

## Recruitment & Selection Policy

### 1. Policies

#### a. Equal opportunities (06/13)

The Council of The Girls' Day School Trust is committed to equal opportunities in employment.

The Council's policy aims to ensure that all employees are recruited, trained and promoted on the basis of ability, the requirements of the job and relevant and objective criteria.

No employee or job applicant should receive more or less favourable treatment on the grounds of race, nationality, colour, ethnic or national origin, age, sex, marital status, sexual orientation, religion or belief, gender reassignment, creed or disability in any matters to do with employment.

See also [Equal Opportunities Policy \(Employment\)](#).

#### b. Recruitment policy (04/15)

The GDST and Blackheath High School is committed to fair recruitment and selection, and to appointing on merit, in accordance with the following procedures which take best practice into account.

All appointments of staff and volunteers after 1 May 2007 must comply with the Disclosure procedures set out in the [Safeguarding Procedures document](#). Details of checks carried out on **existing and new staff must be entered on the school's Central Record as per the requirements set out in the [Safeguarding Procedures document](#).**

#### c. Safeguarding children (04/15)

The GDST and the School is committed to the safeguarding of children and child protection screening will apply to all posts. See also [Safeguarding Procedures and Safeguarding Policy](#).

#### d. Recruitment and employment of relatives and close friends (10/15)

The GDST's policy on recruiting and employing relatives and close friends is set out in the [policy document](#).

## **2. Appointment of deputy heads & other members of the senior leadership team at schools (03/13)**

Council's policy is that a member of the Trust's Executive team should be involved in the interview process for members of schools' senior leadership teams. In the case of Heads of Junior Schools, this will usually be delegated to the Trust's Deputy Director of Education (Junior Schools), and the Financial Controller will usually assist with the appointment of Directors of Finance and Operations.

Schools should therefore contact the appropriate member of the Executive team at Trust Office as soon as it is known that an SLT position is vacant.

## **3. Appointment of staff (other than hourly paid cleaning and catering staff) (09/15)**

### **3.1. Advertising and Information for Applicants (09/15)**

#### **a. Internal advertising**

If you are likely to have a suitable internal candidate, there is no need for a post to be advertised externally. It must, however, be advertised within the school.

Note: Details of all ICT vacancies in both schools and Trust Office should be circulated to Heads of all schools and all existing ICT staff. Details of vacancies for support staff should be circulated to the Directors of Finance and Operations of all other GDST schools by e-mail or fax.

Details of senior posts are circulated to schools by Trust Office on a monthly basis or as and when a senior position at a school becomes available.

#### **b. External advertising**

##### **1. Preparation**

A job description and a person specification should be prepared prior to advertising as the information should be used to draft the advertisement.

##### **2. Using an advertising agency**

Should you wish to use an advertising agency (at no additional cost) special arrangements have been established with CJA, contact 020 7588 3588.

CJA are able to offer assistance (at no additional cost) in:

- Identifying suitable publications for the type of vacancy to be filled, and placing advertisements.
- Writing copy / writing the text of the advertisement using the job description and person specification.
- Advising on graphics presentations and text wording.

- Negotiating media discounts
- Typesetting and advertisement production

### 3. Content of the advertisement

The aim of recruitment advertising is to attract applicants of appropriate qualifications and experience. Advertisements therefore need to be noticed, read and replied to. Text should be clear and brief and be drafted to provide an accurate picture of the duties of the job, the type of candidate being sought, and some information about the school / GDST as an organisation. Vague and discriminatory language must be avoided. Schools may wish to consider the conscious use of feminine-themed language i.e. collaborative, co-operative, instead of masculine-themed language i.e. ambitious, competitive in order to attract those with GDST values and to reflect the GDST teacher standards.

As job seekers tend initially to skim-read recruitment pages, it is suggested that job title, salary indicator and location information is featured most prominently in each advertisement as this approach has been found to have the most significant influence on the number of subsequent appropriate applications. Specifying the skills and qualifications required is also more likely to invite applicants who meet the criteria.

The wording of the advertisement should comply with the guidelines on age, sex, race and disability discrimination given further on in this section of ORACLE.

Best practice would suggest that all of the following information is included in a recruitment advert:

- Job title
- Salary or pay band, with a note to mention that it is within the GDST's own pay and grading structure
- Other benefits (teachers' pension, GDST DC pension, season ticket loan, etc)
- **Location / school's name and address**
- The GDST logo (essential requirement as a GDST policy - in lineage adverts, GDST after school name)
- Essential requirements of the job in terms of qualifications, experience and personal attributes, being mindful to use non-discriminatory language.
- Brief details of the responsibilities of the job
- Brief information about the school and/or GDST
- Whether the job is part-time / term time only / fixed term, including the start date if known or the contract length
- How to apply (i.e. by returning [application form](#) ([application form electronic version here](#)))(CVs unaccompanied by an application form are not accepted) including the closing date and interview dates. It is recommended that applicants are given the option of email to request electronic application information and to return applications via email, in addition to using the GDST website also for these purposes.
- Email address / school website address / GDST website address
- It is essential that a 'Protection of children' statement is included: "We are committed to the safeguarding of children, and child protection screening will apply to this post"

For teaching vacancies, the advert should also include a statement to the effect that a full induction programme leading to QTS is available.

Charity advertising is zero-rated for VAT, and only if required by a particular publication you should show "Registered Charity No. 306983" in the advertisement.

#### 4. Appearance of the advertisement

- Adverts should be designed to be eye-catching and to arrest the attention of the reader.
- Adverts densely packed with text are unappealing and the use of white space to separate titles from text and to split paragraphs makes for a more attractive style.
- It is recommended that advertisements be placed using the GDST and school logo and border template - available from CJA. Using a consistent style will go some way towards building an identifiable advertisement of the school and the GDST.
- It is recommended that job title and location be given prominence by using bold font. For support vacancies, using bold font to advertise salary would also be recommended. Using bold font to advertise job titles and salary is particularly important in composite advertisements detailing more than one vacancy.
- The content and general design of an advertisement is more important than its size or position within a page.

#### 5. Deciding appropriate media (09/15)

Review where the kind of people who are being sought are likely to look for jobs and what newspapers or journals they are likely to read. The use of local press should be considered as it can often be highly effective and is largely inexpensive. CJA can assist with identifying suitable publications.

Vacancies should also be advertised on the [GDST website](#) - please send brief details of the post to the HR Department at Trust Office.

#### c. Requests for further information should be met with:

- Full details of the post (job description, pay band and benefits, where the post fits into the staffing structure, additional duties and that if successful the position will be subject to a probationary period etc.) A note should also be included that successful applicants will be required to produce proof of relevant qualifications, and their identity and Asylum and Immigration status at interview. (NB. All new teaching appointments should ideally have Qualified Teacher Status, which is defined as having undergone an approved course of initial teacher training, or registered through a recognised teacher training programme, or followed a 3 year B.Ed or PGDE. Those who do not have QTS should be prepared to acquire it within 3 years.)
- Person specification giving full details of the essential and desirable requirements for the post including qualifications, experience, special skills, abilities and personal qualities. The person specification should avoid potentially discriminatory criteria as per the guidance given on discrimination further on in this section of ORACLE. (Note: the person specification should, where relevant, include "Suitable to work with children

in accordance with the GDST Safeguarding Policy".) For certain posts, the GDST has produced guidelines for selection criteria: Science and DT technicians in Circular 97/40; for School Nurses please seek advice from the GDST's Consultant Nurse or the Head of Health & Safety . [Click to view guidance on person specifications](#).

- Full details of the school (e.g. prospectus)
- Application form ([S1a](#), [S1a electronic version](#) or [S1b](#)) if required and reminder as to how/to whom/by when to apply
- [Form S2](#) - disclosure of criminal background. This form carries the GDST's Safeguarding Strategy Statement about safeguarding children and disclosure of relevant convictions, and must be issued to all applicants, as they are required to sign the declaration on the form and return it in a confidential envelope in addition to the completed application form.
- [Form CDD](#) - Childcare Disqualification Declaration Form [*for relevant posts only. Refer to Safeguarding Procedures*]. Candidates are required to sign the declaration and provide further information if applicable, and return it in a confidential envelope in addition to the completed application form.
- [Form S22](#) (Equality/Diversity Monitoring Form) with the title of the post applied for entered in the appropriate space.
- For teaching and leadership posts, a copy of the [GDST pay leaflet for teachers and leaders](#).
- For support staff, a copy of the [GDST pay leaflet for support staff](#).

d. Staff in school offices often refer applicants to Trust Office about the likely salary on which they would be appointed. As the salary and grade are for the Head to decide as per GDST policy, Trust Office can only confirm the pay policy, and refer applicants back to the school. School office staff who deal with recruitment enquiries should therefore be adequately briefed so that they can deal with queries about the pay bands and grades.

### 3.2. Handling Applications (07/15)

a. Acknowledge receipt of all applications. CVs which are not accompanied by an application form cannot be accepted.

b. Check the essential items are present, e.g. names/addresses of referees. Candidates' applications should be scrutinised appropriately for any gaps, concerns or discrepancies.

c. If an application comes direct, i.e., without having sought information first, as may happen when time is short, [Form S2](#) and [Form CDD](#) should be sent with the acknowledgement.

d. Completed Form S2 (Safeguarding Statement) and Form CDD (Childcare Disqualification Declaration), along with any supplementary information supplied should be opened and scrutinised only after the shortlisting process has taken place. Completed forms and any additional confidential information provided must be viewed only by those who need to see it as part of the recruitment process. If candidates are not long or shortlisted, the unopened information must be destroyed securely.

e. Form S22 should be detached from the application and must not be made available to the short-listing panel. However, if the candidate has a disability and special arrangements will need to be made for the interview, a note of this should be made so that these arrangements can be put in place if the applicant is short-listed. All forms S22 should be forwarded to the HR Department at Trust Office.

e. Long and short listings should be done on the basis of matching the skills, qualifications and experience of each applicant against the person specification for the post, ensuring that selection criteria are non-discriminatory. Applicants who are aged 65 or over must not automatically be excluded as this would amount to age discrimination. Where possible a minimum of two people should shortlist and interview. It is GDST policy that at least one member of the recruitment panel involved in all stages of the recruitment process has taken an approved programme in Safer Recruitment, including any refresher training.

f. Where possible, references for shortlisted candidates should be taken up before interviewing so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. If time is short, these references may be oral, but should be confirmed in writing. With express permission from the subject, references should always be taken up direct with the referees who should include the most recent employer. Open references or testimonials provided by the candidate cannot be accepted. **Reference requests must always ask about the candidate's suitability to work with children and for this reason GDST templates must be used.** If taken up prior to a verbal offer of work being made, requests should not include questions relating to health or attendance record in order to comply with Equality legislation. The only exceptions in the GDST context are: a) where you need to decide whether or not an applicant can carry out a **function that is essential ('intrinsic') to the job or b) in deciding whether you need to make** reasonable adjustments for the person to the selection process. Reference requests, if being sent after a verbal conditional offer of work is made, may include questions relating to health and attendance records.

For teaching staff, a template reference request letter is available [here](#). For support staff, Form S23 can be adapted to your school's individual requirements, but must always include the sections about suitability to work with children.

Once received, references should be scrutinised appropriately and with reference to the information provided by the candidate in his/her application. Any discrepancies arising should be taken up at interview.

Under the regulations of the Data Protection Act 1998 employees may request to view paper-based information held on their personnel files, including references from former employers. You may disclose these with the consent of the writer or the company. For more detailed requirements, see [Data Protection](#).

g. **Internet searches to perform due diligence on candidates** should be considered as part of the recruitment process, as set out in the GDST's Social Media Policy. Where this is done, you must act in accordance with GDST's data protection and equal opportunities obligations and policy.

h. All candidates invited to interview should be:

- Sent a school prospectus (if this has not already been sent) and clear details as to how to reach the school, and be offered reasonable travelling expenses
- Asked to inform you if they have any special requirements for the day of the interview - see Section 7 Disability Discrimination
- Asked to bring to interview, original documents which should be checked by you to satisfy the requirements of the Asylum and Immigration Act 1997, and an identity check in advance of a DBS Disclosure application. In order to avoid possible discrimination, the documents of all interview candidates should be checked. See Section 6 Eligibility to work in the UK.
- Asked to bring proof of qualifications if relevant - this speeds up the appointment process once an offer of employment has been made. Photocopied documents should not be accepted.
- (For teaching staff only) Given details of any lesson they are to teach as part of the selection process
- Notified of any test or assessment activity (e.g. a presentation to the interview panel or a written test) they will be required to undertake on the day.

See [sample interview letter](#).

i. No post should be offered without formal interview.

### 3.2.A. Preparing for interview and assessment (03/11)

a. Interview questions to be asked of all candidates should be prepared with reference to the selection criteria set out in the person specification, including child protection issues where relevant. Questions relating to health or attendance records must not be asked except in very specific circumstances as detailed above. Particular questions to be asked of each candidate should also be prepared, based on the information provided in his/her application and references received.

b. Interview questions should largely be phrased as to what candidates have done (rather than what they would do in hypothetical situations) and candidates should be asked for examples to support their responses.

c. Notes of the candidates' responses should be made - if found helpful, an interview assessment form can be prepared. See attached [sample interview assessment form](#).

d. For teaching appointments, the normal classroom observation form can be used as a basis for assessing teaching performance.

### 3.3. At Interview (04/15)

a. All candidates should have the opportunity to:

- Tour the school, preferably when it is in session, involving pupils in the process where relevant

- Meet the Head of Department and others in the Department
- Meet the Deputy Head (and other senior staff as appropriate for senior posts)
- Discuss fully the post, job description, salary, other duties, contract, and DBS check (in this connection any gaps in employment history or unusual career moves should be explored).

b. There should be input from the Head of Department and/or Deputy Head before or as part of the interview for all staff below Deputy Head.

c. Notes of the interview should be kept, and under the Data Protection regulations, candidates have the right to see them if they wish.

d. An identity and Asylum and Immigration check must be carried out on the day of the interview. Photocopies should be taken of the original documents, which should be checked for authenticity.

e. Proof of qualifications (including driving license if the appointee is required to drive a minibus) should also be checked. Original certificates should be presented as photocopies of certificates, diplomas etc should not be accepted unless properly certified by the awarding body. Photocopies of original documents should be taken.

#### 3.4. Offering the Post and rejecting unsuccessful candidates (07/15)

a. An offer of employment should be made by letter or telephone to the successful candidate. Schools offering a salary above the mid-point of the pay band should present a business case to the Head, using a [template](#).

b. Unsuccessful candidates should be informed in writing, as soon as possible. If unsuccessful candidates request feedback following the interview, it is recommended that this is done orally, and that reasons given are fully reflective of the stated selection criteria.

c. Any oral offer of employment needs to be made subject to formal confirmation in writing, satisfactory references if not already received, satisfactory Enhanced Disclosure with a Children's Barred List check for the Child Workforce from the DBS and occupational health checks as relevant.

Refer to the [Safeguarding Procedures document](#) for information on DBS Checks and other checks required for safer recruitment (check against the DBS Children's Barred List, where awaiting return of an Enhanced DBS Check; childcare disqualification declaration *[where relevant]*; checks of identity, qualifications and right to work in the UK; overseas checks where appropriate; previous employment history; satisfactory references; and medical fitness).

Click for [model letter of appointment](#)

d. With the letter enclose:

1. Two copies of the relevant Contract of Employment (accompanied by [employment policies booklet](#)).

2. Form S3 (employee details) (Information for Payment of Salary) and Form S4 (medical questionnaire)

3. Guidance Notes for Applicants for a Disclosure, Disclosure application form and accompanying DBS leaflet, Disclosure Applicant Consent Statement.

4. Induction checklist

5. ICT Acceptable Use Agreement (NB: there is one version for ICT staff, a version for staff who are also parents of GDST pupils and a separate one for all other staff)

6. Safeguarding Policy

7. Data protection guidelines for new staff and Data protection form of consent

8. Probationary period policy

3.5. Processing the Appointment (07/15)

a. Disclosure and Barring Service (DBS) - Where required, applicants should be asked either to apply for a new enhanced DBS check with Children's Barred List check for the Child Workforce or, if they are subscribed to the DBS Update Service, asked for their permission for the school to undertake an online 'status check'. Full details are contained in the Safeguarding Procedures' document, but in summary are:

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#### New DBS applications

A DBS application form should be completed by the applicant to the Countersignatory at the school with the original documents required for evidence of identity. The Countersignatory checks and completes the remainder of the form and sends it to the DBS. Schools are strongly urged to keep detailed records of when such requests are made to applicants and when the documents are despatched.

When the check is complete, the DBS will send the Certificate **only** to the applicant; schools will not receive a copy. Schools must ask applicants for sight of the original DBS Certificate. Copies of the original certificate provided by applicants must not be accepted and originals should be checked for authenticity. Photocopies of certificates must not be made by schools.

#### 'Status checks' via the DBS Update Service

If the applicant is subscribed to the service and also has an existing DBS certificate of the level and type required (enhanced, with Children's Barred List check, for the Child Workforce), schools may ask for their consent to do an online 'status check' rather than asking for a new DBS check. A Consent Form for this purpose is available. The 'status check' will reveal if the DBS certificate is up-to-date or if any new information has come to light since it was issued. The 'status check' should be carried out following the procedure set out by the DBS [www.gov.uk/dbs](http://www.gov.uk/dbs) Details are also given in the Safeguarding Procedures.

If the Disclosure or 'status check' is satisfactory, the offer of employment can be confirmed. If, however, the contents of the Disclosure or 'status check' give cause for concern, you must invite the applicant for a further discussion before taking any decisions about future employment. Advice on assessing the relevance of criminal convictions in the light of employment within the GDST may be obtained from the HR and Legal Departments at Trust Office.

If information provided on a Disclosure or on a 'status check' is considered sufficient grounds for dismissal or the person is prohibited from working with children, employment should be terminated by following the dismissal procedure. It may be necessary to suspend the member of staff from duty immediately whilst dismissal procedures can be arranged. In such cases please contact a member of the HR team to discuss.

#### Retaining and destroying disclosure information

Copies of DBS certificates must not be made or kept on file. Print-offs from a DBS 'status check' must not be kept on an individual's personal file - it must be kept separately in a locked drawer or cupboard where it can be accessed only by those authorised to see it. It must be destroyed after 6 months by a secure method (shredding, burning or pulping) and whilst waiting for destruction must be kept secure i.e. not lying around in a shredding sack or bin. A note should be kept on the personal file of the date of the disclosure, its unique reference number, the nature of the employment for which it was requested, and any recruitment decision taken.

b. Recruitment checklist - Whilst waiting for written acceptance of the offer and return of the signed contract and other documents and checks, Form S6 - Recruitment Checklist can start to be completed.

c. Medical questionnaire - the completed medical questionnaire should be seen and checked **only by the Head**. School Nurses should not see or check completed forms due to staff confidentiality issues.

If the responses are satisfactory, no further action is required, other than to inform the employee that the check has been satisfactory. The questionnaire should not be kept in the individual's personal file, but in a separate confidential file kept and accessed only by the Head. Completed forms should be kept for 6 years after the person leaves the GDST's employment.

If anything of concern is declared, or if the nature of the job is such that a medical examination is desirable (e.g. involves regular lifting, driving, using power tools), the Head should ask the person's G.P. to review the medical questionnaire and complete and return Form S5(a).

The employee will need to complete a consent form (S15) in order for the Head to obtain information from their own doctor.

The doctor will return the signed Form S5(a) to the Head. If the check has been satisfactory the employee should be informed. If the doctor has been unable to confirm the person is fit to do the job, schools should contact their nominated HR Business Partner for advice. The person may be required to attend an occupational health assessment in order for the school to proceed with their appointment.

[Click to view model letters.](#)

(d) The Head should forward as soon as possible Form S3 (employee) and Form S3 (employer) plus any accompanying papers to the HR Department. No salary will be paid until the S3 and all the accompanying documentation is received.

All new employees (including casual employees unless employed for less than one week with earnings below the National Insurance earnings limit), should provide a Form P45 or P46 which should be sent immediately to the Payroll Department. If the employee does not have Form P45, the Payroll Department must be informed, so that arrangements can be made for alternative documentation. Married women paying reduced rate N.I. contributions and other persons exempt from N.I. contributions must send the relevant certificate to the Payroll Department as soon as possible.

e. If relevant, the Head should notify the appointment to the Chairman of the School Governing Board.

### 3.6 Single central register or record of all recruitment and vetting checks (12/12)

This record must be kept and maintained for all members of staff, volunteers and others providing additional teaching or instruction who are considered to be in regulated activity. This is a statutory requirement under The Education (Independent School Standards) (England) (Amendment) Regulations 2007. Refer to the Safeguarding Procedures document for information on the maintenance of the register, including a link to the required template register.

The data must be treated as per the requirements of sensitive data under Data Protection Regulations. Circular 2007/04 CRB Checks gives information and guidance on disclosing information on the register to third parties.

#### 4. Recruitment response analysis (02/02)

Form S19A (teaching staff) or Form 19B (support staff) should be completed for all posts and returned to the staff department whether or not an appointment is made.

#### 5. Appointment of catering and cleaning staff

##### 5.1. Advertising and Information for Applicants (06/13)

It is likely that traditionally for some vacancies recruitment will be through other staff who 'have a friend' and some schools even have a waiting list of people wanting part-time jobs. However, careful thought should be given to the implications of such recruitment practice as in the interests of equal opportunities. The GDST must ensure there are no barriers to the employment of any group. Look carefully at the composition of your staff and judge honestly if your recruitment policy has produced a bias. If it is decided to advertise, please ensure that the wording complies with the guidelines on race, sex, age and discrimination in Section 8.

The advertisement should be as brief as possible, but contain the following information:

- a. Name of school and address
- b. Job offered (brief outline, if not explicit in the title)
- c. Hours (total number and breakdown if part-time)
- d. Rate of pay
- e. Apply to 'name' and (telephone number). If applicants are to ring for application form say so, or for further information, or interview - be explicit.
- f. Closing date for applications and interview date.
- g. The statement "We are committed to the safeguarding of children, and child protection screening will apply to this post."

Charity advertising is zero-rated for VAT, and some publications may require that the Registered Charity No. appears in the advertisement.

If it is necessary to supply more detail about the job, or the conditions of employment (e.g. for resident staff), this should be provided in a separate information sheet which can be sent to enquirers.

Application Form S1b should be used. CV's or employment histories in other formats cannot be accepted. Form S22 should also be issued to all applicants, with details of the post applied for entered in the appropriate space. Completed forms S22 should not be made available to the short-listing or interview panel. If the applicant has a disability and requires special arrangements for interview, a note should be made so that these arrangements can be put in

place if the applicant is short-listed. All completed forms S22 should be sent to the HR Department at Trust Office.

As an Enhanced DBS with Barred List Check for the Child Workforce is required for all staff, all job applicants should be given a copy of Form S2.

## 5.2 Preparing for and conducting Interviews (03/11)

No post should be offered without a formal interview, following the guidelines as appropriate in paragraphs 3.2A & 3.3.

## 5.3 Offering the Post (06/13)

The procedures are the same as for other categories of staff (see 3.4, 3.5 & 3.6) except in relation to:

### *Medical Check for Catering Staff*

It is essential that no member of the catering staff (including temporary staff) should start work before satisfactory medical clearance is received. The same procedures as for other staff may be used, but in order to speed up the process, the employee may be asked to obtain a declaration of fitness from her/his own doctor. Form S5(b) should be used for this purpose.

### *DBS and other recruitment checks for staff working regularly on school premises via a contractor*

Contractors supplying staff to work in schools while children are on site are required to provide written confirmation that all relevant recruitment checks, including an Enhanced DBS check, have been satisfactorily completed (together with the date of the check and the certificate) on each individual before the individual starts. Where a disclosure contains information, the Head must see a copy and ensure that the individual is suitable for the work for which s/he is supplied. For further information, please refer to the Safeguarding Procedures.

## **6. Eligibility to work in the UK and the immigration points-based system (PBS) (07/11)**

The Immigration, Asylum and Nationality Act 2006 makes it a criminal offence to employ someone who is subject to immigration control and does not have permission to work. Failure to comply with the legislation may result in a fine of up to £10,000 per illegal worker and imprisonment where an employer has knowingly employed someone who does not have permission to work in the UK. The Act gives a statutory defence against prosecution to employers where they can show they have checked and copied certain Home Office prescribed original documents for all prospective employees. Therefore it is extremely important these documents are checked, verified and copies taken when recruiting all new members of staff (either on a permanent or fixed-term contract).

The Act also requires employees who have time-limited leave to remain in the UK to have their documents re-checked every 12 months. Therefore it is recommended that a register is maintained of staff who require permission to work in the UK, to ensure that a record is maintained of when their next check is due.

## 6.1. Avoiding Racial Discrimination when preventing Illegal working

Under the Equality Act 2010, it is illegal to discriminate on grounds of race, colour, ethnic or national origin or nationality. To ensure that there is no discrimination all job applicants must be treated the same. Document checks must be carried out on all prospective employees. **No presumptions should be made about a person's right to work in the UK based on their background, appearance or accent.**

Please go to the following website for comprehensive guidance issued by the UK Border Agency on the prevention of illegal working –

<http://www.gov.uk/government/organisations/uk-visas-and-immigration>

The Employer Checking Service offered through the Employers Helpline is able to verify an **individual's entitlement to work but who do not have the relevant documentation when seeking employment** as well as advice for employers on how to prevent illegal working.

The Employer Checking Service is available between 9am – 5pm (Monday to Thursday) 9am to 4.30pm (Friday) on 0300 123 4699.

## 6.2. Document checks

To ensure that migrant workers are eligible to work in the UK, it is essential that employers must not only check the status of all new permanent and temporary staff they employ, now as stated above, they must, on an annual basis re-check all migrant workers without permanent residency to verify the status of their right to live and work in the UK. These checks should be carried out on all staff before they commence work. Before any job offer is made, prospective employees are required to produce original documents from the following lists (see Lists A and B below) proving their entitlement to work in the UK. Employers are required to check and copy one of the original documents, or a specified combination of original documents.

All documents must be checked for the likeness of photographs, dates of birth being consistent with the individual's appearance, expiry dates, stamps, endorsements and names. Photocopies of the document or the relevant parts of it should be kept on the individual's personnel file for **the duration of the individual's employment and for a further two years after their employment has ceased.**

List A:

An original version of any one of the following documents should be requested which cover the duration of the individual's employment.

- A passport showing that the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing that the holder, is a national of the European Economic Area (EEA\*) or Switzerland. (\* Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary,

Iceland, the Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.) NB. Although Iceland, Liechtenstein and Norway are not members of the European Union (EU), their citizens have the same rights as EU citizens to enter, live in and work in the UK

- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency to a national of an EEA country or Switzerland.
- A permanent residence card issued by the Home Office or the UK Border Agency to the family member of a national of an EEA country or Switzerland.
- A Biometric Immigration Document issued by the UK Border Agency to the holder that indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on his or her stay in the UK.
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on his or her stay in the UK.
- An Immigration Status Document issued by the Home Office or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on his or her stay in the UK, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A full birth certificate issued in the UK that includes the name(s) of at least one of the holder's parents, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A full adoption certificate issued in the UK that includes the name(s) of at least one of the holder's adoptive parents when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A letter issued by the Home Office or the UK Border Agency to the holder that indicates that the person named in it is allowed to stay indefinitely in the UK when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.

List B:

If an individual is unable to produce an original document from List A, at least two of the following documents should be requested which covers a period of 12 months, after which the checks must be repeated.

- A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
- A Biometric Immigration Document issued by the UK Border Agency to the holder that indicates that the person named in it can stay in the UK and is allowed to do the work in question.
- A work permit or other approval to take employment issued by the Home Office or the UK Border Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, or a letter issued by the Home Office or the UK Border Agency to the holder or the employer or prospective employer confirming the same.
- A certificate of application issued by the Home Office or the UK Border Agency to or for a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment that is less than six months old when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
- A residence card or document issued by the Home Office or the UK Border Agency to a family member of a national of an EEA country or Switzerland.
- An Application Registration Card issued by the Home Office or the UK Border Agency stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
- An Immigration Status Document issued by the Home Office or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A letter issued by the Home Office or the UK Border Agency to the holder or the employer or prospective employer that indicates that the person named in it can stay in the UK and is allowed to do the work in question when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.

Accession States (A8 countries and A2 countries)

A8 countries

From 1 May 2011, nationals of the Accession States (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) are free to live and work in the UK subject to the same terms as other EU nationals.

A2 countries

From 1 January 2007, nationals of the newer accession states (Bulgaria and Romania) may need to obtain an accession worker card before they can work in the UK, and their employer

may need to obtain a work permit for them. This means that they are only able to work if they hold a valid accession worker authorisation document or if they are exempt from authorisation.

To establish a defence, take a copy of the relevant worker authorisation document before employment commences.

### 6.3. The Points-Based System (PBS)

Under the Immigration, Asylum and Nationality Act 2006, from 29 February 2008, a points-based system has been introduced covering all existing routes for those wishing to enter the UK to work, study or train. This has effectively brought an end to 80 schemes for migrants including, the Work Permit Scheme, the Highly Skilled Migrant Worker Programme (HMSP) and Working Holiday Visas.

The PBS migration system consists of five tiers (listed below) with each tier having different conditions, entitlements and entry clearance requirements. Tiers 1 and 2 cover economic migrants, while tiers 3 to 5 cover migrants such as foreign students, volunteers, youth mobility schemes and those who can fill temporary gaps in the UK labour market. Overseas workers can also apply for leave to enter under any of the five tiers.

The application will be made by the applicant rather than the employer, and the applicant will need to pass a points-based assessment before they are given permission to enter or remain in the United Kingdom. The prospective employee must then apply for entry clearance via a British Embassy, consulate or High Commission before they relocate to the UK.

However the applicant must still be supported by a UK organisation, known as a 'sponsor'. Sponsors need to apply to the UK Border Agency for a licence in order to obtain **certificates of sponsorship and comply with the UK Border Agency's immigration conditions as a condition of keeping their licence.**

The five tiers are:

Tier	Sponsor required	Job offer required	Applications open for sponsors	Applications open for migrants
Tier 1 – highly skilled workers (specialist skills)	No	No	No sponsor required	29 February 2008
Tier 2 – skilled workers to fill gaps in labour force (replaces work permits) e.g. teachers	Yes	Yes	28 February 2008	November 2008
Tier 3 – Low skilled workers filling specific temporary labour shortages	This tier is currently suspended			
Tier 4 - Students	Yes - UK based educational institution	No	28 July 2008	Spring 2009

Tier 5 – Youth mobility & temporary workers to satisfy primarily non-economic objectives) e.g. working holidaymakers	Yes	No	28 July 2008	November 2008
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Under the points-based system (PBS) employers will need to:

- Register as Sponsors
- Issue 'eligibility' certificates of Sponsorship (a virtual document replacing the current work permit) to migrants they wish to employ
- Adhere to strict requirements relating to record-keeping, reporting and compliance (see below)

#### 6.4. Employing Migrant Workers

To employ someone who does not have permission to work in the United Kingdom (i.e. applicants from Non-EEA countries) an employer will need to firstly identify which Tier that the member of staff fits into (see table above).

Usually applicants for roles within the Girls' Day School Trust will be classified under the Tier 2 Migrant Worker system. If this is the case, in order to apply for a Tier 2 Certificate of Sponsorship, the organisation has to demonstrate that it has satisfied the Resident Labour Market Test\* (i.e. the vacancy must have been advertised in line with the codes of practice for a the specific sector). Please contact the HR department for further advice.

\* Please note that if the role is listed on the Shortage Occupation List, the vacancy is not subject to the Resident Labour Market Test. Please click here for a link to the UKBA website for details of the Shortage Occupation List:

<http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/>

#### 6.5. Generic duties

Complying with the law: Sponsors must ensure that migrants are legally entitled to do the job in question and have the appropriate occupational registration or professional accreditation where this is legally required.

Cooperating with the UK Border Agency: All sponsors must allow the Agency access to their premises on demand and B-rated sponsors must comply with action plans. .

#### 6.6. Transfers of employment (TUPE)

Where sponsored migrants work is transferred from one organisation to another under the Transfer of Undertakings (Protection of Employment Regulations 2006) known as TUPE transfers, **the new employer will need a sponsor's license when it takes over.** If an employer does not have a license, the employer must make an application within 28 days of taking over the business or the UK Border Agency may curtail the leave of the sponsored migrants.

## 7. Disability discrimination (04/11)

Under this legislation which came into effect on 2 December 1996 and consolidated by the Equality Act 2010, disabled employees and job applicants are protected from discrimination in all areas of employment - recruitment, promotions or transfers, training/development, provision of benefits. From October 2010, discrimination in this area also extends to discrimination by association (because the person associates with another person who is disabled e.g. s/he may have a dependent and disabled family member) and to discrimination by perception (because others may think the person is disabled even though they are not.)

Employees or job applicants who feel that they may have been discriminated against due to their disability may bring a complaint to an Employment Tribunal.

### Definition of Disability

A disability is a physical or mental (learning disability) impairment which has a substantial, long **term, adverse effect on the person's ability to carry out normal day-to-day activities.** In this definition, the Act includes people who become disabled, have a condition which worsens or who have had a disability in the past even if they have recovered.

Excluded from the Act are addictions (other than from medical prescriptions), personality and other mental disorders, hay fever or other allergies and deliberately acquired disfigurements (tattoos, body piercing).

### Employer's Duty

a. No disabled job applicant or employee should be treated less favourably than another person for a reason related to his/her disability.

b. An employer must make reasonable adjustments. Any reasonable steps must be taken to overcome any substantial disadvantage to a disabled job applicant or employee caused by recruitment arrangements, working practices or premises. The reasonableness of any adjustments will depend on a variety of factors such as the financial and human resources of the employer, the level of disruption making the adjustment would cause, etc.

### Avoiding Discrimination

The following points provide some guidance:

a. Ask in advance in the letter or telephone call confirming interviews whether candidates have special requirements.

b. If you specify any health requirements, you will need to be able to justify them. Disability **does not necessarily affect a person's health**. If you request that a disabled candidate undergoes a medical check, all other candidates must be treated the same way and you should have a good reason for requesting a medical if you do not usually do so. Under the Equality Act 2010, medical information should not be sought prior to an offer of employment being made - see guidance above in section 3.

c. Employees who have contact with applicants either in person or on the telephone, must be fully briefed about their responsibilities e.g. not discouraging disabled applicants who ring to inquire about a position.

d. Do not assume that employee or parent and pupil reactions are a defence. An adverse reaction to an individual disabled person (e.g. someone who is disfigured) will not in itself usually justify less favourable treatment.

e. Only ask about a disability if it is relevant to the specific circumstances of the job (e.g. **someone with a disability which precluded lifting applying for a caretaker's position**).

f. Contact Trust Office for advice if in any doubt about a situation concerning a disabled job applicant or employee.

## **8. Age, race and sex discrimination (04/11)**

Job applicants who feel that they may have been discriminated against on grounds of race or sex and age may bring a complaint to an Employment Tribunal.

Discrimination may be direct e.g. failing to offer a job to an applicant because she is a woman, or indirect e.g. specifying an unjustifiable requirement such as height or age limit which it is more difficult for people of a particular age, sex or racial group to comply with. It may also be by association (because the person associates with another person who has a certain characteristic - known as a 'protected' characteristic' in equality terms) and to discrimination by perception (because others may think the person has a protected characteristic even though they do not).

Harassment or victimisation on the grounds of age, sex or race is considered discriminatory.

"Racial grounds" includes colour, race, nationality or ethnic or national origins. The Employment Equality (Religion or Belief) Regulations 2003, as consolidated by the Equality Act 2010 make it unlawful to discriminate in employment on grounds of religion or belief. In addition the Employment Equality (Sexual Orientation) Regulations 2003, as consolidated by the Equality Act 2010 make it unlawful to discriminate on grounds of sexual orientation

Since 1 October 2006, under the Employment Equality (Age) Regulations 2006 (now consolidated by the Equality Act 2010) it has been unlawful to discriminate against workers, employees, job seekers and trainees because of their age. It is unlawful on the grounds of age to decide not to employ someone or to give them adverse terms and conditions.

However, there are some exceptions:

1. It is not unlawful to discriminate if being of a particular age, sex or racial group is a "genuine occupational requirement". These include:

a. Jobs which, for reasons of physiology (excluding strength or stamina) or, in a dramatic performance or other entertainment, for reasons of authenticity, demand that a person of a particular age, sex or race should be appointed

b. Jobs which need to be held by a particular sex to preserve decency or privacy, such as working in changing rooms or toilets

c. Jobs involving the provision of personal services, including welfare and education, and those services can most effectively be provided by a person of a particular sex.

2. The discrimination can be objectively justified, for example in an age context, where insurance is compulsory for a certain occupation, but is not available because of the age of the person.

Guidance on how to avoid discrimination is available from ACAS. It is important for employers to have regard to the provisions of any ACAS Codes of Practice because, even though the Codes do not themselves impose any legal obligations, their provisions are admissible in evidence in any proceedings of an Employment Tribunal.

These notes summarise the main points contained in the relevant Codes of Practice and ACAS guidance as far as recruitment and selection are concerned.

a. Avoid "word of mouth" recruitment and filling posts through unsolicited letters of application.

b. Ensure that qualifications, experience and capabilities specified for a job are necessary and justifiable. Avoid asking for a specified number of years of experience, unless justifiable, as these requirements may exclude applicants within a certain age group. Similarly, specifying the requirement for a certain qualification, unless making clear that equivalent or similar level alternative qualifications will be considered, could indirectly discriminate.

c. Avoid job titles such as "handyman" or "groundsman" which can be taken as an intention to discriminate. Make it clear in the wording of the advertisement that a post is open equally to men and women.

d. Avoid age, age-related criteria or language, or age ranges in job advertisements. Also take care when choosing adjectives in job ads that might give the impression that applicants from a particular age group are sought. **Phrases such as "young graduate", "lively and energetic", "mature person" or "salary relevant to age and experience" are best avoided.**

e. If the job does not require literacy, do not exclude applicants who have difficulty with completing an application form.

f. Establish clear selection criteria based on skills and abilities and related only to the needs of the job, and use these consistently as a basis for short-listing. Keep a written record of why

applicants are not short-listed. (This can merely be by marking the form "insufficient experience" or similar.)

g. Where possible a minimum of two people should short-list and interview.

h. Ensure that all candidates receive equal treatment at interview.

i. As far as possible, the same questions should be put to each candidate and should be job-related.

j. Some questions can be easily construed as discriminating, e.g. asking about marital or domestic circumstances, religious holidays etc. but you may have a justifiable need to find out whether someone's personal circumstances may affect their ability to attend work. In that case, make sure you ask the same question of all candidates and ask a general question, e.g. whether they have any domestic or family circumstances which would cause them difficulty in working extended hours on occasions.

k. Ensure that the selection criteria are identified and applied consistently. Keep a record of why candidates were rejected at interview based on the selection criteria.

l. Ensure that everyone involved in the recruitment process (including receptionists and other staff who will come into contact with applicants) are aware of their responsibilities. (Employers are vicariously liable for the discriminatory acts of their employees.)

m. An Employment Tribunal can ask for disclosure of all documents, including application forms, interview notes etc.

n. THE FIRST INDICATION OF A COMPLAINT WILL NORMALLY BE A QUESTIONNAIRE SENT BY THE EQUALITY AND HUMAN RIGHTS COMMISSION. IT IS IMPORTANT THAT THIS IS COMPLETED PROMPTLY AND ACCURATELY. PLEASE CONSULT THE HEAD OF HUMAN RESOURCES IMMEDIATELY.

## 9. Agency staff (07/11)

Invoices for agency staff may be paid direct by the school and should be coded to the appropriate salary budget.

The safer recruitment checks required for agency staff are set out in the [Safeguarding Procedures document](#).

The Agency Workers Regulations, which came into force on 1 October 2011, prescribe our responsibilities as hirers of agency staff and the following guidance sets out the implications of the legislation in the GDST context. **The following gives information on rights that agency staff gain from day one, and after 12 weeks in an assignment.**

In summary:

1. The legislation gives agency workers an entitlement to the same basic pay and employment and working conditions as if they had been recruited directly, if and when they

complete a qualifying period of 12 weeks in the same job. This entitlement includes key elements of pay, namely basic pay, overtime and annual leave. The hirer i.e. GDST, is required to provide information on its pay rate(s) to the employment agency.

2. Up to the 12 week period, there is no prescription on what rate to pay and it is a matter between the hirer and the agency.

3. The 12 week qualifying period for agency staff on assignment starts from 1 October 2011.

4. Agency workers are entitled to access to facilities and information on job vacancies from day 1 of their assignment.

In more detail:

In terms of the legislation, which workers are in scope in the GDST context?

In scope	Out of scope
<p>Individuals who work as temporary agency workers – supply teachers, administrators, finance officers, invigilators etc.</p> <p>(defined as being in a tripartite relationship – GDST, the worker and the agency - the worker being on a contract with the agency, the worker being provided to us by the agency, but supervised by us when working on assignment.)</p>	<p>Self-employed peripatetic staff</p> <p>Directly employed supply or casual staff i.e. supply teachers, casual invigilators</p> <p>School doctors</p> <p>Contracted out staff on managed service contracts such as cleaning and catering staff</p> <p>Individuals who are introduced by an employment agency and are recruited directly by the school i.e. on a permanent or fixed term contract</p> <p>Individuals on secondment or on loan from another organisation</p> <p>Individuals who find work through a temporary work agency, but are in business on their own account (where they have a direct business to business relationship with us)</p>

What are the entitlements for all agency workers?

From day 1 of an assignment:

Under the legislation, the hirer – in this case the school or Trust Office not the agency - is responsible for providing equal treatment for the following entitlements.

1. Access to facilities

Agency workers are entitled to be treated no less favourably than a comparable worker or employee in relation to access to collective facilities and amenities. We must therefore ensure that agency staff have access to the same facilities and amenities on the same basis as our own staff.

In our context this might mean, for example, access to:

- toilets and any shower facilities;
- staff rooms;
- a free lunch in the staff dining room or cafeteria;
- refreshment facilities, or any food and drinks machines;
- car parking;
- any sports or swimming pool facilities;

It does *not* mean that agency staff are entitled to preferential treatment - for example, where there might be limited, allocated car parking spaces, agency staff are not entitled to priority over other directly employed staff who might have been waiting for one.

## 2. Access to information relating to vacancies

Agency workers are also entitled to access to information about any relevant job vacancies within the school that would be available to a comparable employee or worker. Schools can choose how to publicise internal vacancies, whether on staff notice boards or on the school's portal for example, but should make agency staff aware of how to obtain this information. Agency staff should also be made aware of GDST-wide vacancies advertised on the GDST website.

It is important to note that this does *not* give agency workers the right to be selected automatically for interview, to be given priority for the job, or to be employed directly. Neither does this right apply in the context of redundancy situations where schools may be restructuring and redeploying existing internal staff to vacant posts.

After 12 weeks in an assignment (in the same role)

The agency worker has to accrue 12 weeks working in the same role to be entitled to the same basic employment and working conditions as an employee or worker who has been directly recruited to the same job. This includes:

- Basic pay; *(please see below for the definition of pay and guidance on equal treatment)*
- Annual leave;
- Working hours;
- Rest periods and breaks; and
- Paid time off for ante natal appointments. [The agency will pay the worker with the costs being passed on to us as the hirer.] *It is important to note that for pregnant agency workers, the responsibility of undertaking a health and safety workplace risk assessment and for making any reasonable adjustments to remove any risks, will lay with the hirer i.e. the GDST.*

The following is a summary of what is included and excluded in the definition of 'pay' in the GDST context.

<b>'Pay' includes:</b>	<b>'Pay' excludes:</b>
Basic pay based on the annual salary an agency worker would have received if recruited directly (usually converted into an hourly or daily rate)	Occupational sick pay and occupational maternity pay (the regulations do not affect <b>an agency worker's statutory entitlements</b> )
Overtime, subject to any requirements regarding the number of qualifying hours	Occupational pensions
Payment for annual leave: - For support staff any entitlement above the statutory minimum of 5.6 weeks can be added to the hourly or daily rate. <b>The 'ready reckoner' already available on the 'Conditions of Service' HR page of Oracle for calculating holiday pay for directly employed casual staff can be used for this purpose.</b> - Agency supply teachers, on assignment for 12 weeks or more, are entitled to payment for normal school holidays.	Redundancy pay (statutory and contractual)
Bonuses – any attendance bonuses paid to, for example, cleaners and caterers	Loans for computers or season tickets for travel
	Expenses, such as mileage allowance for travel
	Childcare vouchers and the Cycle to Work scheme, as they are salary sacrifice schemes
	Any other paid leave e.g. compassionate leave

In pay terms under the regulations, equal treatment means a requirement to treat the agency worker as if he or she had been recruited directly to the same job (providing s/he has completed the qualifying 12-week period). As the GDST operates on a pay scale system by-and-large, the rule of thumb would be to pay the agency worker at the bottom of the particular pay rate, scale or grade range, providing that is what you would have paid to a directly employed person with similar qualifications and experience. **If the agency worker's experience would mean starting further up the pay scale if recruited directly, then that would be the entitlement.**

It is important to note that this may involve additional costs to schools as it means – again only for agency staff on assignment for 12 weeks or more – paying a salary to an agency worker equivalent to that of a directly employed staff member, **plus** the relevant agency fee on top.

The qualifying period and how it is calculated

The 12-week qualifying period is triggered by working in the same job with the same hirer for 12 calendar weeks. These weeks do not need to be consecutive, but are cumulative. Calendar weeks will be accrued regardless of how many hours the worker does on a weekly basis. Therefore, even if the agency worker works for only a couple of hours a week, it will still count as a week and they will still be entitled to equal treatment after 12 calendar weeks calculated in this way. To illustrate, if an agency worker begins work on a Tuesday, all work

done up to and including the following Monday, regardless of the number of days or hours worked, will count as one calendar week.

However, if the agency worker is given a substantially different role or there is **a break of more than six weeks between assignments**, the agency worker's qualifying period will begin again from the first date of the new assignment for the purposes of calculating his/her qualifying period.

There are also circumstances in which a break of more than six weeks between assignments will **"pause" the qualifying period**. These include:

- School holiday periods if the agency worker – in our case most likely a supply teacher – is not required to work, as it is classed as a planned shutdown of the workplace
- sick leave of up to 28 weeks
- annual leave to which the agency worker is entitled
- Jury service

**The agency worker's qualifying period continues to run during any breaks that occur because the worker is taking maternity, adoption or paternity leave from the agency or is on pregnancy-related sickness absence.**

There are anti-avoidance provisions in the legislation which prevent a series of assignments being deliberately structured so as to stop an agency worker from completing the qualifying period. They are not set out in detail in this guidance, but include deliberate series of 11 week assignments and forced breaks between assignments. There is a financial penalty for breaching the regulations.

As the calculation of the 12-week qualifying period is reasonably complex, if there are any doubts at all you are advised to liaise with your HR Manager for advice.

Action points:

1. Keep appropriate records so you are aware when an agency worker starts his/her assignment and for how long they work with you. Specific details of the safer recruitment checks are required to be kept on school agency staff on the Central Register in any case.
2. Provide agencies with salary and benefit information when necessary - for those agency staff who qualify by having worked for 12 weeks. The method and timing of this is a matter between the GDST and the agency and, to give flexibility, no timescale has been deliberately set out in the regulations. In order to evidence that information has been sent to an agency however, it is advisable to provide the information in a written format.
3. Ensure agency staff are briefed on their Day 1 entitlements to certain facilities and where vacancies are advertised. You could include this as part of an induction pack for agency staff, or provide the information to the agency to pass onto agency workers as part of the information about the assignment.

Full guidance on the regulations is available from the Department for Business Innovation and Skills via <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance.pdf>

## 10. Retention of records (07/14)

Application forms from unsuccessful applicants, and reasons for rejection should be kept in accordance with the guidance provided in the Data Protection Section. See paragraph 3.5 and the [Safeguarding Procedures](#) for important information concerning retention of copies of identity documentation and DBS Disclosure information.

## 11. Removal and relocation expenses (11/13)

In order to aid recruitment, the GDST offers some assistance with either removal or relocation costs (or both) to certain eligible staff either on joining the GDST or on transfer from one GDST school to another. Details of those eligible are set out below.

Assistance with removal or relocation expenses is discretionary. It is not a contractual entitlement and the GDST reserves the right to withdraw it at any time.

Reimbursement will be limited to those who need to move house to take up an appointment (including those newly appointed or those moving within the GDST) and it will not be available to those who decide to move to a better house as a result of a pay increase or a promotion etc. The new house must be within reasonable daily travelling distance of the new place of work. The old house must not be within reasonable daily travelling distance of the new place of work. Eligible staff must however, be moving to a permanent residence that will be his/her main home and this can either be purchased or rented.

Claims for reimbursement, supported by valid receipts, should be sent to the Head (or the Chief Executive Officer of the GDST in the case of Heads or executive appointments at Trust Office) for consideration and authorisation. Approval should be sought prior to committing to any spend.

**With the exception of expenses for Heads' recruitment and executive appointments at Trust Office, the cost of removal or relocation expenses must come from the school's budget and is payable at school level, as for all other recruitment costs; there is no GDST central budget.**

In order for reimbursements to be eligible, accounts must be submitted as promptly as possible and at the latest before the end of the tax year after the one in which the individual started work.

Under current HM Revenue & Customs rules the following benefits will not be subject to income tax.

In the event that the employee does not relocate and expenses have already been paid, s/he will be asked to repay all or part of any removal or relocation assistance given, at the discretion of the Head or the Chief Executive.

### 11.1. Removal Contractors' Charges

The GDST will pay removal contractors' charges in the circumstances and under the arrangements outlined below.

a. This benefit will be available to newly appointed Heads, Deputy and Assistant Heads, Heads of Junior Schools, Directors of Finance and Operations, School Business Managers, and other SLT members. In addition, Heads have discretion to extend this facility to teaching staff (full- and part-time) and new support staff in senior roles where particular recruitment difficulties can be demonstrated. The benefit will also be available to executive appointments at Trust Office.

b. Those wishing to be reimbursed should obtain two written estimates from suitable removal contractors and normally the Head (or the Chief Executive Officer of the GDST in the case of Heads or Trust Office Directors) will be expected to approve the lower of these estimates.

c. The reimbursement will cover the removal contractors' charges plus goods in transit insurance and the relevant VAT applicable to the former. If the eligible person is moving from abroad (including from the rest of the EC), expenses from the port of entry only will normally be reimbursed.

### 11.2 Relocation Expenses

The GDST will pay relocation expenses in the circumstances and under the arrangements outlined below.

a. This benefit will be available to newly appointed Heads, Deputy and Assistant Heads, Heads of Juniors and other SLT members, Directors of Finance and Operations and School Business Managers, and Directors at Trust Office, only.

b. The GDST will reimburse eligible expenses up to a maximum of £8,000 (the HMRC non-taxable limit). Eligible expenses will include the following:

- i) Removal contractors' charges (as set out in the section above)
- ii) Solicitors' fees and other legal expenses involved in buying and selling property
- iii) Estate Agents' fees and disbursements in respect of the sale of a property.

## 12. Trust office vacancies (10/98)

All Trust Office vacancies will be advertised internally, and to schools. Heads will be asked to circulate the advert or display it on notice boards. If a member of staff from a school is selected for interview, the Head will be notified, and asked for a reference.

## 13. Volunteers (04/15)

The safer recruitment checks required for volunteers - both regular and occasional - are set out in the [Safeguarding Procedures document](#).

#### 14. Employing young people (07/12)

There are some prohibitions and restrictions on the employment of children and young people.

(a) "Child" is a person not over compulsory school age.

No child may be employed if under the age of 14. To employ a child of age 14 or over, you must apply to the relevant local education authority for an Employment Certificate. There are restrictions on periods of employment, hours worked and duties undertaken.

(b) "Young person" is a person over the minimum school leaving age but who has not yet reached the age of 18. Maximum weekly hours and paid holidays are the same as for adult workers, but young workers are entitled to more generous rest periods and breaks, including a minimum 30 minute rest break in a period of work lasting more than 4.5 hours.

Any school considering employing a child or young person should consult with the HR Department in the first instance.

Schools are also asked to be particularly mindful of the requirements for assessing risks to health and safety taking into account lack of experience and maturity.

Statutory National Minimum Wage rates apply for young people and are available via the [Salary Scales page](#) in the HR area of ORACLE.

#### 15. Apprenticeships (10/12)

Apprenticeships are work-based training programmes designed around the needs of employers, which lead to nationally recognised qualifications. They can be used to train new staff or existing employees.

There are many different apprenticeships available. Those which might be of interest in the GDST context include:

Category	Examples of apprenticeships available
Hospitality and catering	<i>School cook; chef; kitchen assistant</i>
Cleaning & environmental services	<i>Caretaker</i>
IT	<i>IT clerk; data administrator</i>
Business and administration	<i>Administrator; office junior; receptionist; finance assistant; secretary/PA</i>
Marketing	<i>Junior marketing assistant</i>
Fundraising	<i>Support assistant</i>
Supporting teaching and learning in schools	<i>Early years worker; nursery assistant; classroom assistant; learning support assistant;</i>

Some facts about apprenticeships

- Apprentices must be aged 16 and over, and there is no upper age limit.

- Apprenticeships usually take between 1 and 4 years to complete.
- Training varies from programme to programme, but could involve attending college one day a week or on a block release.
- Most assessment of apprentices is carried out in the workplace although some programmes involve examinations and tests.
- Apprentices have mentors from their learning providers who work with employers, follow **apprentices' progress and deal with any issues that arise.**

What are the responsibilities of employers?

- Apprentices are engaged on a contract of service/job. This is under a normal employment contract (*ensuring it meets the requirements of a written Apprenticeship Agreement - please see the Conditions of Service area of ORACLE*), not a training contract of apprenticeship. Once employed, apprentices have the same rights as other employees, i.e. holiday entitlement, maternity leave etc.
- Employment must be for at least 30 hours per week and the duration of employment may be for a fixed term for the period of the apprenticeship training.
- Employers provide induction and on the job training.
- **Employers pay apprentices' salaries and in most cases, the Government funds their training.** (For 16 – 18 year olds the funding is 100%, 19 – 24 year olds receive 50%).
- The statutory national minimum wage rates for apprentices are available on the Salary Scales' page of ORACLE. Schools may choose to pay more if they wish.
- **Apprentices' pay is subject to tax and national insurance.**

The process for engaging an Apprentice

A GDST apprentice would be subject to the same recruitment and selection procedures and checks as other new staff, as set out above in this section of ORACLE.

The process for engaging an apprentice usually involves contacting a representative from the National Apprenticeship Service to discuss the school's specific needs, identifying a suitable training provider, advertising the apprentice vacancy (this can be done on 'Apprenticeship Vacancies' an official online recruitment system for apprenticeships) and going through a normal selection process.

Where to find out more

Full information is available from The National Apprenticeship Service via <http://www.apprenticeships.org.uk/Employers.aspx>

The service can be contacted on the employer's helpline which is 08000 150 600 or by completing an online enquiry form

[http://www.apprenticeships.org.uk/Employers/~/\\_/link.aspx?id=947EDBB807114C80A02B3DC185435F49&z=z](http://www.apprenticeships.org.uk/Employers/~/_/link.aspx?id=947EDBB807114C80A02B3DC185435F49&z=z)

London schools who have an apprentice vacancy may wish to consider engaging an apprentice via City Gateway as part of the Evening Standard's Ladder for London campaign. The campaign aims to tackle youth unemployment in London by asking companies to take at least one City Gateway trained apprentice. Further details about the organisation can be accessed from <http://www.citygateway.org.uk/apprenticeships>