



# EMMAUS

## CATHOLIC MAC

### Safer Recruitment and Selection Guidance and Procedures

<b>Version</b>	3.0
<b>Date created/updated</b>	06.09.2023
<b>Ratified by</b>	Compliance / Full Board
<b>Date ratified</b>	17.09.2023
<b>Date issued</b>	September 2023
<b>Policy review date</b>	August 2024
<b>Post holder responsible</b>	Senior Business Partner/CSEL (CEO)

### **Commitment to Equality:**

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

### **Introduction**

This guidance covers the main stages of the recruitment and selection process such as reviewing the vacancy, job description and employee specification, advertising, shortlisting, assessment, and selection, conducting pre-employment checks and appointment.

The purpose of the guidance is to give help and assistance on the key elements of the recruitment and selection process.

All schools and the Central Team within Emmaus Catholic Multi Academy Company must follow this guidance to ensure that recruitment and selection is carried out consistently and follows best practice. This can also help deter people from applying who are unsuitable to work with children and young people. It is essential that safeguarding and promoting the welfare of children and young people is a significant factor in the recruitment and selection process. This is because it is a key part of creating safe environments for children and young people.

Colleagues must also ensure that this guidance is followed alongside the Safer Recruitment guidance, Part 3 of KCSIE, Sep 2023.

### **Scope of the Guidance**

This guidance applies to all school and Central Team employees including teachers, support staff, casual workers, volunteers, agency staff, contractors, and consultants. This is a non-exhaustive list. This document provides guidance to managers and staff responsible for recruiting and recording during the various stages of the process and outlines what their responsibilities are.

### **Aims of the Guidance**

The aims of the guidance are to help us ensure that:

- We meet our statutory obligations by making sure that we adhere to all relevant legislation.
- We promote equality of opportunity and are able to attract and retain a workforce that reflects the communities we serve.
- We employ the best candidate for the job, irrespective of race, gender, marital status, disability, religion/belief, sexual orientation, age etc.
- We ensure that all recruitment is compliant with DfE safeguarding guidance with clear links to child protection policies and procedures making us better able to identify, deter or reject people who might abuse children, or whom are otherwise unsuitable to work with them.
- The most cost-effective use is made of resources in the recruitment and selection process.

## Relevant Legislation

- Equality Act 2010
- Equality Act 2006
- Work and Families Act 2006
- EU Directive 2000/78/EC on Equal Treatment in Employment and Occupation
- The Maternity and Parental Leave Regulations 1999
- The Data Protection Act 1998 & 2018
- Keeping Children Safe in Education, September 2023

Collectively these Acts prohibit discrimination in employment (including the recruitment and selection process) on any of the following grounds:

- Gender
- Marital status
- Family status
- Disability
- Race
- Nationality, national or ethnic origin
- Religion or belief
- Sexual orientation
- Age

## Disabled Applicants

Discrimination is unlawful, unfair and represents a significant waste of human potential. As a company, we encourage our schools and Central Team to demonstrate they are responding to the needs and expectations of the society and community in which they operate by delivering best practice recruitment and selection which enables disabled people to be treated fairly. All members of a selection panel are expected to be able to identify and avoid direct and indirect discrimination, harassment, and victimisation.

Section 60 of The Equality Act (2010) dictates that you cannot ask questions about health or disability prior to a job offer or during an interview except in certain specified circumstances. One of the exceptions to this rule is that you can ask a question to find out if a disabled person needs a reasonable adjustment during the recruitment process itself, or for monitoring purposes, which is used to record the diversity of applicants and employees.

## Reasonable Adjustment

As an employer, we have a legal duty to make reasonable adjustment to any practice, provision or criterion or to the physical feature of the premises to ensure a disabled person has the same access (as far as reasonable) to everything involved in obtaining and carrying out a job. It is best practice to request that applicants inform you about any adjustments required (to the application form or the assessment/interview) by telephone or on a separate document / covering letter that does not contain any information relevant to deciding whether to shortlist the application. This, along with the monitoring form (if applicable) should be kept separate from the rest of the information an applicant provides. The easiest way to make sure the information about reasonable adjustments and equality monitoring is not used in the wrong way (i.e. by excluding a disabled person from the application process) is to take steps to ensure that the shortlisting panel do not see this information before making their decision. There should be a member of school or central staff who takes

responsibility for co-ordinating and administering the recruitment process who is not involved in the shortlisting or interviewing stages. This will ensure that the information is not used to discriminate unlawfully against disabled candidates and the company should be able to evidence that this is not the case. Failure to make reasonable adjustments to ensure all steps of the recruitment process are barrier free could result in legal and reputational risk. You are not required to do more than is 'reasonable' and when deciding on whether an adjustment is reasonable, consideration should be given to how effective the change will be in avoiding the disadvantage a disabled person would experience without the change, as well as cost (considering the availability of financial support such as Access to Work), practicality, school resources and school size.

### **Access to Work Scheme**

Access to Work (ATW) is a government scheme that is available to help overcome the problems resulting from disability. It offers practical help in a flexible way that can be tailored to suit the needs of an individual in a particular job, by giving advice and information to disabled people and through grants towards any extra employment costs that result from a person's disability.

If you have a disabled employee or if you want to recruit someone with a disability, contact your local Disability Employment Advisor (DEA) through your nearest Jobcentre Plus Office. The DEA will put you in touch with an Access to Work Advisor who will discuss your particular circumstances with you. ATW can help in a number of ways. For example, it can help pay for:

- Communicator support at interview.
- A support worker.
- Special aids equipment.
- Adaptation to premises or to existing equipment.
- Help with the additional costs of travel to, or in, work for people who are unable to use public transport.

The ATW Advisor will speak to both the employer and the employee to arrive at the most effective solution. It is usually the employer who arranges to purchase the agreed support and then you claim back the grant from ATW. It is suggested that governors may adopt a 'Guaranteed Interview Policy' as best practice. This means that any disabled candidate who meets the essential requirements as outlined on the employee specification will be included on a shortlist to interview. If a policy is adopted, when applying the policy, it is important to assess whether the person would be capable of meeting the requirements after reasonable adjustments have been taken into account. It would be good practice for the shortlisting panel to consult with the person administering the recruitment process to cross check whether candidates meeting the essential criteria (but not necessarily the desirable criteria if it is being applied) should be invited to interview under the Guaranteed Interview Policy. When inviting candidates to interview, schools should ensure that the invitation letter asks what special requirements, if any, they require to accommodate their needs on the day of interview or assessment.

### **Responsibilities as a Recruiting Manager**

Your responsibilities as a recruiting manager are to ensure that:

- The company policy on recruitment & selection is complied with.
- The basis of the contract to be offered has been determined.
- Relevant legislation (for example Equality Act 2010) is complied with.
- All decisions are based on evidence gained through the selection process.

- You encourage a wide range of candidates.
- Your procedures and practices are fair, thorough, and not discriminatory. You must treat all candidates with dignity and respect, giving them the opportunity to present their skills and experiences effectively.

### **The Bishop's Memorandum**

There are a number of posts within Catholic education with the requirement for the post holder to be a practicing Catholic in line with the Bishop's Memorandum. This refers to the employment of Catholic teachers as a high priority, whilst at the same time recognising the contribution of teachers of other Christian Churches, other faiths and other teachers. The Memorandum also requires that for the most senior roles i.e. such posts as Catholic Senior Executive Leader, Director of School Improvement, Executive Principal, Principal, Head of School, Vice Principal and Head or Co-ordinator of Religious Education and for such posts as Lay Chaplain, the post must be filled by a baptised and practicing Catholic. For other leadership posts that directly affect the Catholic Mission of the school, they should, wherever possible, be staffed by skilled practitioners who are committed Catholics.

[Memorandum On Appointment Of Staff In Catholic Schools \(catholiceducation.org.uk\)](https://www.catholiceducation.org.uk)

### **The Vacancy**

A vacancy is an opportunity to look at the needs of the school and where necessary, redefine a post so that these needs can be met more effectively. Managers should also give reasonable consideration to making changes to physical conditions, supervision, training or job descriptions which would create better job/career opportunities, for people such as those with disabilities, maternity returners, young people, and people with other special needs. All posts within the company are eligible for job share requests subject to agreement by the Governing Body and in line with the needs of the school and Central Team.

### **Job Descriptions and Employee Specifications**

Please refer to paragraph 210 of KCSIE 2023 which outlines the information the MAC/school should consider when defining the job role. They also refer to page 61 of KCSIE for further information about regulated activity.

A job description and the employee specification are key documents in any recruitment and selection process. It is good practice that recruitment and selection be based upon properly drawn up job descriptions and employee specifications. Selectors must therefore use these as an integral part of their procedures.

The job description must be clear and reasonably concise and should be a fair representation of the post; it is not necessary or desirable to attempt to produce a highly detailed and definitive description of the post concerned. Therefore, the job description should not just be a list of tasks but should also outline the responsibilities and accountabilities of the role as far as possible.

Before the specification is used for recruitment purposes it should be reviewed and agreed by all members of the selection panel. If the post is a new one, the job description and employee specification must also have been graded accordingly (for support staff).

It is recommended that the following standard statement should appear in all employee specifications. It is an essential requirement and can only be tested at final selection stage:

**“Candidates should indicate an acceptance of, and a commitment to, the school’s policies in relation to equality and safeguarding and promoting the welfare and children”.**

When drafting a job description, you should focus on what is to be achieved in the role, rather than how it will be achieved:

For Example:

**“Must touch type” vs “must be able to produce timely, accurate reports using a word processing package”.**

The latter is more inclusive as it leaves the method of achieving the desired outcome open. A candidate with RSI may be deterred from applying for the role if it specifies touch typing as a must but would still apply if the job description contained the latter statement, as they could use voice-activated software to complete that aspect of the role.

You should make every attempt to ensure the job description and person specification contains only the requirements the role needs, avoiding unnecessary or minor requirements which could discriminate against disabled people. For example, asking for “an energetic and active” person in the job description for a post which involves mainly desk-based work could discourage someone with a mobility impairment from applying.

When considering asking for specific qualifications, it may be more appropriate and inclusive to consider requesting a particular skill level instead.

**Emmaus Catholic MAC will review all job descriptions and person specifications before advertisement of any post.**

Where available, Emmaus Catholic MAC will use Dudley HR job descriptions & person specifications for support staff posts within the company.

## **Selection Panel**

The selection panel has the responsibility for appointing the person who best matches the employee specification and meets the requirements of the role. It is best practice not to have any staff governors on the panel for impartiality.

The panel must also ensure that all relevant employment legislation and company policies are followed, and that the selection process is managed in an equitable and courteous manner. Each panel should have a Chair acting as an appointing officer who is normally the person responsible for the management of the whole process.

With the exception of senior & protected posts which are the responsibility of the Board, the Local Governing Body is responsible for making appointments within Emmaus Catholic MAC. There must always be at least one member of the school Local Governing Body on every recruitment and selection panel.

It is good practice that selection panels should have a minimum of two members and no more than four for all appointments below Senior Management Level. Where there is an even number of panel members the representative of the Local Governing Body should have the casting decision. It is essential that all members of the selection panel are involved in the whole process from the outset, agreeing the job description and employee specification, the method of recruitment, shortlisting and finally interviewing and selecting.

The panel is responsible for agreeing documentation and for producing the recruitment information pack which is sent out with application forms. Before preparing the advertisement, it is useful to

determine the outline of the selection process and to arrange the dates when shortlisting and interviewing will take place as these dates should be included in the text of the job advertisement.

Staff and governors involved in the interviewing process should preferably have completed training in Disability Awareness to reduce the risk of discriminatory attitudes affecting the selection process and decisions made. It is also a statutory requirement that at least one panel member has up to date safer recruitment training (available through The National College).

### **Other Appointments**

**Temporary Staff:** Anyone involved in the appointment of temporary staff should ensure that they apply the same high standards of selection to temporary appointments. There must be an assessment against the criteria in the employee specification and a proper selection process should take place.

Members must be sure that the applicant is suitable to appoint and should only appoint an existing temporary member of staff where they are the best person available to fill the job, considering the aspirations of other employees. Public advertising is recommended as the fairest method of attracting applicants and filling vacancies.

### **Advertising and Attracting Candidates**

The aim of recruitment advertising is to attract the right person for the job and to promote your school as an interesting and attractive place to work. Paragraph 211 of KCSIE, Sept 2023 identifies that an advert must include:

- The MAC's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken.
- The safeguarding responsibilities of the post as per the job description and person specification, and
- Whether the post is exempt from the Rehabilitation of Offenders Act 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The MOJ's guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975, provides information about which convictions must be declared during job applications and related exceptions and further information about filtering offences can be found in the DBS filtering guide.

All posts must be advertised externally as well as internally with the exception of specific circumstances such as financial or restructuring reasons. In such cases, approval should be sought from the CSEL, who will seek approval from the Diocese and HR.

All adverts for teaching & support staff should be placed through TalentLink which will advertise the post via WMJobs and allow you to fully manage the vacancy from start to finish. Please refer to the Talent Link guide for guidance on how to do this. Teaching posts should also be advertised through ETeach and the DfE Teacher Vacancies portal. All vacancies should also be advertised on the Emmaus website. Please log a ticket with IT support detailing your request, and attach the job advert, job description and person specification to the ticket.

When choosing external media and preparing advertisements take account of the Emmaus Catholic MAC Equality & Diversity Statement and Equal Opportunities Policy and the need to reach disadvantaged groups. Managers should compose advertisements in a way which makes them as attractive as possible to candidates of all ages, sex, ethnic origin, disability etc. Re-state your commitment to equalities in your advert or information pack. You must not state or imply that a job is unsuitable for a disabled person (either generally or with a specific impairment) or imply that reasonable adjustment will not be made. However, you can advertise a job as open to disabled applicants only or state that you encourage disabled applicants to apply in the advert as Equality law allows you to treat a disabled person more favourably than a non-disabled person.

Adverts must be non-discriminatory. Descriptions of jobs must reflect accurately the data set out in the job description and the employee specification.

- **Informal channels:** It is best practice not to recruit using word of mouth or from those whose access to job information is by personal association and not open access. The benefits of open advertising are that this will attract a wider pool of applicants and reduce the risk of contravening equalities legislation.
- **Responses:** Applicants should be made aware of the contact point for enquiries by telephone and all application forms sent out must show the closing date, time and to whom the form should be returned.

All job adverts should be advertised on the Emmaus Catholic MAC template advert (See separate zip file for template advert).

### Other Recruitment Sources

**Waiting Lists:** No other form of recruitment register or waiting list has been approved and these methods of recruitment, along with word of mouth advertising should not be used.

**Casual Staff:** Casual posts should follow the same recruitment process as permanent staff. The equality aspects of any such arrangements must be very carefully monitored. School should carefully consider the circumstances in which it may be appropriate to employ staff on a casual basis. The rationale for this may be where the work is occasional or where there is no definite requirement to work a particular number of hours e.g. exam invigilators.

Where you are unsure whether it is appropriate to employ staff on a casual basis, advice should be sought from your Human Resources consultant or the Central Team.

### Recruitment Information for Candidates

The recruitment pack is a marketing opportunity which should enable suitable candidates to apply and help others to decide for themselves whether completing and returning an application is appropriate (i.e. to self-select). As a minimum, this should include the advertisement, information about the school, job description, employee specification, job information, any relevant code of conduct, and equalities statement.

It is recommended that candidates are informed that they have the right to bring to the attention of the selection panel any concerns they have about the procedures especially if they felt that discrimination occurred or may have occurred during the process. Candidates may be reminded that panel members are also glad of any positive feedback.



## Application Forms

Please refer to pages 53 - 54 of KCSIE, Sep 2023 for further information on Application Forms.

CES Application forms should be used for all appointments. All forms, whether complete or incomplete, must be considered by the selectors. The panel must arrange to have completed applications for use in the final selection process. Emmaus Catholic MAC will not accept CV applications as they can make fair comparison at shortlisting difficult to achieve.

Applicants may require information in a different format, for example in large print, as an audio file etc. All staff involved in the recruitment process should be aware of their duty to accommodate such a request.

All vacancies must use the relevant CES model application forms and supporting documents which can be found here:

[Model Application Forms \(catholiceducation.org.uk\)](https://www.catholiceducation.org.uk)

[Model Recruitment Documents & Guidance \(catholiceducation.org.uk\)](https://www.catholiceducation.org.uk)

***Any candidate invited to interview must complete Rehabilitation of Offenders Act 1974 - Disclosure Form and hand it to the chair of the interview panel in a sealed envelope marked "Confidential – Rehabilitation of Offenders Act 1974 - Disclosure Form. Candidates are also requested to complete the Recruitment Monitoring Form which should be submitted in a sealed envelope, separate to the application form.***

## Closing Dates

Closing dates and response arrangements should be clearly indicated, on the advertisement, and in any covering letter.

Always ensure that applicants are aware and understand what will happen after their application form is received (e.g. timescale/notification of rejection/feedback).

## Shortlisting (for further details please refer to KCSIE Sept 2023 pp. 54 – 55)

All members of the selection panel should be equally involved and contribute to the shortlisting process otherwise selectors have advisory status. The shortlisting panel should consist of the Principal, a member of the Local Governing Body and at least one other person who has the relevant experience or knowledge relating to the post.

All persons who take part in the interview must have been involved in the shortlisting process.

Shortlisted candidates should receive a written invitation to interview (See separate zip file for template letter).

## Self-Declaration (please refer to pages 54 – 55, KCSIE Sep 2023)

KCSIE, September 2023, says you should ask shortlisted candidates to complete a self-declaration form. At the point of shortlisting, the Emmaus Self-Declaration form should be sent to any relevant candidates to complete and return prior to interview.

The purpose of the self-declaration is to give candidates the opportunity to share relevant information and allow this to be discussed and considered (more on this below).

You **should not**:

- Ask candidates to make a self-declaration earlier in your recruitment process (for instance, when applying for a role).
- Use the information in the self-declaration to remove people from your shortlist or deny them an interview.
- Use the information in the self-declaration to decide whether someone should progress to the next stage of the recruitment process (with some exceptions, which we'll explain later).

A note about data protection:

The information about criminal records that you'll collect and process during the recruitment process is sensitive personal data. It should be:

- Stored securely.
- Shared only with those who need to know (such as your HR provider, members of the recruitment panel, or your safer recruitment lead).
- Kept only as long as you need it (no longer than 6 months, unless it's needed to inform ongoing or dynamic risk assessment and mitigation processes), then destroyed securely.

You **must not** share any information with other colleagues.

For any records created during the process (for example, notes from disclosure discussions and criminal records assessments) you should tell applicants:

- How their information will be handled, stored and destroyed.
- That they have a right to request: a copy of documents, that any inaccuracies are corrected, and that information is deleted.

### **Treat self-declaration information with caution**

Self-declarations are prone to error. That is because:

- The rules about which convictions and cautions are 'protected' (meaning they don't need to be disclosed and wouldn't appear on a DBS check) can be complicated, especially if the certificate was issued before the changes to filtering rules set out in the DBS guidance above. This makes it more likely that applicants will disclose information that you're not entitled to have (we'll explain why this is a problem in a moment).
- It's easy to misunderstand or misrepresent the nature of convictions or cautions, leading to genuine errors that aren't necessarily an indicator of how honest someone is being.

It is illegal for you to take protected convictions or cautions into account when deciding whether or not to make a job offer. This is set out in [Ministry of Justice guidance](#) (see page 11).

Even if you make it clear that applicants should only disclose unprotected convictions and cautions (as our template does, above) you could end up with information you should not have. To make sure you only make recruitment decisions based on the right information (and so are less vulnerable to legal challenge), it's best to compare the results of self-declarations with the results of a DBS check.

Use the self-declaration to help you have a disclosure discussion (see zip file for template self-disclosure form).

### **What to do if a self-declaration shows that someone is barred or ineligible**

Someone's self-declaration may indicate they they're ineligible for the role. For instance, if they:

- Are barred, but have applied for a role in regulated activity.
- Are disqualified from working in a childcare setting.
- Are subject to a section 128 direction, making them ineligible for roles in the management of academies or independent schools.

In these cases, you should:

- Confirm any restrictions for the post they're applying for.
- For posts in regulated activity, explain that they'd be committing an offence to seek employment in that post.
- Explain that you wouldn't legally be allowed to employ them.

Make a brief note of your conversation and keep these for your records.

### **Online Searches**

Paragraph 221 of KCSIE Sept 2023 states that, as part of the shortlisting process, schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates as this might help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks. See Part two - Legislation and the Law of KCSIE Sept 2023 for information on data protection and UK GDPR (see separate zip file for online searches checklist which must be completed for shortlisted candidates).

### **Assessment**

When drawing up a shortlist, selectors must assess applicants solely against the person specification criteria. Only-ever shortlist candidates who fully meet the requirements of the role and, who from the application form at least, appear to be suitable to appoint.

It is good practice to read all the material presented by candidates, privately work through your assessment, and then share your view with other selectors in a group session. School may want to consider limiting the amount of material presented by candidates to a set amount.

Selectors must draw up their shortlist systematically, measuring the candidate's experience and qualities methodically, against the employee specification. Each candidates' experience, qualities, qualifications etc must be carefully assessed against the person specification and copies of each selector's assessment placed on file.

Test out only those criteria assessable from a screening of the forms at this stage. It can be helpful if the person specification identifies when the criteria would be assessed e.g. from the assessment form, at interview or in a test.

### **Consistent Practices**

Selection criteria must be applied consistently to all candidates.

- All application forms should be processed in exactly the same way.
- Remember the importance of adopting the same criteria for both internal and external applicants.
- Beware of shortlisting known candidates especially those within the section/workplace for the sake of interview experience or to meet their heightened expectations.
- Never take account of pressure to shortlist a particular candidate as this can potentially be discriminatory and is unlawful.
- Ensure all shortlisted applicants receive the same invitation to interview letter/details and supporting material within the same timeframe and ensure the letter contains information on how to inform the panel of any special requirements needed for the day of the interview.

### **Rejecting Candidates**

It is recommended that you should include information in the pack about how and when unsuccessful candidates will be notified e.g. “If you haven’t heard anything after 6 weeks you may assume you have not been shortlisted”.

You must not change your decision to interview an applicant because they disclose a disability or protected characteristic. You should also not change the way you interview them e.g. cutting the interview short, unless the change is to make a reasonable adjustment.

You may legitimately reject a disabled candidate if they are unable to demonstrate the appropriate ability, skills, or experience (unrelated to their disability) and when another candidate has more suitable skills and experience for the role. You may also reject a disabled candidate if their disability makes him/her substantially less suitable for the position even after reasonable adjustments to overcome the effect of the disability have been considered.

### **Declaration of Interest or Relationships**

Any member of a selection panel should make a declaration if any applicant is a relative or a friend from outside the work environment. Employees/applicants also have a duty to declare any interest that they may have in respect of any aspect of the school’s or company business. If an applicant, their spouse / civil partner / partner are related by marriage, blood or as a co-habitee to any member or employee of Emmaus Catholic Multi Academy Company or the Local Governing Body, they must provide the relevant details on the application form.

It is the Recruiting Manager’s responsibility to ensure that if an applicant declares an interest or relationship with someone in the school, that the person concerned does not take any part in the recruitment process. If the Recruiting Manager themselves identify that they have an interest or relationship with an applicant, they must declare this immediately and remove themselves from the recruitment process. If this is not possible, for example in a small school, they should not be part of the decision-making process.

## **Objectives of the Selection Process**

The final selection is not just a test of the candidates. It is also a test of the interviewer's ability to listen, probe, assess - and above all, to be objective and fair.

- To determine each candidate's suitability for the job as measured against the employee specification.
- To maintain the image of the MAC as a good employer.
- To select the right person for the job.

## **Selection Methods**

The role and function of the Chair of the selection process is absolutely crucial to its effective management.

The interview is the most commonly used method of assessing candidates for appointment but there may be some aspects of the job requirements which cannot be tested in interview and for which different forms of assessment are necessary e.g. presentations, practical activities, specific skills exercises etc.

- Provide candidates with an outline of the process they will be expected to undertake.
- Be objective; seek to identify each candidate's abilities and potential contribution.
- Set exactly the same standards for all candidates and assess against these agreed scoring ratings/criteria. Never make generalised assumptions about individuals based on your perception of them.
- Each individual should be assessed according to his/her personal capability to carry out the particular post. It should not be assumed that certain kinds of candidate are more or less able to perform certain occupations or duties.
- Always focus on questions related to the job and to those requirements set out in the employee specification.

It is important that selectors are aware of cross-cultural communication issues such as language, culture and non-verbal behaviour which may affect candidates from varied backgrounds and/or cultures.

The questions to be asked at the interview should, therefore, be well thought out and decided upon beforehand. As far as possible, the same questions should be put to all the candidates in order to avoid treating one candidate less favourably than another. However, it is possible to ask supplementary questions of the candidates which will be specific to the individuals.

The venue for interviewing candidates needs to be convenient and accessible, with disabled parking facilities. You should also consider whether the venue has disabled toilets and whether the rooms being used for the process are accessible, with level access.

## **Testing**

Certain occupational tests must only ever be used by trained and qualified administrators. Poorly designed tests may leave the school open to allegations of unfair procedures and practices where they are not validated against job related skills and linked to the employee specification criteria. Selection tests of any kind must be free of unjustifiable bias, relevant to the job and reasonable adjustments must be made to enable disabled people to participate and compete on equal terms. It is good practice to inform candidates when inviting them to interview, that they will be undertaking

a test, give a brief outline and explain how to inform you if they require reasonable adjustment(s) to be made. If they chose to not inform you prior to the day but it is apparent once they arrive for the test, you are still obliged to make any adjustments which are reasonable. However, you do not have to adapt a test to the point where it no longer tests whether someone would be able to do the job or not.

The use of psychometric (or personality profile) tests requires professional expertise within the selection process and it is recommended that they are not used as a “cutoff device” to reject candidates. You should seek advice from your named Birch HR Consultant where you are using practical/vocational or other testing techniques.

**Lesson observations for teaching posts must be carried out by someone with QTS status.**

### **Decision Making**

Relevant and objective selection criteria should be used, and it should be clear from the documentation how the final decision was reached. Scoring records will also be useful if the decision is later challenged on the grounds of discrimination.

The final decision must be based on the job description and employee specification using agreed criteria and defining the standards required to perform the job. Each candidate must be measured against these benchmark requirements. A disabled candidate’s ability should be considered after reasonable adjustments have been made. It is good practice to involve the candidate, by discussing adjustments within the interview process, rather than assuming or guessing what would be effective / appropriate.

Members must ensure they have sound and accountable reasons why all candidates were not selected at any stage and consider all the evidence they have collected. The selection panel should normally unanimously agree their final selection and formally record this. Where there is no ideal candidate, you should consider whether it may be better to re-advertise the post rather than offering the role to the second-best candidate.

Reasons for rejection based on the employee specification requirements should be accurately recorded and documented. All selection assessment records should be handed to the Chair of the panel. In line with the guidance in the CES recruitment forms, recruitment documents of unsuccessful candidates will be retained for a period of 6 months after which it will be destroyed in line with the Emmaus Catholic MAC Data Retention Policy.

### **Confidentiality**

Information obtained within the whole selection process must be treated as confidential. All information will be handled sensitively and used only for its proper purpose. Comments about specific candidate’s performance must not be revealed outside the process (except, of course, personal feedback to individual candidates where they have requested this).

### **Safer Recruitment Practice**

This guidance complies with national and local guidance on safer recruitment practice. The company is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

## Training and Monitoring

Directors and Governors with a responsibility for recruitment and selection must be aware of their legal obligations under existing employment legislation.

From 1st January 2010, the School Staffing (England) Regulations (2009) states that the Governing Body must ensure that any person who interviews an applicant for any position or where there is a selection panel established for that purpose, at least one member of that panel or group should have completed the safer recruitment training as approved by the Secretary of State. The Safeguarding Children and Safer Recruitment in Education document advises refresher training to ensure that knowledge and skills are kept up to date.

Safer Recruitment is a training package developed for Principals, Governors and other recruiters which aim is to improve recruitment processes in schools to help identify, deter, and reject applicants who might be unsuitable to work with children and young people. The Safer Recruitment training provides valuable background information, advice about a safer school culture, best practice suggestions and practical advice to strengthen safeguards against employing unsuitable people. It is recommended that training is refreshed every 2-3 years (or earlier if there is a change in legislation).

Emmaus colleagues should complete the Advanced Certificate in Safer Recruitment in Schools which is available online as a certified CPD course via The National College.

## Employment Checks (pages 57 - 70 of KCSIE, Sept 2023)

The company must undertake the relevant employment checks (in respect of Regulations 12 and 24 of the School Staffing (England) Regulations) to establish:

- The preferred candidate's identity.
- Their qualifications (copies of all qualifications and professional qualifications must be copied and placed on the personnel file of all successful candidates).
- Their right to live and work in the UK.

The company must act in accordance with the Immigration Asylum and Nationality Act 2006. The Act requires employers to establish the eligibility of people to work in the UK before their employment is confirmed. It is a criminal offence to employ someone who is subject to immigration control and:

- Who does not have current and valid permission to be in the United Kingdom or
- Who does not have permission to work in the UK.

Employers may be liable for a civil penalty of up to £10,000 if they employ an illegal employee. A new offence of knowingly employing an illegal worker may be liable to imprisonment, to an unlimited fine or both.

To ensure that recruitment practices are not discriminatory, all shortlisted applicants (regardless of their race, nationality, or ethnic or national origin) must be asked to produce original documents as evidence of their right to work in the UK.

Once there is a preferred candidate and before any appointment is made, the Principal or the recruiting manager should:

- Ensure you obtain references, using the Emmaus Catholic MAC reference template, from the applicant's current or former employer, following up with the author of the references if there is anything that appears to be contradictory or incomplete.
- The Emmaus Catholic MAC reference proforma is in two parts: Part 1 is to be obtained prior to interview and Part 2 is to be obtained once the candidate has been offered a post.

- Candidates must be asked to complete the Emmaus Catholic MAC Medical Declaration Form to identify whether the candidate has the necessary health and mental fitness to carry out the role, including whether any reasonable adjustments are required.
- A DBS check must be applied for, for each prospective employee, and the satisfactory DBS must have been received and checked before the employee can start working at Emmaus. If the prospective employee is a member of the update service then, the original DBS must be produced and an update service check can be carried out.

When making any appointment, due consideration must be given to the requirements of equalities legislation and to best employment practices. When sharing information, governing bodies should ensure that they act in accordance with the Data Protection Act 2018 and data protection principles, making sure that the information provided to prospective employers is fair and transparent. It is good practice to make employees aware in company policies that information about performance and capability will be provided to potential employers when requested.

## References

### External Reference requests for current or former Emmaus employees

To comply with the Equality Act 2010 and GDPR we do not provide information about any employee's sickness absence records. Requests for sickness absence information about current or former employees should be responded to as follows:

“Sickness Record: To comply with the Equality Act 2010, it is our policy not to provide information about any employee's sickness absence records.”

It is permissible, however, to share the number of days of a workers' absence. This **MUST** refer to generic absence, rather than a breakdown of the types of absences that make up the total number of days absence.

The UK GDPR and Data Protection Act 2018 exempt confidential references from disclosure to the applicant or any other third party. This means that even if the applicant requests to see their reference, you are not required to disclose it. When completing a reference for a current or former employee, you should add the statement below to ensure confidentiality.

This reference is strictly private and confidential, provided to the addressee only and is not to be disclosed to the applicant or anyone else in accordance with the exemption set out in the UK GDPR and the Data Protection Act 2018.

Only authorised personnel are permitted to give references on behalf of the MAC and its schools. The Catholic Senior Executive Leader on behalf of the MAC/Central Team (or a person they have authorised to provide a reference), The (Executive) Principal in school (or a person they have authorised to give a reference). There may be occasions when the Chair of the Board or Local Governing Body may be requested to provide a reference.

### Reference requests for candidates applying for posts within Emmaus

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Schools should seek two references, one of which must be from the current employer and preferably another from a previous employer, unless the candidate has no previous employer in which case references from their university/college tutor (or someone in a similar position of



authority) is acceptable. If the candidate already works for the company, a reference will be sought from their current line manager. References from friends and family members are not acceptable.

For senior and protected posts requiring candidates to be practising Catholics, a Priest's reference is required from the Parish where the candidate currently worships together with signed confirmation that they meet the definition of a practising Catholic as outlined in the document 'Christ at the Centre'.

**References for shortlisted candidates should be obtained prior to the interview; however, the panel should not have sight of these until they have selected the candidate.**

If the references provided by the candidate do not cover a period of 2 years employment, it is recommended references should be sought from previous employers. Verbal references will not be accepted in any circumstances.

For posts in schools, the recruiting manager will verify references (once opened after selecting the preferred candidate) to check:

- The organisation the referee works for exists.
- The referee's relationship to the candidate.
- The name and job title of the referee match what the candidate has stated.
- The referee was the author of the reference received by the school.
- The information given in the reference (candidate's job title, dates of employment, reason for leaving match what has been provided in the application form and through the interview and selection process.

References should not be sought at an early stage for use as an aid to shortlisting.

References should not request details about the candidate's sickness record or disability, in order to ensure that they comply with the Equality Act 2010. Generic information regarding the candidate's number of days' absence should be obtained after interview and for the successful candidate only on the Emmaus Post Job Offer Reference form.

References should be held by the Chair of the selection panel until after the final decision has been made and only at that stage should the reference of the successful candidate be shared with other members of the panel.

The use of references is best restricted to the identification of contra-indicators, in other words information as to why a particular candidate might not be suitable for appointment. If an appointment is not to be confirmed due to "unsatisfactory" references the panel should ensure that the decision is fair and reasonable and based on justifiable grounds.

**A formal offer of employment should not be made until references and an Enhanced DBS check (with vetting and barred list check for all staff who are not supervised) that is satisfactory to the Company have been received. DBS certificates for Emmaus Catholic MAC employees are obtained via E Bulk, Dudley HR. Conditional offers only should be issued to candidates until all pre-recruitment checks have been carried out (See separate zip file for conditional offer letter template).**

It is not good practice to request references for some of the shortlisted candidates (unless they have so requested), and not for others, as this could lead to perceptions that some candidates are being treated more or less favourably than others. It is a breach of the applicant's confidentiality to seek references, or make informal enquiries, from any person other than the applicant's nominated referees.

Where the reference is unclear or hints at problems it is advisable to telephone the referee in order to clarify the information. Notes of the telephone conversation should be made.

All employees must undergo vetting by the Disclosure and Barring Service (DBS) prior to commencing employment. The DBS helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) and was formed under the Protection of Freedoms Act 2012.

It is illegal for anyone barred by the DBS to work or apply to work with the sector (children or adults) from which they are barred. It is also illegal for an employer to knowingly employ a barred person in the sector from which they are barred.

If the candidate has revealed information about a criminal background the panel must decide whether, in relation to the post in question, the nature of their background is sufficiently serious to justify non-selection for the post. In the event of the panel deciding not to select on the grounds of a declared criminal background advice must be sought from Human Resources before further action is taken.

It is important to note that the possession of a criminal background does not automatically debar an applicant from employment.

All information about previous convictions given by applicants must be treated in the strictest confidence.

Failure to disclose previous offences or pending legal action for posts could lead to the offer of employment being withdrawn.

**Advice should be sought from your Birch HR Consultant, in liaison with the CSEL, in the event that a candidate discloses a criminal background.**

### **Individuals who have lived or worked outside the UK**

On top of the required [pre-employment checks](#), if the candidate has lived or worked outside the UK, you must make any further checks you consider 'appropriate'.

These checks can help you consider any relevant events outside of the UK that would affect their suitability for employment.

You should follow the same approach no matter which country the applicant has lived or worked in. It doesn't make any difference if they're from a country in the European Economic Area (EEA) or the rest of the world.

This is set out in pages 74 – 75 of KCSIE Sep 2023.

The Principal decides what is 'appropriate' in liaison with the CSEL, who will decide whether further checks are necessary, based on individual circumstances.

This decision should be based on factors such as the:

- Amount of information disclosed in the DBS check, and
- Length of time the individual has been in or out of the UK.

If you cannot carry out further checks, you should use your discretion to seek alternative methods of assessing suitability and/or undertake a risk assessment to allow informed decision-making on whether to proceed with the appointment (KCSIE, paragraph 281).

### **What checks could be 'appropriate' and how to do them**

Checks on overseas criminal records:

**For all staff**, including teaching positions, your further checks could include checking criminal records from outside the UK through the relevant embassy.

Schools should ask for these checks if a person has been abroad for 3 months or more in the last 5 years. However, this decision should be risk-based. For example, in a special school with a lot of vulnerable pupils, you might go back 10 years rather than 5.

Letter of professional standing:

**For teaching positions**, you could also obtain a letter of professional standing from the professional regulating authority in the country where the applicant has worked.

For applicants from Switzerland, the EU and/or the EEA, you can find contact details of regulatory bodies through the **Regulated Professions database**. You can also contact the **UK Centre for Professional Qualifications** for signposting to the appropriate regulatory body.

Further information regarding overseas applicants can be found on page 74 of Keeping Children Safe in Education 2023.

### **Withdrawing a Job Offer**

All offers of employment are made on a provisional basis, subject to all necessary clearances being successfully completed. This means that you are able to legally withdraw an offer of employment should you need to do so. You will need to weigh up the information available before making a decision.

If you wish to withdraw an offer of employment, you should seek advice from your Birch HR Consultant in liaison with the CSEL, before doing so.

You will need to consider what the appropriate course of action is where:

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

In relation to serious safeguarding concerns, you will need to report these to the police and/or DfE Children's Safeguarding Operations Unit. You should discuss this with the CSEL and your Human Resources Consultant, Birch HR where unclear.

### **Medical Issues**

The 2010 Equality Act limits the circumstances when an employer can ask general health-related questions before a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions must only be asked to help the employer to:

- Decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process.
- Decide whether an applicant can carry out a function that is essential to the job once reasonable adjustments are in place.
- Monitor diversity among people making applications for jobs.
- Take positive action to assist people with disabilities.

**This means that applicants must not be asked to complete medical questionnaires until after an offer of employment has been made.**

### **Notification of Results of Selection Process**

Interviewed candidates should be informed as quickly as possible about the outcome. The company/school should have discussed the starting salary and terms for the successful candidate(s) in line with the Emmaus Teachers' Pay Policy, the School Teachers Pay and Conditions document and the Emmaus Support Staff Pay Policy. Differential terms must be justifiable and any negotiations within normal parameters.

### **Making a conditional offer**

The successful candidate should be made a conditional offer of employment in writing (see the model template offer letter in separate zip file).

### **Feedback to Candidates**

All shortlisted candidates should be told of the outcome of their interview, and any unsuccessful applicants seeking information about why they were not selected, should be given honest and thorough feedback about their application at your earliest convenience.

To ensure consistency, one member of the interview panel should be designated to give such feedback or, alternatively, the interview panel could reconvene to meet the candidate(s) concerned. There should be an agreed message determined at the end of the selection process' final decision.

### **Review and Monitoring**

At the end of each selection process, those responsible should review the decisions they have made, and the procedures used to ensure they are confident that the approach adopted has reflected the MAC and the school's commitment to equality. Selectors should be able to justify every decision taken and the process which has been adopted to arrive at their selection.

A note of the reason for rejection for each unsuccessful candidate must be made on the back of the application form. The reasons should relate to an area or areas of the employee specification.

- The recruitment master file must be kept for 6 months and should contain key documentation. This should include interviewer's notes.
- It is always important to review the whole process on completion to ensure equality of opportunity has been observed and to set out, for future exercises, more pro-active steps where candidates from under-represented groups have not applied/or have not performed as expected within the selection process.

A recruitment log should be kept in each school (see template log in separate zip file).

### **Notifying Human Resources**

Once all of the recruitment procedures are complete, all relevant documents for setting up a new starter should be collated and the online process started in TalentLink. The designated person in each school is responsible for informing Dudley Payroll of the new starter information. The contract will be issued on the basis of the information that school provides, therefore it is important that this information is accurate.

### **Complaints**

School should be aware that an applicant can allege discrimination against a potential employer although there is no direct employment relationship.

Formal complaints about the recruitment process should be dealt with through the Emmaus Catholic MAC Complaints Policy and Procedure.

### **Maintaining a Single Central Record (SCR)**

***This section should be read in conjunction with KCSIE, September 2023.***

The Department for Education's (DfE's) statutory safeguarding guidance, Keeping Children Safe in Education, September 2023, explains in paragraph 268 that schools must keep a Single Central Record (SCR) to demonstrate that they have carried out mandatory pre-appointment checks. The guidance explains, paragraph 269, that the SCR must cover:

- For schools, all staff, including teacher trainees on a salaried route (see paragraph 296). Agency and third-party supply staff, even if they work for one day (see paragraph 286).
- For colleges, details of staff, including agency and supply staff providing education to children under the age of 18; and
- For independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.

The Single Central Record **must** indicate whether the following have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- An identity check, (identification checking guidelines can be found on the GOV.UK website).
- A standalone children's barred list check.
- An enhanced DBS check (with children's barred list check) requested/certificate provided.
- A prohibition from teaching check.
- Further checks on people who have lived and worked outside the UK (see paragraphs 279 – 284 KCSIE Sep 2023).
- A check of professional qualifications, where required.
- A check to establish the right to work in the United Kingdom.

In addition:

- Independent schools (including academies and free schools) **must** record details of the section 128 checks undertaken for those in management positions.

The details of an individual should be removed from the 'live' Single Central Record once they no longer work at the school or MAC.

Emmaus Catholic MAC schools' Single Central Records will be recorded on the Emmaus Catholic MAC SCR template which covers all of the above statutory requirements in addition to non-statutory information which is considered good practice to record.

### **Multi Academy Trusts/Companies**

MATs/MACs **must** maintain the Single Central Record detailing checks carried out in each school within the MAT/MAC. Whilst there is no requirement for MATs/MACs to maintain an individual record for each school, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to inspect that information, including by inspectors.

Each school will maintain a copy of the SCR for their individual school. The (Executive) Principal has ultimate responsibility for the SCR and should ensure that they personally check that the information inputted matches the information in the staff member's Personnel file and that they complete the 'evidence check off and signed' column on the SCR for each entry made.

The MAC keeps a Single Central Record for Central Team staff, contractors, and Directors. This document is maintained and updated in line with KCSIE guidance. In the event of the need for this document to be checked by those entitled to inspect it, including inspectors, a password protected copy of the SCR will be made available, without delay, to the relevant school or the SCR will be made available to view via a visit to the Central Office. In the event that the Central Team MAC SCR is required for checking, by a relevant body, this request should be made by the Principal to the CSEL or Executive Assistant to the CSEL with the reason for the request.

**NB: Staff (including supply/agency) and volunteers must be logged on your SCR even if they are in school for 1 day.**

### **Other policies**

This document should be read in conjunction with:

- Keeping Children Safe in Education, September 2023
- Emmaus Catholic MAC Equality and Diversity Statement
- Emmaus Catholic MAC Equal Opportunities Policy
- Single Central Record Audit Process (guide for completion)
- School Safeguarding Policies and Procedures