

# WOODSLEE PRIMARY SCHOOL



## Safer Recruitment Policy

February 2015

*Review: September 2016*

## **SAFER RECRUITMENT**

*(based on the Wirral Safeguarding Children's Board Policy which was updated in July 2013, in line with Working Together 2013, and again in February 2015)*

This policy was ratified by the Governing Body on:

## 5.1 Safe Recruitment, Selection and Supervision of Staff

### SCOPE OF THIS CHAPTER

The checklist provided in the **Safeguarding Children and Safer Recruitment in Education** published by the DfE is a useful tool to assist those responsible for the recruitment and selection of staff.

### AMENDMENT

This chapter was updated July 2013 in relation to changes to the Vetting and Barring Scheme, and the replacement of the Independent Safeguarding Authority and the Criminal Records Bureau with the Disclosure and Barring Service.

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## **1. Introduction**

Organisations who work with or on behalf of children and young people need to be vigilant in their recruitment, selection and retention of staff. Abusers will target these organisations and be extremely adept at presenting themselves as caring and trustworthy individuals. Some indicators of abusive behaviour can emerge through inappropriate attitudes or inconsistent reactions and a vigorous recruitment and selection process provides important opportunities to deter and prevent offenders from gaining access to children and young people through their work.

Establishing effective recruitment and selection procedures requires time, careful preparation and skill. This pack has been prepared by **Wirral LSCB** for use in any organisation which employs or contracts the services of paid workers or volunteers.

The material contained in this pack has regard to the guidance contained in **Working Together to Safeguard Children 2013**, in which it is stated that:

*'Organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including: safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check'.*

This pack is the result of collaborative efforts between Human Resources and Children's Safeguarding advisers, and contains a policy statement which can be adapted and used by members of Wirral LSCB. It also contains templates, suggestions and related guidance on key aspects of the recruitment and selection process. It has been designed to complement and not replace each LSCB member's recruitment and selection procedures.

Safe environments do not happen by accident. They are purposefully built and carefully maintained. Safe recruitment and selection processes are essential if organisations who work with or on behalf of children are to attract the best staff and deter or reject those who may pose a risk to children or who are unsuited to work with them.

## **2. Wirral LSCB Recruitment and Selection Policy - Overview**

Wirral LSCB aims to ensure that all member agencies operate recruitment and human resources practices that take into account of the need to safeguard and promote the welfare of children by:

- Making clear the standards to which it expects all member agencies to work;
- Providing means by which they and other organisations can produce or review a structured and systematic approach to recruitment and selection procedures;
- Monitoring these arrangements and offering support and challenge to ensure organisations remain vigilant in their employment practices where these relate to safeguarding the welfare and interests of children and young people.

## **3. Wirral LSCB Expectations**

Wirral LSCB expects that all organisations who work with or on behalf of children and young people in the Wirral area ensure that:

- There is a management team trained in Children's Safeguarding, who are vigilant in ensuring that all recruitment and selection systems, training, processes and procedures are examined from a child/staff safeguarding focus;
- The organisation makes explicit its commitment to the provision and maintenance of a safe and supportive environment for children and young people, staff, volunteers and visitors;
- All applicants, short-listed candidates, contractors and service providers are advised about and understand the necessity of robust recruitment and selection practices;
- Adults are advised about personal and professional boundaries, are clear about what is proper and expected behaviour, and managers are vigilant in pursuing inappropriate, unprofessional or abusive behaviour;
- Child protection strategies include disciplinary procedures which deal effectively with those adults who fail to comply with the organisation's policies to safeguard children;
- Managers and/or commissioners paying for, or using services, satisfy themselves that those services have in place appropriate and effective arrangements for safeguarding and protecting children and young people;
- There is an effective recruitment and selection policy in place within each agency, which is regularly reviewed and which is in line with the guidance contained in this document.

#### **4. Recruitment and Selection Policy**

All organisations should have a Recruitment and Selection policy. This should make explicit the commitment of the organisation to building and maintaining a safe environment which safeguards and promotes the welfare of children and young people. This commitment should be widely publicised and may be similar to the suggestion below.

*“This organisation is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.”*

This statement should be included in:-

- All publicity and information sites;
- Advertisements;
- Information pack for applicants;
- Person specification;
- Job description;
- Letter of appointment;
- Induction training;
- Competency Frameworks.

Like other policies, it is recommended the application and effectiveness of the Recruitment and Selection Policy be reviewed at the very least, on an annual basis. There follows advice on the above subjects. It should be noted there are templates on these and other subjects listed in the Appendices at the end of this procedure.

#### **5. Advertisements**

The organisation should openly advertise, either internally or externally, every vacancy in order to comply with equal opportunity legislation. Employment offers should not be made to individuals unless this process has been followed, regardless of any commendations received or any personal knowledge held about the individual interested in the post. The advertisement should also be clear that **Disclosure and Barring Service** checks will be carried out.

When an organisation does not use HR providers, care should be taken to ensure that the following statement, or one similar, is included in the advert placed:

*“This organisation’s recruitment and selection procedures reflect our commitment to safeguarding and promoting the welfare of children and young people. All staff and volunteers are expected to share this commitment.”*

#### **6. Person Specification**

The Person Specification should include the qualifications and experience and any other requirements needed to do the job especially as it relates to children and young people. It should include the competencies and qualities that the successful candidate will be able to demonstrate and explain how these requirements will be tested and determined during the selection process.

The Person Specification should stipulate how the candidate’s suitability for the post will be assessed including their motivation for this type of work; their ability to make and sustain professional relationships within clear boundaries and their attitudes to authority, challenge and discipline. Person Specifications should always be reviewed and agreed for each vacancy. It should always include criteria relating to the requirement of the applicant in relation to safeguarding children and young people. See **Appendix 1: Person Specification**.

#### **7. Job Descriptions**

All positions, whether paid or voluntary, should have job/position descriptions. Well thought out and comprehensive job descriptions provide staff and volunteers with a clear list of responsibilities, identifying lines of accountability and providing security for applicants in knowing what is expected of them. Careful consideration should be given to the nature of the post and the duties and responsibilities related to it. The Job description should clearly set out the extent and nature of the contact the candidate will have with children and young people. All adults working in the organisation, in either a paid or unpaid capacity have a responsibility for safeguarding children and young people, although the extent of that responsibility and the contact involved will vary according to the nature of the post, this must be included in the Job Description. Job Descriptions should therefore always be reviewed and agreed for each vacancy as the previous post holder leaves. See **Appendix 2: Job Description**.

## 8. Application Form

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The organisation should use a standard, structured application form which is used to obtain a common set of core data from all applicants and which follow DfE guidelines. Curriculum Vitae drawn up by the applicants in place of an application form should not be accepted because these will only contain the information the applicant wishes to present and may omit relevant details or gaps.

Applicants should be asked to detail employment history, relevant experience and be expected to provide information about the month and year in which they were employed. They should also be required to discuss any gaps in their employment history. All application forms should include a declaration by the applicant that all information provided is true and correct. This may document whether an applicant has been truthful about their history and can highlight any issues that may arise in relation to deception and honesty. These issues may then be raised at a later stage in the process, possibly even at interview.

Explanatory notes and/or instructions for completing the form should be included in a candidate's information pack. There are no examples of an application form in the appendix owing to the diversity and individual requirements of each organisation.

## 9. Information Packs for Applicants

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An information pack should be sent to all prospective applicants. This should make references to the organisation's safeguarding children and young people procedures and recruitment and selection policies. The pack should include relevant information about the organisation and its policies and a statement of the terms and conditions of the post. The contents of the pack will vary depending on the vacancy.

Information should be provided that advises whether the post is exempt under the provisions of the Rehabilitation of Offenders Act 1974 and that any offer of employment will be subject to satisfactory checks, including those supplied by the Disclosure and Barring Service. The check will include any cautions, reprimands, final warnings, relevant allegations as well as convictions. See **Appendix 3: Information Pack**.

## 10. Scrutinising and Short-listing

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All application forms should be scrutinised to ensure that they are fully and properly completed, the information provided is consistent and does not contain any discrepancies, and any gaps in employment are identified.

All candidates should be assessed equally by the members of the interview panel, against the criteria contained in the specification without exception or variation. See **Appendix 4: Scrutinising and Short-listing**.

## 11. References

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The purpose of seeking references is to obtain objective and factual information to support appointment decisions. All references should be requested and received **prior** to interview. This is to identify any concerns or issues for which clarification can be sought during the interview. References should always be sought and obtained directly from the referee, one of which must be the current or most recent employer. References should **always** be addressed directly to the immediate line manager within the organisation or the senior HR representative, they should not be directed to an unspecified individual within the organisation.

Referees should be sent the job description and person specification and asked to comment upon the applicant's weaknesses and strengths in relation to their suitability to work with children and young people. They should be asked about performance history and disciplinary offences *including those which have expired* where these relate directly to working with children.

The request for a reference should advise referees about their legal liability and that the reference should contain no material untruths or omissions. Referees should be advised that their reference may be discussed at interview. See **Appendix 5: References**.

## 12. Invitation to Interview

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In addition to arrangements for interviews - time and place, directions, membership of panel etc, candidates should be advised about how the interview will be conducted and how the person's suitability for this type of work will be explored. See Appendix 6: Invitation to Interview - To Follow.

## 13. Interview Panels

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There should always be at least two people on the interview panel, one of whom should have undertaken Safer Recruitment training. Each member of the interview panel should have copies of the job description and person specification and broad agreement should be reached prior to the interview as to how answers from the candidate will be assessed. See Appendix 7: Interview Panels - To Follow.

It is good practice to involve young people in the interviews for potential employees that may work with them. Young People should be trained and supported in this process and should have the opportunity to ask their own questions and contribute to the decision making process.

#### **14. Scope of Interviews**

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The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children and young people. The selection process for people who will work with children and young people should **always** include a face to face interview. See Appendix 8: Scope Interviews - To Follow.

During the interview, all applicants should be asked the same questions pertaining to the Job Description and Person Specification, then specific questions relating to the information they have supplied on their application form can be asked. Any gaps in employment history and reasons for leaving previous positions should always be clarified.

#### **15. Conditional Offers of Appointment**

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An offer of appointment should be confirmed only when all references and checks have been received and are accepted and medical clearance has been obtained through the usual channels.

The appointment letter and statement of particulars should be sent to the successful candidate and require the return of a signed copy of the statement of particulars.

The organisation should provide guidance about expected codes of behaviour for all adults working in, and on behalf of the organisation. This should be sent with the letter of appointment and candidates advised they will be expected to work to this code and sign to indicate their agreement and commitment to it. See **Appendix 9: 'Warner Interview' Techniques**.

#### **16. Post Appointment Induction**

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All newly appointment staff or volunteers should receive induction into the organisation and advised about their job and related duties and responsibilities. The guidance about safe working practices sent to the successful candidate with their letter of appointment should be discussed on the first day and staff/volunteers asked to sign the document indicating their commitment to it. See Appendix 10: Post Appointment

#### **17. Maintaining a Safer Culture**

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All staff should be made aware of, and understand the need for, the organisation's policies which relate to the well being and safety of children and young people and the workforce. This includes policies on Safeguarding Children and Young People, Safer Recruitment and Selection, Handling Allegations against Staff, Physical Intervention and Whistle Blowing. **These policies should be regularly reviewed.**

Training should be offered on a regular basis in respect of the contents and implications of these policies. Staff should be expected to attend training events and should be made aware of the support structures available both within the organisation, and where appropriate within the local authority.

The organisation management team should ensure that all allegations against staff, referrals to the LSCB **Local Authority Designated Officer** (LADO), disciplinary hearings and their respective outcomes are consistently monitored and recorded.

When any member of staff resigns from a post within the organisation, the management team should ensure that the reasons for leaving are fully explored and exit interviews undertaken. Where appropriate, job descriptions and person specifications should be reviewed at this stage.

#### **18. Safer Disciplinary Decisions**

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The organisation should inform staff, on appointment, of policy and procedures on discipline and include a contractual condition that disciplinary considerations will be pursued even if the employee resigns. Staff should be informed that the outcome of a criminal prosecution does not necessarily determine disciplinary sanctions.

Any disciplinary appeal panel should include members who are aware of, and knowledgeable about, their responsibilities to safeguard and protect children and young people. It is essential that these individuals, as well as staff, understand the burden of proof, i.e. the difference between balance of probability and beyond reasonable doubt. Appeal panel members should also have been the subject of appropriate checks before taking up duties on behalf of the organisation.

Where a serious concern has been justified in relation to a member of staff, LSCB procedures for dealing with allegations should be followed and where necessary a referral made to the DfE Children's Safeguarding Operation Unit and/or any relevant regulatory body.

### **19. Safer Contracting**

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In establishing any contracts outside the usual recruitment and selection process, the organisation should:

- Check the current national qualification in the activity or service the adult is contracted to deliver;
- Check the current public liability insurance cover (if appropriate);
- Undertake appropriate Right to Work and Disclosure and Barring Service checks;
- Ensure the individuals have appropriate experience of working with children and young people;
- Obtain and confirm two relevant references.

Ensure that the all individuals are aware of relevant policies and procedures:

- Meet with the adult prior to the delivery of the service and confirm in writing the function, roles and responsibilities of the individual. This should include a discussion around personal and professional boundaries;
- Ensure that when agency staff are used for supply, the agency has followed DfE guidelines and has taken up all relevant checks on the adult concerned and copies of these are seen;
- Ensure that where any form of contract is to be made, appropriate risk assessments are undertaken to inform the detail of that contract.



## Appendix 1: Person Specification

### Person Specification

Post Title

Post Number

Date produced:

Key:

Column 3: E=Essential Criteria D=Desirable Criteria Column 4 AF = Application Form I = Interview T = Test

Assessed by:

1	2	3	4
No	Categories	E/D	AF/I/T
1	<p>EXPERIENCE</p> <p><i>Any experience needed to perform the role including in relation to working with children and young people</i></p>		
2	<p>KNOWLEDGE</p> <p>What knowledge the applicant will be expected to have</p>		
3	<p>SKILLS / ABILITIES</p> <p><i>Competencies and Qualities that the successful candidate should be able to demonstrate</i>  <i>E.g.</i></p> <ul style="list-style-type: none"> <li>• <i>Motivation to work with children and young people</i></li> <li>• <i>Ability to form and maintain appropriate relationships and personal boundaries with children and young people</i></li> <li>• <i>Emotional resilience in working with challenging behaviours</i></li> <li>• <i>Attitude to use of authority and maintaining discipline</i></li> </ul>	<p>E</p> <p>E</p> <p>E</p> <p>E</p>	<p>I</p> <p>I</p> <p>I</p> <p>I</p>
4	<p>QUALIFICATIONS</p> <p>State what qualifications are essential and which are desirable.</p>		
5	<p>OTHER</p> <p><i>Any other requirements needed to perform the role including in relation to working with children and young people</i></p>		

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

## Appendix 2: Job description

Job Description: Post Number: xxx

### 1. Identification

TITLE:  
GRADE:  
SECTION:  
DEPARTMENT:  
Responsible to:

Supervisory responsibility for:

### 2. Job Purpose

- 1.
- 2.

### 3. Main Tasks

- 1.
- 2.
3. Understand and implement all Safeguarding policies and procedure in relation to working with children and young people

### 4. Key Job Activities

- 1.
- 2.
3. Ensure that you fully understand and implement all of the roles and responsibilities in relation to Safeguarding Children and Young People
4. Abide by the objectives and targets of both the Senior Manager and the Governing Body, and follow the procedures and practices utilised in all aspects of the work, including computerised and manual systems and the maintenance of relevant records
5. Fulfil personal requirements where appropriate with regard to Organisation policies and procedures, particularly health and safety, equal opportunities, customer care, emergency evacuation, security, work standards and promotion of the Organisation's Core Values.

This Job Description forms part of the contract of employment of the person appointed to this post. It reflects the position at the present time only, and may be changed at management's discretion in the future. As a general term of employment, the Organisation may effect any necessary change in job content, or may require the post holder to undertake other duties, at any location in the Organisation, provided that such changes are appropriate to the employee's remuneration and status.

As a term of your contract of employment, the Organisation reserves the right to vary your hours of work and require you to work outside the range of your "typical working arrangements" specified in your Statement of Particulars. This will also include weekend working. The Organisation reserves the right at its discretion to affect this condition of your employment. Should this be necessary you will be given reasonable notice of any proposed changes.

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

## Appendix 3: Information Pack

### Candidates Information Pack for use in Organisations

Contents of Information Packs will vary depending upon the vacancy. Providing the right sort of information at an early stage however means that potential applicants will assess themselves against the information provided and judge for themselves whether they should apply for the position.

Identifying key selection criteria, highlighting the screening process and the organisation's vigilance in ensuring children are safeguarded, will attract good applicants and may act as a deterrent to those seeking opportunities to access and abuse children.

An Information Pack for Applicants will ideally include:

- An Application Form and Explanatory notes
- Job Description
- Person Specification
- Details of Pay and Conditions related to the post
- A Safeguarding Children and Young People Policy Statement
- Organisation details
- Details of interview arrangements including the structure and format of the interview
- Information pertaining to the requirements of the Asylum and Immigration Act 1996 (see Appendix 5a)

Other information which may be included, or which would be sent to shortlisted candidates

- Staffing and Management Structures
- Information about the area
- Reference to specific organisation policies

Applicants should also be advised that:

- the organisation reserves the right to approach current and any previous employer prior to interview
- employers will be asked about disciplinary offences, including expired offences
- the post is exempt from Rehabilitation of Offenders Act so all convictions must be listed, with dates
- police checks will be made
- providing false information makes them liable to summary dismissal
- failure to declare convictions, cautions or pending police action disqualifies them from employment
- an Enhanced DBS and further police checks may be carried out as and when required
- the interview will explore candidate's suitability to work with children and young people. This will include an examination of the applicants attitudes, strengths and awareness of the responsibilities related to the post.

### Asylum and Immigration Act 1996

All applicants will be required to provide a variety of documents to prove their right to work in the UK.

Information Candidates must provide:

- **one of the original documents included in List 1**  
OR
- **two of the original documents in the first combination given in List 2**  
OR
- **two of the original documents in the second combination given in List 2**

There is no need to produce documents from both List 1 and List 2. If you produce two documents from List 2 they must both be from either the first combination or the second combination. The panel cannot accept documents from different combinations.

### LIST 1

- i. A passport showing that the holder is a British citizen, or has a right of abode in the United Kingdom.
- ii. A document showing that the holder is a national of a European Economic Area country (full details given at the end of List 2) or Switzerland. This must be a national passport or national identity card.
- iii. A residence permit issued by the Home Office to a national from a European Economic Area country or Switzerland.
- iv. A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland who is resident in the United Kingdom.
- v. A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- vi. A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work being offered if they do not have a work permit.
- vii. An Application Registration Card issued by the Home Office to an asylum

### LIST 2

#### **First combination: -**

- A. A document giving your permanent\* National Insurance Number and name. This could be a P45, P60, National Insurance card, or a letter from a Government agency. (\*An invalid NI number would include any temporary number beginning with TN or any number ending in a letter E to Z inclusive).

#### **PLUS one of the following documents listed in sections B–H:**

- B A full birth certificate issued in the United Kingdom, which includes the names of the holder's parents;
- C A birth certificate issued in the Channel Islands, the Isle of Man or Ireland;
- D A certificate of registration or naturalisation stating that the holder is a British citizen;
- E A letter issued by the Home Office to the holder which indicates that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay;
- F An Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay;
- G A letter issued by the Home Office to the holder which indicates that the person named in it can stay in the United Kingdom, **and** this allows them to do the type of work being offered;
- H An Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, **and** this allows them to do the type of work being offered.

#### **Second combination: -**

- A work permit or other approval to take employment that has been issued by Work Permits UK.

#### **PLUS one of the following documents listed at B–C:**

- B A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question;
- C A letter issued by the Home Office to the holder confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

#### **Countries that are part of the EU and/or the European Economic Area (EEA):-**

Austria - 1995	Hungary - 2004	Slovakia - 2004
Belgium - 1952	Ireland - 1973	Slovenia - 2004
Bulgaria – 2007	Italy - 1952	Spain - 1986
Croatia - 2013	Latvia - 2004	Sweden - 1995
Cyprus - 2004	Lithuania -2004	United Kingdom – 1973
Czech Republic - 2004	Luxembourg - 1952	
Denmark - 1973	Malta - 2004	*Iceland
Estonia - 2004	Netherlands - 1952	*Liechtenstein
Finland - 1995	Poland - 2004	*Norway
France - 1952	Portugal – 1986	
Germany - 1952	Romania - 2007	**Switzerland
Greece - 1981		

\* These countries are in the (EEA), but are not members of the European Union.

\*\* Switzerland is not in the EEA, but an international treaty means that from 1 June 2002 Swiss nationals have a similar right to live in the UK as EEA nationals.

List correct as at 17/11/2013

The Government has also introduced a worker registration scheme for nationals from eight of the EU ascension states ("A8" states) joining the EU from 1 May 2004.

Details of the current regulations regarding the Prevention of Illegal Working, including a brief summary of UK immigration regulations and details of the documentation which employers are obliged to obtain from new recruits, can be found in the [Prevention of Illegal Working - 2004 regulations](#) document.

## Appendix 4: Scrutinising and Short listing

The interview panel<sup>[1]</sup> should assess the applications and shortlist those who are most suitable for interview.

Shortlisting is a systematic process, not an ad-hoc practice and if the key performance criteria have been identified and a standard application form has been received, then the information should be readily available for the interview panel to consider. The main principle of shortlisting is that no matter how many applications are received, all are read, assessed against the person specification and may be recorded on a shortlisting matrix.

The shortlisting process involves an assessment of information provided on the application form against the essential requirements of the role, as outlined in the person specification. Each of the essential criteria must be evidenced through specific examples, which demonstrate that the candidate meets the requirements of the role. Applications made on a CV should not be accepted. If an individual submits only a CV, then this should be disregarded during the shortlisting process. The applicant would then fail to meet the criteria for selection for interview.

Essential criteria are the minimum requirements required to perform the role. If a candidate does not meet the essential criteria, then s/he should not be shortlisted. If an unmanageable number of candidates meet the essential criteria, then the desirable criteria can be used as a further indicator of suitability.

Shortlisting decisions must be based on an objective assessment of evidence provided by the applicant and contained **within** the application form. The content of the application form is measured against the essential requirements listed on the person specification and not on assumptions or knowledge held by a panel member about the applicant. This can easily occur if

- i) the applicant is an internal candidate or is/has performed the role on a temporary basis, or is known to a member of the shortlisting panel;
- ii) panel members themselves are discriminatory in relation for example, to the applicant's gender, ethnic origin, disability, sexual orientation, age or religious beliefs;
- iii) a view is held about the applicant's home life which may affect the job e.g. "she will get married, have children and leave", "she will never work late as she has to look after her children", "his wife is disabled, he'll always be looking after her".

### Short-listing procedure

Panel members should initially shortlist individually. Each individual member of the panel should review the application forms without reference to other panel members. The panel should then convene to discuss and agree their findings, and draw up the final shortlist. All members of the short-listing panel must have equal status and contribute to the process accordingly.

Panel members should resist the temptation to shortlist internal candidates, or those already performing the role on a temporary basis, simply because they feel they ought to give them a chance.

There is no prescription about the number of candidates that should be shortlisted; this decision should be based on the assessment of candidates against the essential requirements of the person specification. Where this number is low, a judgement will need

to be taken on whether it is viable to continue with the selection process. Advice is available from the HR providers in such circumstances.

In the situation where a large number of candidates meet the essential criteria, an attempt to reduce this further by using desirable criteria may be used. The panel should not use additional criteria that do not appear on the person specification as essential or desirable criteria, to reduce the number of shortlisted candidates.

Part of this process may also include highlighting any points which the panel would like to raise in interview. This could include:

- specific areas of work or expertise the panel would like to ask about
- gaps in employment history
- vague term or accomplishments which require clarity
- frequent changes of employment or address

Rather than having anything serious to hide, the candidate may have omitted details of extended travel or jobs felt to be of little relevance to the post s/he is being interviewed for. However, such gaps in the candidate's employment history should be explored in the interests of gaining a complete picture of the candidate's history.

## Appendix 5: References

### Purpose of References

The purpose of seeking references is to obtain objective and factual information *to support appointment decisions*. References should not be used as part of the short listing process. If conducted properly, the process of seeking references can provide important information about a candidate.

References should always be sought and obtained directly from the referee, which should always be the current or most recent employer and should be sent directly to the immediate line manager or senior HR representative. References or testimonials provided by the candidate or those which are addressed '*To whom it may concern*' should not be accepted as their authenticity cannot be verified. Such references may not be reliable or they may be the result of a compromise agreement and would therefore be unlikely to include any adverse comments.

References direct from employers also have their limitations perhaps because:

- employers are sometimes hesitant to provide an unfavorable reference for a former employee
- glowing references can sometimes be provided by employers as a way to get rid of an unwanted staff member
- applicants usually select people who will give them a glowing reference referees are sometimes friends
- a reference is sometimes negotiated as part of a compromise agreement

Nevertheless, despite these limitations, references must be sought on all candidates and with a systematic and structured approach can positively contribute to a vigorous and transparent selection process.

### Requesting References

It is recognized that it is common practice in the private sector for references only to be requested following a conditional offer of appointment being made. However Dee guidance states that references should be sought on all short listed candidates, including internal ones, **and be obtained before interview**, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.

References must always be sought for both internal and external candidates and offers of employment always made subject to receipt of satisfactory references, where these have not been obtained prior to interview. However, this should occur only in exceptional circumstances where for example, because of delay on the part of the referee, or because a candidate has requested that their current employer is not contacted prior to interview.

It is up to the chair of the interview panel, advised by HR providers, as to whether to respect this request. It should be acknowledged that there sometimes may be personal difficulties between individuals and their employers which may explain why an applicant may not want a past employer to be contacted. There should be an opportunity for candidates to explain these circumstances at interview and an expectation by the interview panel that they will do so.

Request for reference letters should be sent out at the same time as the invitation to interview letters and should include a copy of the relevant Job Description, Person Specification and a pre-paid envelope for the response. It is wise not to solely rely upon check boxes as references are intended to elicit information from the referee and therefore the request should include a list of specific open questions.

It is normal practice that one of the references is the applicant's current or most recent employer. There are circumstances when this is not always applicable, for example:-

- If the candidate has not previously been employed, a reference would normally be requested from their last educational establishment.
- If the candidate has recently been unemployed or self-employed, then consideration should be given to asking for another suitable referee with knowledge of the candidate such as a doctor, solicitor, police officer or other professional.
- If it is not possible to obtain a reference from any of the above, the panel will consider asking for another suitable reference

Normally two references should be sufficient, providing one is the current or most recent employer. However, if the candidate is not currently working with children, but has done so in the past, an additional reference should be sought from the employer by whom the candidate was most recently employed to work with children.



Relatives and friends should be precluded from providing references as they are unlikely to be objective and there is no way of verifying the accuracy of the information they have provided. Applicants should always be reminded that the prospective employer reserves the right to make contact with any of the employers listed on the application form.

### **Obligation to Provide References**

There is no legal obligation to provide a reference or testimonials for current or former employees unless the employees have a contractual right to this or where it is normal practice in the sector, for example, the Financial Services sector, where an employee could not expect to enter into that type of establishment without one.

However, it is rare for an employer to refuse as it is established practice to provide a reference and a refusal could result in adverse consequences for the employee.

In the event that a referee does refuse to provide a reference, find out why and seek an alternative referee.

Under the Data Protection Act 1998 it is no longer possible to guarantee that a reference will remain confidential. The author of a reference may stipulate that it is confidential, and need not show it to the employee. However, employees can ask their new employer for a copy of the reference which may be disclosable if it is proper to do so, having balanced the rights of the author, any other person mentioned in the reference and the employee.

### **Evaluating References**

Evaluating references is not a simple task as referees may make certain assumptions and/or have prejudices of their own. It is often difficult to distinguish fact from opinion or to judge whether the referee is fully aware of the job content. Similarly there may be well meaning referees who are anxious to promote their candidate, non-committal referees who don't provide sufficient response or ill-motivated referees who are keen to move unsatisfactory work colleagues elsewhere.

It is, therefore, important to evaluate the information with care.

An example Reference Request letter and pro forma are included as part of this toolkit, and should help to ensure that objective verifiable information and not subjective opinion are provided.

A copy of the job description and person specification for the post for which the person is applying should be included with all requests.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the referee should be telephoned and asked to provide written answers or amplification as appropriate. This makes it easier to clarify and/or expand upon certain aspect of the reference where necessary.

The information given should also be compared with the application form to ensure that the information provided about the candidate and his/her previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

References should be treated as confidential. Difficulties arise, however, where a reference raises a serious concern about the preferred candidate's suitability for the post. The referee's consent to the disclosure of the contents of the reference should be obtained prior to discussing the concerns directly with the candidate. As a result of receipt of an adverse reference, the panel may:-

- Seek clarification on the area of concern with the candidate during the interview. If this proves satisfactory, the panel may appoint.
- Refuse the appointment on the grounds of an unsatisfactory reference. Where this is the case the panel must ensure that the decision is fair and reasonable and based on justifiable grounds.
- 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 conversation must be documented, dated, signed and placed on file.

### **Providing a Reference**

An employer has a duty of care to exercise reasonable skill and care in the preparation of a reference. If this is not done adequately, the employee could bring a claim under one of the following:-

- *Negligence* – where reasonable care is not taken. An employer may be found to be liable if loss results from the employer's failure to exercise reasonable care in the preparation of a reference

- *Defamation* – where a reference contains a false or unsubstantiated statement that damages the reputation of a former employee. The employee may be able to claim damages
- *Deceit* – where a false statement is knowingly made.

The employer may be able to defend inaccuracies only where it can be shown it was given in good faith. Likewise, a disclaimer of responsibility could be included:-

***“Whilst pleased to provide this reference, it is given on the understanding that this is done without legal responsibility, and with the exclusion of legal liability on the part of and in respect of the organisation providing the reference and the author of it and without legal liability to the subject of it and the recipient of it”.***

However attractive this disclaimer may appear, it would be unlikely to protect where the supplier of the reference fails to comply with the duty of care, maliciously defames or intends to deceive, however, it can be used to assist in preventing the success of claims.

It should be noted that the author of a reference also owes a duty of care to the recipient of the reference if the reference was carelessly favourable or contained omissions.

***Care should be taken to ensure that references are:***

- provided only by those members of staff in organisation who are authorised to do so – often this will be the Senior Manager, Senior HR Representative, Headteacher or Deputy Headteacher
- honest and the facts are correct. Even if the discrete components are factually correct care should be taken to ensure that the reference does not give a misleading overall impression of the employee.
- carefully considered. Be cautious about giving subjective opinion about an individual’s performance, conduct or suitability which cannot be substantiated with factual evidence
- written for a specific job vacancy. They should not be written as an “*open reference*”, to be used on an ad-hoc basis.
- provided on headed notepaper on behalf of the organisation in response to specific requests from the prospective employer
- factual, and include any concerns including any disciplinary action, allegations, investigation or suspensions in relation to the applicant

Open references are often sought at times of dismissal, redundancy, conduct or capability. Managers sometimes provide these references with the best of intentions, in the hope that the employee will secure alternative employment. It is recommended that this type of reference only be provided where agreement has been reached between employer, employee, TU representative and HR, for an agreed reference to be produced as part of a compromise agreement.

However, ‘*compromise agreements*’ by which an individual agrees to resign and the organisation agrees not to pursue disciplinary action should never be used in situations which follow an allegation of illegal or inappropriate behaviour against a child.

**Withdrawing a Conditional Offer**

Care should always be taken when making a Conditional Offer and ideally, they should be avoided unless it is made clear to a prospective employee that an employment offer is conditional, the offer can be withdrawn if a condition is not satisfied.

A contract of employment is only made where there has been an unconditional offer and an unconditional acceptance, supported by the intention to create a legal relationship.

## Appendix 5A: Reference Request Template General

**Date:**  
**My Ref:**  
**Please Ask For:**  
**Direct Dial:**  
**Fax Number:**

### REQUEST FOR REFERENCE

(Date)

Dear

**NAME:**  
**ADDRESS:**

The above named has applied for a position with us and has given your name as a referee.

I am enclosing details of the job description and person specification, together with the reference request form, which I would be grateful if you could complete and return in the pre-paid envelope.

Please be assured that all information will be treated confidentially in line with the Data Protection Act 1998.

Your attention is drawn to the fact that this post is exempt under the provisions of the Rehabilitation of Offenders Act 1974 (Exemptions) 1975. It is not therefore in any way contrary to the Act to reveal information you may have concerning convictions relevant to the applicant's suitability for this post. Any information of this nature supplied will only be used in consideration of the suitability of this applicant for this post.

It would be appreciated if you could respond to this request by **date** as interviews are being held on **date**.

Your co-operation in this matter will be very much appreciated.

Yours sincerely

Encl

## Appendix 9 The Warner Interview

### Discussion on the 'Warner interview'

In his report on the selection of staff for residential child care, Warner advocated a pre-visit and an informal interview to examine people's attitudes and general suitability for this type of work and this type of interview is being more commonly used in other settings where direct work with children and young people will be required. Some people have raised concern about this because of its potential for unfair discrimination. A selection procedure that sees the job go to the person who gives the best answers to interview questions fails to provide adequate safeguards. Given the vulnerability of the young people looked after in children's homes, erring on the side of caution seems to be justified.

The fact that this interview is usually one-to-one can also cause concern, but people are unlikely to talk freely about their attitudes to sensitive matters to an interview panel. To minimise the risk of unfair discrimination, do not use the Warner interview to contribute to the overall assessment of an individual to do the job, but as an exercise to screen out people whose attitudes make them unsuitable. We consider it is important element in the selection process, especially of candidates with no previous experience. This is a good point in the process to see and check qualifications.

### The interview

The setting for the interview should ideally be comfortable and relaxed, with the interviewer and interviewee seated as equals rather than in a formal position; a conversational style is probably most effective. The preamble should tell the candidates that the object of this part of the process is to find out about their feelings and attitudes to a variety of issues that are important in social care.

Some example questions follow:

**NB** *The exact answers are often less important than evidence of the thought processes that the candidates go through in reaching their answers; supplementary questions and clarifications from the interviewer are invariably necessary.*

Question	Purpose for Question
Tell me about your work history up to now and why you think this job would be a good move for you.	To ascertain motivations and relax the candidates. The candidate will find it easier to become conversational when dealing with an area they are familiar with and confident about.
In Social Care, we often talk about our role as being that of the 'corporate parent'. From your experience of being parented, what would you identify as qualities a good parent should have?	This can provide some indication of whether motivations to work with children and young people are due to unresolved issues in their own childhood. It can also indicate whether they have an understanding that is compatible with the role. Red Flag answers may include allusions to 'giving children the love I never got' and 'there is a need for rigid discipline'. These would require further probing.
You're a Social Worker to a young person living in a Residential Unit. She is 16 and she tells you that when she leaves next month she is moving in with Dave. Dave is a 22 year old male colleague. What do you do? You can push this along after the candidate's initial response by saying that the manager interviews Dave who says it's all very professional and nothing has happened in the home.	Often people who are new to this work will need to talk this through to come to an appropriate conclusion Do they say they will report it, or investigate it themselves? Do they recognise the inappropriateness of this? Do they think she is 16, so it's legal and nothing to do with the home?
What sort of things may young people do or say to make you angry or upset? How do you think you would respond to these situations? If they struggle with providing situations, give examples such as swearing, name calling, making personal remarks	To see whether the candidate can demonstrate self awareness. To see whether they understand appropriate responses to young people's behaviours
You become aware that one young person is a victim of bullying – he is black and says his treatment by the others is racist. The others	To see whether there is a basic awareness of bullying and racism To see whether they can identify a suitable course of

are white and say he brings it on himself because he will not join in their activities. What questions would you ask?	action
What should you do if 2 young people confided in you that they were in a same sex relationship on condition that you did not pass on the information?	Would they breach confidence? Would they provide appropriate advice? Would they have any personal difficulties with this situation?
On the application form we asked whether you had any criminal convictions or disciplinary actions against your name. Are you aware that this post is exempt from the Rehabilitation of Offenders Act and you must declare all convictions?	Make sure candidates fully aware of the requirements for this type of work. Where they are uncertain you may wish to give them an opportunity to disclose any information that they may have left off the application
This interview should be used to explore any issues from the application form or other sources including gaps in employment, convictions etc	To provide an opportunity to gain clarification from the applicant's point of view about such issues. It may be necessary to explore these further with previous employers
Please show me your qualification	Physically checked against claims on application form