re Head Teacher performance;
- Head Teacher has exceeded financial limits set by the Governing Body;
- Where the Governing Body of a faith school require Governor involvement in order to preserve the school's religious character.

What are the alternative arrangements?

- An individual Governor - with or without the Head Teacher
- A group of Governors - with or without the Head Teacher
- Head Teacher has the right to advise
- Arrangements to be reviewed at least annually

Making an Offer

All posts are offered subject to receipt of two satisfactory references, medical and CRB disclosure clearances and this must be made clear when the offer of the post is made **verbally** to the successful candidate. A verbal offer forms a contract between the two parties and therefore cannot legally be withdrawn unless the candidate fails to meet the required standard for references and clearances.

A statement to this effect will also be included in any provisional offer of appointment letter sent to the candidate.

If a new employee fails to supply, or unnecessarily delays, sending details for referencing and/or vetting purposes to Schools and/or Personnel staff after the first request, the School will withdraw the offer of employment to the new employee.

References

It is important to clarify the difference between a reference and a testimonial.

A reference is given in confidence, in relation to a specific post and in confidence to a specific person/organisation.

A testimonial is an open letter of recommendation and becomes the property of the person to whom it refers to as soon as it is given to him or her. Testimonials are most frequently given in connection with employment but can be used generally by the owner. The school must not accept a testimonial in lieu of a reference.

References will be sought and obtained directly from the referee. References provided directly by individuals, or open references e.g. those headed "To Whom It May Concern" will not be accepted.

Employment references are a useful tool to collect factual information from a previous employer in relation to a particular job. Such information should include confirmation of the applicant's employment history, previous experience, qualifications, timekeeping, attendance record, overall work performance, conduct, and suitability to work with children.

Reference enquiries will include a request for a specific statement about whether the referee knows of any reason why the person might be unsuitable for the post, or for work relating to children, and if so details of those concerns.

References will be requested for all short listed candidates wherever possible prior to interviews so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. In any event references will be checked prior to the candidate commencing employment.

Two references will always be requested for the successful candidate and copies forwarded to the Personnel Section to keep on the employee's personal file. One of the references supplied must be from the candidate's most recent employer. References may also be sought from any previous employer by whom the candidate was employed in work with children.

School/college leavers should possess a Record of Achievement, which they will be requested to bring to interview. This can then be used as a reference from their school/college.

Under no circumstances must references from relatives be accepted.

Should an unsatisfactory reference be received prior to the candidate commencing in the post, the offer will be withdrawn and the candidate notified immediately. Contact will be made with Personnel before contacting the candidate in this respect to seek further legal advice and guidance.

CRB Disclosure Procedures

All new staff will be required to undertake an enhanced level CRB disclosure check, unless they are being recruited, without a break in service, from another post within Sandwell MBC that requires an enhanced level check, and one has been carried out within the previous three years.

All staff will be required to undergo a repeat CRB disclosure check every 3 years. Please refer to the current guidance booklet issued by the Criminal Records Bureau.

Under no circumstances will a new employee be permitted to commence employment, until Personnel have confirmed receipt of a satisfactory disclosure check.

Monitoring and Audits

Arrangements for periodical audits to be carried out will be made regarding adherence to the Recruitment, Selection and CRB vetting policies and procedures.

Documentation relating to the Recruitment and Selection of staff will be retained on file for a minimum of 6 months.

Section B

Head Teacher Recruitment & Selection

Introduction

Under current legislation the governing body has responsibility for the recruitment of a head teacher. This process includes any acting arrangements and ranges from the initial advertisement to the selection of the candidate to be appointed.

The governing body is required to appoint a selection panel comprising at least three of its members. The appointment of a selection panel cannot be delegated to a committee. It is essential for the governing body to appoint a named reserve in case of the absence /illness of a selection panel member.

The LEA has a right to be represented at relevant meetings of the selection panel, to offer professional advice, but only governors on the panel can vote.

At least one member of the selection panel must have received training in appropriate recruitment, selection and vetting policies and procedures.

Foundation and Aided Schools

In these schools, the governing body, as the employer, is responsible for the recruitment, selection and appointment of a Head Teacher.

Where advisory rights have been given to the LEA, the LEA must be notified of Head Teacher vacancies. The LEA will attend the relevant meetings of the selection panel to offer professional advice. The diocesan representative will usually also support the governing body where appropriate.

The selection panel must provide the LEA with details of all candidates selected for interview. If, within 14 days, the LEA write to the selection panel regarding the unsuitability of any candidate, the panel must not recommend this candidate to the governing body without responding in writing to the LEA and making this exchange of correspondence available to the governing body. The governing body has a duty to consider the advice of the LEA representative before finalising the decision regarding a candidate's appointment. The decision of the selection panel must be ratified by the full governing body.

Once the governing body has selected a Head Teacher, the LEA can in exceptional circumstances prevent that person from being appointed, for example where the candidate fails to meet legal requirements or is barred from teaching.

Period of Notice

All Head Teachers are under a minimum of 3 months' notice and, in the Summer Term 4 months' notice, terminating at the end of a term as set out below:

Spring Term from 1 January to 30 April
 Summer Term from 1 May to 31 August
 Autumn Term from 1 September to 31 December

Recruitment Advertising

The Governing Body must assume in all cases that an existing Head Teacher may be appointed to the vacant post. Below are suggested recruitment timetables:

Vacancy from start of	Advertisement	Closing Date	Interviews
Spring Term	Early September	Mid September	Before end September
Summer Term	End November / Early December	Early January	Before end January
Autumn Term	End February / Early March	Mid March	Before end April

Selection Programme

All short listed candidates should be given the opportunity to visit the school. Consideration must be given to who will greet and escort the candidates. Any internal candidates should not be treated differently to external candidates. If, for example, a deputy is applying for the headship, s/he should not be expected to escort the other candidates around the school or facilitate introductions.

Support Available

Guidance during the recruitment process is available from

- The Adviser linked to your school
- The Personnel section.

Your School Improvement Adviser is responsible for co-ordinating and providing support to Governing Bodies regarding headship appointments, and has considerable knowledge of school management, legislation and is experienced in such appointments.

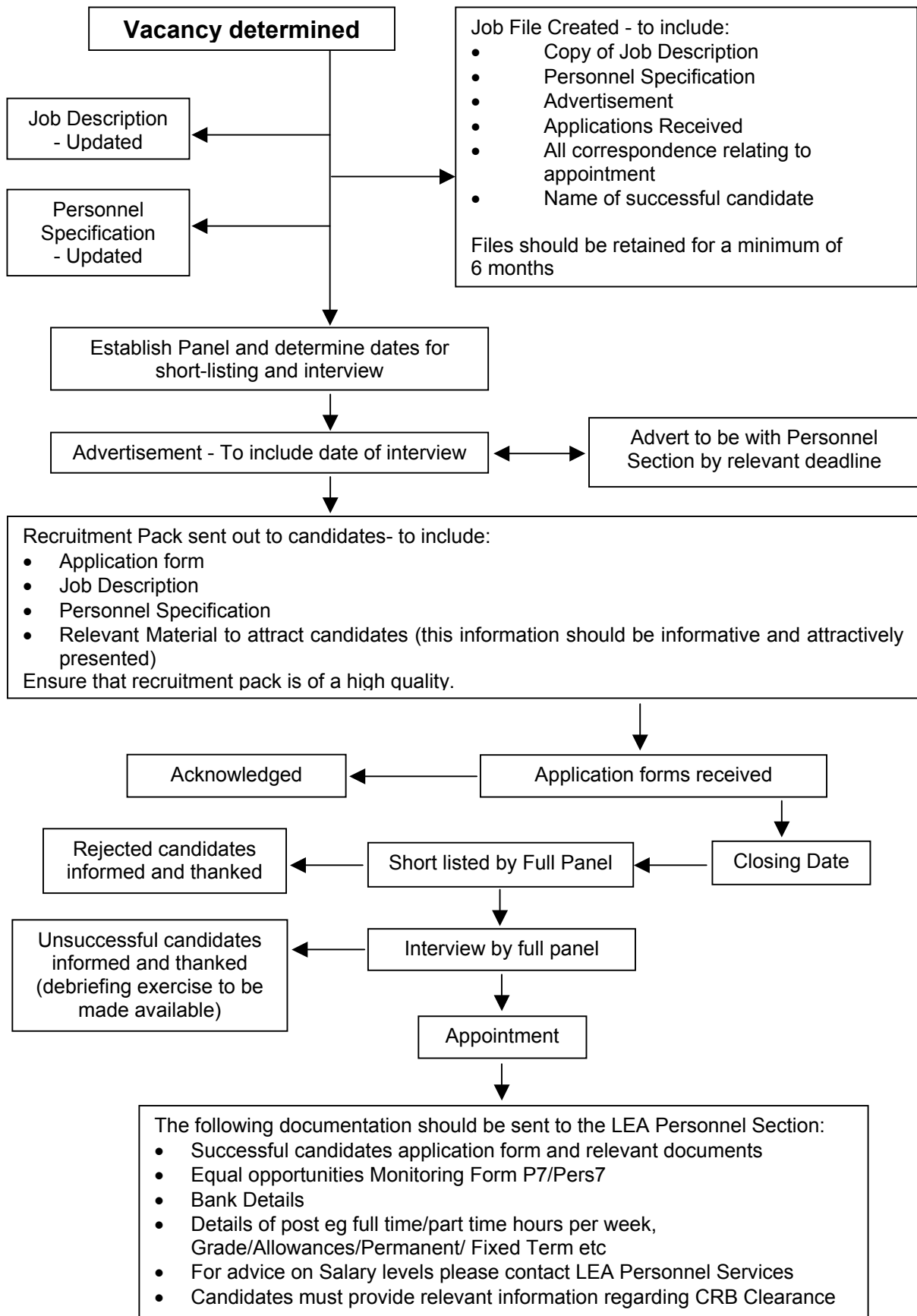
Personnel Services: As part of the Service Level Agreement, Personnel Services for Schools can provide initial advice on Headships (and Deputy Headships) and support the appointment process in terms of:

- Providing a briefing for Governors on the procedure for appointments.
- Providing specialist recruitment and selection advice.
- Producing job description and personnel specification documentation.
- Attending selection panel meetings and providing additional advice on selection techniques.
- Placing the advertisement and liaise with the advertising agency re layout and costs.
- Issuing recruitment information packs to candidates.
- Inviting short listing candidates for interview.
- Obtaining references for short listed candidates.
- Booking rooms and refreshments for interviews.

Figure 2: Stages & Timescales for Appointing a Head Teacher

Vacancy arises	Action By	Time
Chair contacts School Adviser	Chair	
Resignation letter sent to LEA	Gov Body	
Meeting to discuss and agree; Dates, Personnel Specification, Individual school range Wording of advertisement, placement and closing date Topic title for statements in support of applications	Gov Body and Appointment Panel with advice from LEA	2 weeks
Need for Acting Appointment? If so, Gov Body recommends Acting Head Teacher to LEA	Gov Body	
Establish that Appointment Panel is in place	Gov Body	
Prepare information pack for potential applications and advert – send to Personnel	Appointment Panel	2 weeks
Closing date for applicants		3 weeks
Finalise arrangements for short listing and school visit. Date and venue for interviews NB Interview Panel must include the School Adviser as well as Director of School Improvement	Chair of Appointment Panel in liaison with School Adviser	1 week
Call candidates for interviews and obtain references	School Adviser	2 weeks
Prepare questions for candidates and running order for interviews	Chair of Appointment Panel with advice from School Adviser	
Interviews Agree starting salary	Appointment Panel with advice from Director	2 days
Full Governing Body meets to ratify recommendation of Appointment Panel	Governing Body	On day of interviews
LEA deals with employment checks and issues Contract of Employment	LEA	

Figure 3: Recruitment and Selection Procedure



Legislation Relating to Equality of Opportunity

Equal Pay Act, 1970

The Act established the right of women and men in the same employment to equal treatment in relation to contractual terms and conditions of employment when they are employed in the same or broadly similar work, or on work which, though different, is of equal value or rated as equivalent.

Rehabilitation of Offenders Act, 1974

This Act provides that if a convicted person completes a specified period without being convicted of further offences the conviction can be held to be “spent”. Accordingly these sentences do not have to be revealed and should not be used as a means of excluding people from employment or promotion, although certain occupations are not within the scope of this Act.

Sex Discrimination Acts 1975 and (As Amended) 1986

The Act makes it illegal to discriminate on the grounds of sex by treating a woman less favourably than a man or vice versa, or by treating a married person less favourably than an unmarried person.

It covers recruitment policies, promotion, dismissals and redundancies, fringe benefits and other non-contractual matters and requires that women and men should be treated equally. The 1986 Amendment removes differential compulsory retirement ages for women and men.

There are similar provisions to the Race Relations Act with respect to indirect discrimination and jobs with genuine occupational requirements, targeting training opportunities and encouraging applications from areas of under-representation.

Race Relations Act, 1976

The Act makes it illegal to discriminate in recruitment, promotion, training and transfer, terms and conditions of employment or dismissals, on grounds of colour, race, nationality or ethnic or national origins.

One exception to this rule is termed “Genuine Occupational Qualification” (GOQ) that is, where the holder of the job provides persons of a particular racial group with personal services promoting their welfare and these services can be most effectively provided by a person of that racial group.

A second exception is where persons of a particular racial group are under-represented, either generally or in a section of the workforce. Here the Act enables the Council to provide training for employees from that racial group and to advertise vacancies in such a way as to encourage applications from persons of that racial group.

Disability Discrimination Act, 1995

In terms of employment the Act makes it unlawful for an employer to treat a disabled person less favourably than someone else because of their physical or mental impairment, unless there is a substantial reason. This applies to all employment matters including recruitment, retention, redeployment, training, promotion and dismissal.

Under the DDA it is unlawful:

- to discriminate against a disabled person in employment.
- for an employer to fail to provide any necessary reasonable adjustments for disabled employees and applicants.
- to provide lower standards of, or refuse service and offer less favourable terms to disabled people.
- to discriminate when selling or letting land or property.

Enforcement of the DDA has been through a gradual process. The latest regulations, the Disability Discrimination Act 1995 (Amendment) Regulations came into force on 1 October 2004, and introduced certain key amendments to the DDA, including:

- Extension of protection to certain categories of employment.
- Change to the burden of proof from employee to employer.
- Specific prohibition of harassment based on disability.
- Clarification that less-favourable treatment is not justifiable where the reason for that treatment is based merely on the fact that the person has a disability rather than on a consideration of the individual's abilities.

There are more changes in the pipeline. A draft Disability Discrimination Bill was published in December 2003 for pre-legislative scrutiny before being introduced to Parliament (now expected in the 2004-5 session) with a view to it becoming law in December 2005. It will extend the rights of disabled persons to cover activities of the public sector, people diagnosed with HIV, cancer, and multiple sclerosis, and include the broader access to public services.

Disabled people now have the right to seek redress through the Employment Tribunal System if they feel that they have been less favourably treated or discriminated against because of their disability.

Further detailed information is available from the Managers Guide to Disability (issued to schools 2001).

Protection of Children Act 1999

Under the above Act it is an offence for any organisation to offer employment involving regular contact with young people under the age of 19 to anyone who has been convicted of certain specified offences, or included on lists of people considered unsuitable for such work held by the Department for Education and Skills and the Department of Health.

Court Services Act 2000

Schedule four of the above Act lists the offences that would automatically ban the offender from working with children (these include various kinds of violence and sexual offences).

Employment Equality (Religion or Belief) Regulations 2003

The above regulations came into force on 2 December 2003 making discrimination on the grounds of religion and belief unlawful in employment and vocational training for the first time in Britain. Previously a complainant had to rely on the Race Relations Act, and the European Convention on Human Rights which upholds freedom of thought, conscience and religion and manifestation of religion and belief. The principles of discrimination on the grounds of religion or belief are virtually the same as stated above for race discrimination.

Employment Equality (Sexual Orientation) Regulations 2003

From 1 December 2003, the above regulations made discrimination by employers and trade unions on the grounds of sexual orientation unlawful. The principles are virtually the same as highlighted above for sex discrimination.

Sexual orientation is defined in the Regulations as having a sexual orientation towards:

- persons of the same sex
- persons of the opposite sex
- persons of the same sex and of the opposite sex.

The purpose of the definition is to exclude from the Regulations employees whose sexual preferences are, for example, sadomasochism or paedophilia.

The law prohibits less-favourable treatment based on:

- a person's sexual orientation
- the perception of a person's sexual orientation, whether that perception is correct or not
- a person's association with someone of a particular sexual orientation
- a refusal by a person to comply with a discriminatory instruction.

Bichard Report Recommendations

We wish to bring to the attention of all Chairs of School Governing Bodies and Head Teachers, the advice and recommendations contained in the Bichard Inquiry report summary.

We recommend that all read the full report to gain further understanding of the implications (www.bichardinquiry.org.uk).

The LEA wish to remind all School Governors and Head Teachers and those with responsibilities for employing staff, of the serious impact and importance of staff vetting procedures, recruitment and selection interview processes in safeguarding children. We therefore recommend the following actions:

- **Model Policies of Recruitment and Staff Vetting.** That Governors and Head Teachers should review their adherence to the LEA model policies for recruitment and staff vetting (assistance is available from the School's Personnel Advisory Team).
- **Commencement of New Staff.** All new staff whose employment involves working with or near children **not to commence such employment** until all required recruitment vetting clearances, references and medical checks have been satisfactory received.

- **Recruitment Offer Letters**

Schools must firm up their approach to child protection in recruitment offer letters. In that, the letter should clearly state **“if a new employee fails to supply, or unnecessarily delays, sending details for referencing and/or vetting purposes to Schools and/or Personnel staff after the first request, the School will withdraw the offer of employment to the new employee”**.

- **Rehabilitation of Offenders Act 1974**

All candidates applying for a post that requires CRB vetting will be informed that the Rehabilitation of Offenders Act 1974 is not applicable to them. Therefore they will be required to disclose all spent and unspent criminal convictions on their application form.

The LEA will amend the support staff application form to incorporate this change accordingly, however, in the interim period whilst we run down stocks of the current application form, an appropriate letter must be attached to the application forms sent to applicants for CRB vetted posts.

- **Recruitment Selection panels - Trained Person**

In recruitment procedures and interview techniques Schools must ensure that all recruitment panels consist of at least one person who has received training in recruitment procedures and interview techniques.

- **Training - Bichard Report, Recruitment and Vetting Procedures**

The Personnel Services Team is currently developing training programmes for schools. We strongly recommend that key personnel responsible for recruitment and CRB vetting are encouraged to attend.

- **Audits by LEA Personnel Services**

To monitor schools' adherence to procedures

- **References**

Schools should adopt a standard approach when requesting reference information from applicant's previous employers. It is extremely important that references are taken up and received by schools as part of the recruitment process to assist in verifying candidate's employment history.

We recommend Voluntary Aided and Foundation Schools, as Employers, adopt similar policies and procedures as detailed above and those contained in the Sandwell MBC LEA Model Policies for Schools.

Further Advice and Support. Schools requiring further information or assistance on these matters, should contact the LEA Personnel Advisory team,

Advertising Deadlines

Publication	Required in Personnel No Later Than			To Appear On
	Semi Display	Semi Display with Logo	Full Display	
Times Educational Supplement	Friday Week Prior	N/A	Thursday Week Prior	Friday
The Guardian	Thursday Week Prior	N/A	Wednesday Week Prior	Tuesday
Catholic Universe	Friday Week Prior	N/A		Sunday
Express and Star	Friday Week Prior	Noon, Friday Week Prior	Thursday Week Prior	Tuesday
Express and Star	Tuesday of Same Week	Monday of Same Week	Monday of Same Week	Thursday
Sandwell Chronicle	Friday Week Prior	Thursday of Same Week	Thursday Prior	Friday
Birmingham Evening Mail	Tuesday of Same Week	N/A	Monday of Same Week	Thursday
Great Barr Observer	Tuesday of Same Week	N/A	Monday of Same Week	Friday
Walsall Observer	Friday Week Prior	N/A	Thursday of Same Week	Thursday

<p>Job Opportunities Bulletin (Green) issued every Friday.</p> <p>Adverts should be received in Personnel by 2pm on Thursday of the previous week.</p>	<p>Teaching Internal Vacancies Bulletin (yellow) available every Friday.</p> <p>Adverts should be received in Personnel by 5pm on Wednesday.</p>
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Job Ref No: _____

Appendix 4: Equal Opportunities - Monitoring of Applications for Teaching Posts

1. Post Title including Salary Scale: _____ School/Centre: _____ Total No of Applications Sent Out: _____
 Total No Received: _____

2.

	White (1-4)				Mixed (5-8)				Asian (9-13)				Black (14-16)				Disabled Applicants																																		
	White British		White Irish		White European		Any Other White		Mixed White & Black - Caribbean		Mixed White & Black - African		Mixed White & Asian		Any Other Mixed		Background or Asian or Asian British - Indian		Asian or Asian British - Sikh		Asian or Asian British - Pakistani		Asian or Asian British - Bangladeshi		Any other Asian		Background or Black or Black British - Caribbean		Black or Black British - African		Any other Black		Chinese		Yemeni		Any other Ethnic Group		Grand Total		Asian/Black/Mixed/Other (5-19)		White (1-4)		Total						
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F									
Total No of applicants in each category																																																			
Shortlisted applicants inc. in total above																																																			

3.

Names of Interviewing Panel (please indicate who is Chair of Interview Panel)	White		Mixed		Asian		Black		Chinese		Yemeni		Any other		Post Title eg Governor, Head Teacher	Disabled or Registered Disabled		Voting or non-voting (V/NV)	Recruitment & Selection Trained (Y/N)	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F		(Y/N)	(V/NV)			

Date of Advertisement: _____ Date of Interview: _____ Date of Shortlisting: _____

4. Name of Successful Applicant: _____ Ethnic Background: _____ Male/Female: _____ Registered disabled: YES NO

Publication/Source where successful applicant saw advertisement: _____ Internal/External Candidate: _____

5.

Publication/Source	No of Applicants							
	White		Mixed		Asian		Black	
	M	F	M	F	M	F	M	F
Sandwell Bulletin								
Express and Star								
Times Education Suo								
E-teach/Independent								
LEA Website								
Not indicated								
Other								

6. Additional Information:

Completed by: _____ Date: _____

When completed, please return this form to Personnel Systems Support Team, Personnel Section, Education and Lifelong Learning immediately after an appointment is made.

This document is available in large print, Braille or audio tape on request.



Job Description

(Rev 11/04)

Date of Issue:

Ref:

Personnel Services

P65

Job Title		Thematic Area	
Post No.	Grade	Service	Location
Responsible to	Contacts	Persons responsible for: <i>(May be presented in the form of an organisation chart)</i> <i>Attach separate sheet</i>	
		Special conditions	
Working hours			

This job description is a guide to the work you will initially be required to undertake. It may be reviewed from time to time to meet changing circumstances.

Job Summary

<p>Your current duties and responsibilities are:-</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 5. It is the responsibility of each employee to carry out their duties in line with Council policies on equality (please refer to the Policy Statement), harassment, racial equality and the CRE action plan, and be sensitive and caring to the needs of the disadvantaged, promoting a positive approach to a harmonious working environment. Each employee should act as an exemplar on these issues and must, where appropriate, identify and monitor training for themselves and any employees they are responsible for in line with these policies and the CRE standards. 6. Use and development of ICT as required. 7. Such other duties as may be appropriate to achieve the objectives of the post to assist the Thematic Area in the fulfilment of its objectives commensurate with the post holder's salary grade, abilities and aptitudes. 8. The post holder must at all times carry out his/her responsibilities with due regard to the Council's policy, organisation and arrangements for Health and Safety at Work. 9. All staff within the School will be expected to accept reasonable flexibility in working arrangements and the allocation of duties to reflect the changing roles and responsibilities of Education and Children's Services. Any changes arising will take account of salary and status. They will also be subject to discussion with individuals or sections affected and with appropriate trades unions.



Personnel Specification

(Rev 11/04)

Date of Issue:

Ref:

Personnel Services

P66

Job Title	Thematic Area	Date Completed
Grade	Location	Signature

The Personnel Specification outlines the main attributes needed to adequately perform the post specified. In drawing together the specification, a critical examination of the job description has been undertaken to pinpoint those elements of the post deemed as essential.

The Personnel Specification is intended to give prospective candidates a better understanding of the post requirements. It will be used as part of the recruitment process in identifying and shortlisting candidates.

	Essential	N/A	How identified
<p>1. Physical</p> <p>What does the job require in the way of:-</p> <p>Appearance, manner, speech, general health, voice etc. Consider the real needs of the job. Be particularly wary about setting age limits which actively discriminates against specific age groups and disabled people.</p>			Job and medical history from application form and references. Performance in interview process.
<p>2. Qualifications</p> <p>What does the job require in the way of:-</p> <p>Level of formal qualifications required to carry out the job. Describe these by level of attainment and by subject matter where appropriate, e.g. Degree, HNC, Professional Qualifications, GCSE's, CIPFA etc. Consider carefully whether these are absolutely necessary.</p>			Formal possession of an appropriate qualification to be verified at interview or from records.
<p>3. Experience</p> <p>What does the job require in the way of:-</p> <p>Specific related job experience and in what type of working environment. What kind of life experience could supplement or replace this? Which is more important to the success of the job?</p>			Past employment activity record. Performance in related selection methods, e.g. presentation, group discussion.
<p>4. Training</p> <p>What does the job require in the way of:-</p> <p>Specific and/or specialist training in order to do the job, e.g. training in recruitment and selection, supervisory, management, interpersonal skills. Apprenticeship in a recognised trade. Practical training in the use of specific equipment, arc welding, word processing etc.</p>			Past training history from application form and records. Selection process by demonstration of ability to display knowledge and skills at the interview.

	Essential	N/A	How identified
<p>5. Special Knowledge</p> <p>What special knowledge is required in order to perform the job properly, e.g. a knowledge of employment legislation, accounting, financial planning regulations, languages, computer systems, local area etc?</p>			Qualifications held and demonstration of knowledge at interview.
<p>6. Circumstances (personal)</p> <p>What kind of personal circumstances are required to do the job properly? The ability to work shifts, weekends etc. The willingness and ability to travel and stay away from home. Willingness to live in if the job requires. Ability to drive, car ownership.</p>			Ensuring candidates are aware of these requirements from the job description. Interview questions and application form details.
<p>7. Disposition</p> <p>How far does the job require:-</p> <p>Being steady, dependable, persevering, persistent, even tenacious, being difficult to distract or discourage. Getting on well with others, working readily with others, co-operating, influencing others. Depending on oneself rather than others, relying on own resources, accepting responsibility, leadership qualities, ability to motivate others. Ability to cope with monotony, neatness, accuracy of work, attention to detail.</p>			Performance in related selection process, e.g. exercises, group discussion, problem-solving, questions etc.
<p>8. Practical and Intellectual Skills</p> <p>What practical and intellectual skills are required for performing the job effectively? Does the person need to be a practically orientated person, should they be able to make decisions, should they be able to understand information derived from complex reports? What degree of manual dexterity is needed. Does the applicant need to be mechanically minded?</p>			Performance in related selection process.
<p>9. Legal Requirements</p> <p>Are there any limitations or requirements imposed by statute that candidates must comply with, e.g. special qualifications, minimum age range etc.? Are there any "Genuine Occupational Qualifications" as defined in legislation which apply to this post?</p>			Application form and interview questioning and reference.



Record of Reasons – Short Listing Stage

Please keep this form for at least 6 months from date of selection.

Job Title _____

Department _____

Name of Candidate Or candidate number	Reasons (ie where candidate does or does not meet essential selection criteria)

Form completed by _____ Date _____

Interview Plan

Post _____
 (Expected Duration: _____ minutes)

	Panel Member Responsible (decide most suitable member)
<p>Introduction and Welcome</p> <p>Outline plan of the interview to candidate</p> <p>Questions to candidate</p> <ol style="list-style-type: none"> 1) Current/last job, summary of activities 2) Extent of responsibility (eg supervisory/financial) 3) As above for previous recently held jobs (including reasons for leaving) <p>Brief outline of the job and department (the candidate will already have received a copy of the job description)</p> <p>Questions to candidate (Other questions to be asked here, including technical matters. Ensure the questions are consistent for all candidates and are appropriate for the post)</p> <p>Summarise the conditions of service and pay (if applicable)</p> <p>Allow candidate time to ask questions</p> <p>Check referees specified on application form are appropriate. Get candidates consent if other referees are required</p> <p>Conclude by informing candidate that he/she will be contacted (give detail of when) of your decision.</p>	

Sample Interview Panel Score Sheet

Post: _____ Date of Interview: _____

Members of Panel

NB – each member of panel must complete a score sheet

Questions		Candidates					
1							
2							
3							
4							
5							
6							
7							
8							
Total Score:							

Key to Scoring

- 0 - Fails to meet Basic Requirements of the job
- 1 - Poor
- 2 - Below Average
- 3 - Above Average
- 4 – Excellent

Ethnicity, Gender, Disability Status Of Applicants

	All Applicants	Applied		Short-Listed		Appointed	
	Ethnic Classification	Males	Females	Males	Females	Males	Females
1	White - British						
2	White - Irish						
3	White - European*						
4.	Any other White Background						
5	Mixed - White and Black Caribbean						
6	Mixed - White and Black African						
7	Mixed - White and Asian						
8	Any other Mixed Background						
9	Asian or Asian British - Indian						
10	Asian or Asian British - Sikh						
11	Asian or Asian British - Pakistani						
12	Asian or Asian British - Bangladeshi						
13	Any other Asian Background						
14	Black or Black British - Caribbean						
15	Black or Black British - African						
16	Any other Black Background						
17	Chinese						
18	Yemeni						
19	Any other Ethnic Group						
20	Grand Total**						

*Applicants identifying themselves as European under the category for Any Other White Background on the application form should be summarised in this row.

	Applied		Short-Listed		Appointed	
	Males	Females	Males	Females	Males	Females
Disabled Applicants						
Asian/Black/Mixed/Other (Rows 5 to 19)						
White (Rows 1 to 4)						
Total Disabled Applicants**						

** Please ensure that disabled applicants are counted within both tables.

Total No. of Application Forms sent out: _____

Publication	Publication (Please specify additional publications if used)						Total
	"At Risk" Bulletin	"Green" Bulletin					
Date(s) advertised							
Closing date							
Advertising Costs (a)							
Number of Applicants (b)							
Cost per Applicant (b) a)							
Number short-listed							
Number Appointed							