

Penryn College

Recruitment Policy

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Penryn College Recruitment Policy

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Statement of Intent

Penryn college recognises the importance of recruiting safely and fairly at all levels of vacancy, this policy sets out how Penryn College will comply with its obligations.

1. Introduction

Penryn College recognises that its employees are our success factor and fundamental to the continuing success of our school. Therefore, recruitment and selection are activities of major importance and a strategic and professional approach is essential to be able to attract and impress the best talent for the school. These are also activities that cannot be taken in isolation, and must be seen as the beginning of the employment relationship.

The safer recruitment of staff is the first step to safeguarding and promoting the welfare of children in education. Penryn College is committed to safeguarding and promoting the welfare of all students and children in its care. As an employer, the school expects all staff members and stakeholders to share this commitment.

The ability of Penryn College to deliver its objectives depends upon the performance and professional approach of individual members of staff. Penryn College also believes in developing a diverse workforce in addition to its statutory obligations, ensuring that we are able to attract and retain the best talent across our organisation.

2. Roles, Responsibilities and Implementation

The Recruitment Policy applies to all staff of Penryn College.

If there is any question or doubt about the interpretation of this Procedure the HR Manager should be consulted.

This Procedure will be reviewed and kept up to date by the HR Manager. Reviews will be conducted periodically in consultation with The Headteacher and Governing Body.

3. Purpose & Aims

To ensure that Penryn College is able to attract, recruit and retain the best candidates who are aligned with our values.

To support managers and guide them through the recruitment and selection of staff, ensuring compliance with statutory obligations.

To ensure that the recruitment and selection of staff is conducted in a manner that is safe, systematic, efficient and effective. It is crucial that the process positively promotes Penryn College and in turn attracts a high calibre of candidates by providing equality of opportunity.

4. General Principles

It is essential that we create a safer recruitment culture across Penryn College and adopt recruitment procedures that help deter, identify and reject people who might abuse children. This Procedure is therefore underpinned by the principles outlined within Keeping Children Safe in Education and ensure that Safer Recruitment is paramount at every stage of the recruitment and selection process.

Penryn College will provide training and support to those involved in recruitment and selection activities. As a minimum requirement, at least one member of all appointment panels **must** have undertaken Safer Recruitment in Education Training.

The Chair of the Appointment Panel is responsible for implementation of the Procedure. Recruitment panels will be a panel of at least 2 people comprising of at least one member of the Senior Leadership team or the HR Manager. The Panel Chair will have discretionary authority regarding recruitment decisions. The Chair of the Appointment Panel will ordinarily be the person with the highest level of operational knowledge relevant to the post which is being recruited. This will normally be the recruiting manager.

It is important that an ongoing culture of vigilance is maintained. Whilst following Safer Recruitment practices is part of this, it also extends beyond and must be reinforced through induction practices and a wider safeguarding culture within each school.

Penryn College operates an open, fair and consistent recruitment and selection process where all applicants are given equal opportunity to be successful and recruitment is conducted in a professional and timely manner.

Penryn College seeks to recruit the right candidates for each role. Selection processes should ensure the identification of candidates through selection tasks that assess the criteria set out within the Job Description and Person Specification. All appointments must be made on merit.

Penryn College will ensure that recruitment is compliant with current employment legislation including obligations under the Equality Act 2010.

5. Applicability

The Penryn College Recruitment Policy is written to be directly applicable to all staff other than members of the school's Senior Leadership Team and the Headteacher; it should be followed as qualified by the following sections.

For the recruitment of all staff in school except for the Headteacher and members of the school's Senior Leadership Team, the Procedure will be as follows:

- The Headteacher may delegate the responsibility of the recruitment process to a member of the Senior Leadership Team.
- The HR Manager will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed they will also be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment requirements.

For the recruitment of members of the school's Senior Leadership Team, excluding Headteachers, the Procedure will be as follows:

- The Headteacher has responsibility for the recruitment of members of the School Senior Leadership Team; however, they may be supported by members of the Governing Body as part of the Appointment Panel.



- The HR Manager will be responsible for the coordination and administration of the recruitment process, ensuring the process has been carried out fairly. Once the candidate is appointed, the HR Manager will be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment requirements.

For the recruitment of a Headteacher, the Procedure will be as follows:

- The Governing Body with support from the Trustees has responsibility for the recruitment of a Headteacher; the Appointment Panel will be comprised of a combination of members of the Senior Leadership Team, Governing Body, and members of the Board of Trustees. The HR Manager should attend the final interview stage in any Headteacher appointment.
- The HR Manager responsible for the coordination and administration of the recruitment process ensuring the process has been carried out in line with the policy. Once the candidate is appointed, the HR Manager will be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment requirements.

When recruiting for a Headteacher, the Procedure for Headteacher Appointments must be adhered to (See Appendix D).

6. Actions prior to recruiting for a specific post

Recruiting managers must obtain budgetary approval from the Headteacher prior to advertising for a specific role. Where new roles have been identified the Headteacher must authorise this vacancy with the Head of Finance to determine the need in line with the School Improvement Plan.

7. Relationships between Appointment Panel members and candidates

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application. The Chair of the Appointment Panel must then determine whether a conflict of interests exists and whether it is necessary for the member of staff to be excluded from any involvement in the appointment process. Where a personal or familial relationship exists between a candidate and the Chair of the Appointment Panel, advice must be sought from the HR Manager.

Where a member of staff fails to disclose a close personal or familial relationship with a candidate, the member of staff may expose themselves to accusations of misconduct which may be considered as a disciplinary matter.

8. Recruitment Advertising

Penryn College is committed to the promotion of talent across the organisation and where appropriate, recruiting managers may decide to advertise vacancies internally only, prior to inviting applications from external applicants. Alternatively, there may be circumstances where a Recruiting Manager may deem it appropriate to invite applications for specific posts from both internal and external applicants, to encourage as wide a field of applicants as possible. Headteacher posts will always be advertised externally.

All recruitment must be managed via the HR Manager, with the exception of vacancies where candidates are sourced via a third-party agency.

Where staff are placed at risk of redundancy, Penryn College will ensure compliance with its Redundancy Procedure, in order to minimise compulsory redundancies. Where vacancies exist within the school that are deemed to represent suitable alternative employment, staff at risk of redundancy will be given due consideration for any roles that may represent an alternative to redundancy. This may include consideration of a ring-fenced competition process for internal candidates prior to consideration of a wider recruitment pool.

The Headteacher and HR Manager may freeze external advertising of vacant posts where a vacancy exists that may represent suitable alternative employment to a colleague at risk of redundancy.

Any advertisement will make clear Penryn Colleges commitment to safeguarding and promoting the welfare of children. 'Keeping Children Safe in Education' recommends that advertisements should include a statement that "the School is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment."

All documentation relating to candidates will be treated confidentially in line with obligations under the Data Protection Act 2018.

Vacancies will be advertised using the most appropriate and cost effective medium to maximise the number of suitably qualified candidates. This may include appropriate social media and local and national publications and websites.

9. Job Descriptions and Person Specifications

The job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the role.

The person specification is of equal importance as part of the selection process. It details the skill, experience, abilities and expertise that are required to undertake a specific role.

The job description and person specification are used as part of the job evaluation process and therefore it is essential that this clearly identifies the qualifications, skills and experience for the role.

All roles must be subject to job evaluation and/or salary benchmarking in accordance with the Pay Policy to ensure fairness and pay parity.

10. Application Forms

Penryn College uses its own application form and all candidates for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all candidates are required to account for any gaps or discrepancies in employment history). Candidates submitting an incomplete application form will not be shortlisted. CVs will not be accepted in substitution for completed application forms.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

It is unlawful for Penryn College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for any position in Penryn College. All candidates will be made aware that providing false information is an offence and



could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

Internal Applicants

For internally advertised vacancies where only candidates that are already employed by Penryn College are able to apply, applicants are expected to submit their statement of suitability using the job description and person specification. Within this letter, which should be no more than 2 sides of A4, Penryn College requests that staff include a paragraph on their safeguarding understanding and responsibilities and any qualifications gained since their employment began. The letter must be dated and signed.

For externally advertised roles, where both external and internal candidates may apply, all applicants are expected to complete a full application and their statement of suitability which should be no more than 2 sides of A4.

11. Shortlisting

Once the closing date has passed, the interviewing panel should meet to agree a shortlist. The Chair must manage the shortlisting process. At least two of the interviewing panel must be involved in creating the shortlist. Candidates should be assessed according to the criteria listed on the person specification, which should be assessable from the application forms, or equivalent format.

Where Trustees form part of the appointment panel, the HR Manager should attend the shortlisting meeting and may conduct pre-filtering to assist. Shortlisting decisions remain the responsibility of the Appointment Panel.

Each application should be read and assessed to ascertain whether the applicant meets each of the criteria. Decisions should be recorded on the shortlisting form.

Where an applicant has met the criteria but was not selected for interview their application form may be held on file for future comparable vacancies within the following six months.

Where an applicant has not been shortlisted, they may ask for feedback. Where this is requested brief feedback may be given.

12. The Selection Process

The person specification will help decide the methods that are to be used to select the candidates. Using a combination of methods is the most reliable way of testing the candidate's abilities and will help select the best person for the role.

Although the use of structured interviews is a reliable method of gaining evidence, a combination of methods is the most reliable way of testing an applicant's ability and helping to select the best person for the job. When properly used, objective tests and work samples are accurate predictors of future job success. The person specification will help decide the methods that are to be used to select the best applicant and whatever method is decided upon should be fairly applied. These include:

- testing ability or knowledge by work-based tests
- practical exercises
- paper-based ability or knowledge tests
- in-tray exercises



- presentations
- structured interviews
- teaching episode
- lesson observations

Candidates should be given advance notice of the selection methods that will be used, including information that issues relating to safeguarding and promoting the welfare of children, young people and vulnerable adults will be covered.

Where required every effort must be made to make reasonable adjustments for candidates with disabilities. Further advice can be sought from the HR team.

The purpose of any selection method is to seek further evidence of how the candidate meets the person specification, and to inform them about the job. The chosen methods therefore must be structured around the person specification.

Selection methods should be consistent in their approach and the same areas of the person specification should be explored with each candidate and should cover all criteria.

Evidence must be sought on:

- the equal opportunities criteria either by specific questions or throughout the selection method.
- the candidate's attitude toward children and young people and their ability to safeguard and promote the welfare of children.

The same general questions should be used for all candidates, but may be adapted slightly to support a candidate's requirements. The panel may wish to explore some aspects of the applicant's work history in more detail if they feel that it will produce evidence of meeting criteria. Follow on questions can be permitted providing these are not excessive and will put the candidate at a comparable advantage or disadvantage to others.

Under no circumstances should candidates be provided with details of questions that will be used as part of the assessment process, prior to interview.

The Appointment Panel must ask about gaps in employment. Any issues relating to safeguarding and promoting the welfare of children arising out of references that have been received prior to the interview should be explored with the applicant.

Recruitment and selection is a two way process and candidates must be given enough information to make an informed decision about whether they want and can do the job on offer. This information must be provided in a consistent manner to all candidates. They should be given an opportunity to ask questions.

13. Interview Notes and Records

A record should be kept of the selection process and should include evidence from the application forms, interviews and tests/assessments. Notes should be taken in a structured interview. These notes will be the basis of the decision so it is important they are accurate and cover all the criteria on the person specification.



Any disclosed or available information in regard to relevant past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process.

Where any disclosures are identified or obtained via any subsequent pre-employment checks, any offer of employment will be subject to completion of a risk assessment document, to be approved by the Headteacher and the HR Manager.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable. All candidates who are invited to an interview will be required to bring evidence of their identity, address and qualifications that are essential for the role. Original documents will only be accepted and photocopies will be taken.

Each member of the interviewing panel should complete an Individual Interview Record for each applicant. (It may be appropriate to pool each member of the panel's comments in one summary document to allow for discussion and agreement of the quality of responses and to allow clear notes to be maintained). Evidence from the application form and tests/assessments should also be kept. The candidates should be judged on how closely they meet the person specification or not.

Interviewing panel members should ensure that the HR Manager retains notes and records from the interview / assessment process in order to evidence and justify their decisions, and to assist in giving feedback.

14. Final Selection

After all candidates have been interviewed, each interviewing panel member should assess the criteria independently using the scoring method shown on the form.

Each candidate should be rated according to the extent they meet the particular requirements of the person specification and not in comparison to the other candidates.

Once all the candidates have been seen and the tests marked or scrutinised the Chair of the interviewing panel must collate the panel's views and together they should aim to reach agreement and arrive at a final score for each applicant. The Chair will ultimately be responsible for determining the successful candidate.

If more than one candidate is appointable it should be clear (and clearly documented) what rationale has been used in choosing the preferred candidate.

It is important that interviewing panel members take accurate notes during the selection process as it is vital that Penryn College can justify their decisions and demonstrate a fair and robust process has been carried out. The notes are also used to assist in giving feedback to the unsuccessful candidates.

All notes taken during the process will be given the HR Manager. Unsuccessful applicant documents will be retained for 6 months following completion of the recruitment process.

15. Communicating the Decision

The Chair of the interviewing panel should decide who will communicate the decision to the successful candidate. This will usually be the Chair or the HR Manager. When communicating the

decision to the candidate, it should be made clear that the offer is conditional, and subject to satisfactory references, and a Disclosure and Barring Check. The offer should be confirmed in writing as soon as possible.

The decision will be communicated to the unsuccessful candidates. Feedback may be offered.

16. References

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by Penryn College. One of the references must be from the applicant's current or most recent employer.

References should be sought on all short-listed candidates, including internal ones. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after the interview if appropriate.

If the current/most recent employment does not/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children (if relevant). The referee should not be a relative.

References will always be sought and obtained directly from the referee. When references are requested, a copy of the job description and person specification should be provided to the referee to allow them to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. When references are requested, a copy of the job description and person specification should be provided to the referee.

No questions will be asked about health or medical fitness prior to any offer of employment being made.

Penryn College does not accept open references, testimonials or references from relatives.

All references should be checked to ensure that questions have been answered satisfactorily, and where this has not been the case, the referee should be contacted to provide further information. Any discrepancy between references and the application form should be taken up with the candidate.

17. Online Searches

A basic online search will be carried out on all shortlisted candidates to help identify any issues that are publicly available online.

18. Qualifications

If the person specification identifies a qualification as 'essential' criteria, e.g. Qualified Teacher Status, or Certificate of School Business Management, candidates must be asked for original evidence of that qualification and the information must be recorded.



19. Conditional Offer of Appointment and Pre-employment Checks

In accordance with the DfE statutory guidance document Keeping Children Safe in Education (KCSIE), Penryn College is required to carry out several pre-employment checks in respect of all prospective staff.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating Penryn Colleges terms and conditions of employment;
- verification of the applicant's identity (if not previously verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which Penryn College considers to be satisfactory;
- for positions which involve "teaching work":
 - i. Penryn College being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (formerly National College for Teaching and Leadership), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the School or which, in the Penryn Colleges opinion, renders the applicant unsuitable to work at the school; and
 - ii. Penryn College being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the school or which, in the Penryn Colleges opinion, renders the applicant unsuitable to work at the School;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of a School/Academy;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which Penryn College deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered in order to decide which checks are appropriate. It is however likely that in nearly all cases Penryn College will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment practice. The checklist will be retained on personal files.



20, The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to students/children. Therefore, any convictions and cautions that are not eligible for filtering must be declared when applying for any position within Penryn College.

21. DBS (Disclosure and Barring Service) Check

Penryn College applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the school which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is best practice for a DBS disclosure to be obtained before the commencement of employment of any new member of staff; however, in some circumstances a member of staff may commence employment whilst the DBS application is processing. In these rare circumstances Penryn College will carry out a risk assessment to determine if the member of staff can carry out their role unsupervised or supervised until their DBS is processed. No appointment must be progressed in such circumstances without HR approval.

Routine DBS checks are not required. Ofsted guides that routine checks for staff go beyond legal requirements, represent poor use of resources and are considered excessive. Therefore, schools are not required to carry out checks on a rolling basis and no further checks are required unless a person has a break in service of more than three months.

Penryn College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". However, Penryn College can carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough – i.e. roles which would amount to regulated activity if carried out more frequently.

Staff are obliged to inform the Headteacher and HR Manager of any relevant cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for candidates with recent periods of overseas residence and those with little or no previous UK residence.

22. Portability of DBS Certificate Checks

Casual staff and any other stakeholders who work with at Penryn College on a voluntary or ad-hoc basis will be required to register with the DBS Update Service so that Penryn College can ensure that DBS checks are kept up to date. The DBS Update Service is free for voluntary staff.

The DBS Update Service is available for all staff. Staff may sign up to the Service for a fee of £13 per annum, which is payable by the applicant. This allows for portability of a Certificate across employers. Penryn College will:

- Obtain consent from the applicant to conduct an update search.



- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, i.e. enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued.

Candidates will be able to see a full list of those organisations that have carried out a status check on their account.

23. DBS Certificate

The DBS no longer issues Disclosure Certificates to employers, and therefore staff/candidates must show their original Certificate to the HR Manager on receipt.

24. Positive Disclosure

All relevant positive disclosures, regardless of the seriousness of the offence/conviction/charge, are subject to an objective assessment. The Headteacher and HR Manager must be notified and will consider the magnitude of any DBS disclosures and will advise appropriately and in line with employment law.

25. Secretary of State Prohibition Orders (Teaching & Management roles)

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at the offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school. A person who is prohibited is unable to participate in any management of an independent school, as a governor on any governing body in an independent school, or be in a management position that retains or has been delegated any management responsibilities.

A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

26. Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All candidates invited to attend an interview within Penryn College will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines.

Where a candidate claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

In addition, candidates must be able to provide proof that they have obtained any academic or vocational qualification legally required for the position and claimed in their application form.

27. Medical Fitness

Penryn College will verify the medical fitness of anyone to be appointed to a post in the school, after an offer of employment has been made but before the appointment can be confirmed.

All candidates are requested to complete a Health Assessment Questionnaire (HAQ) and where appropriate an independent medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

Penryn College recognises its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

28. Overseas Checks & Certificate of Good Conduct

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff. In addition, Penryn College will undertake such further checks as it considers appropriate in order to verify a person's suitability to work with students due to them having lived or worked overseas prior to being appointed to a position at Penryn College. This is so that Penryn College can check whether any relevant events occurred during any time spent outside the UK and consider them as part of the application process.

There is no mandatory period of time spent overseas which requires additional checks to be completed with guidance stating that "such further checks are made as the school considers appropriate having regard to any guidance issued by the Secretary of State". HR will assess each applicant individually (and record details on personnel files) although Penryn College will usually undertake an overseas criminal record check if a candidate has resided overseas for a period of 3 months or longer in five years prior to applying for a position in the school. In some cases, it may be deemed necessary to request a criminal record check for each country in which an applicant has lived or worked for a minimum of three months since the age of 18. In addition, a criminal record check from the country of nationality will be requested.

Penryn College refers to the Home Office guidance on what checks are available from different countries. Extra references are requested for candidates from countries which do not provide a criminal record check.

[Appendix A contains the UK Border Agency a right to work checklist that identifies the documents that determine the right to work]

If a certificate of good conduct is requested but not received before the proposed start date then additional references (covering the period of time spent in the particular country) will be requested. These will be assessed along with all other vetting checks to establish if the applicant is suitable to work or whether the start date needs to be delayed until the certificate of good conduct is received.



In these instances, full details of any assessment will be detailed under the comment's column on the personnel file.

Further Information on Certificate of Good Conduct is available in Appendix C

It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on every new member of staff or by making assumptions about a person's nationality or right to work in the UK.

It is good practice to keep this document on the member of staff's file. Changes made in 2014 resulted in a reduced list of acceptable documents for right to work checks – removing travel documents, work permits and general Home Office letters from the lists.

The Home Office have specified that all documents which contain an expiry date must now be current (except those showing that the holder is a British citizen, or a national of a European Economic Area (EEA) country).

Copies must be made of the documents seen and should be signed and dated to confirm that the original has been seen and kept on the member of staff's file.

If a passport is presented for Right to Work (RTW) purposes, you must also retain a copy of the photograph pages and any visas/stamps in the passport relating to their right to work or residency in the UK.

Where RTW is restricted in some way, usually via a visa/residence permit, a copy of the documents seen should be forwarded to HR with the new starter form. In these circumstances the school is required to carry out repeat checks.

29. Fixed Term and Casual Appointments

There may be occasions when Penryn College will require temporary staff, for example to:

- cover for the absence of a permanent member of staff
- cover during maternity leave of a permanent member of staff
- cover a vacancy until a permanent member of staff can be appointed
- provide support for a short period of time
- fill a post funded for a limited period, such as supporting a pupil with a Statement of Special Educational Needs
- employ a specialist for the duration of a project

30. Fixed Term Contracts

A contract is defined as 'fixed-term' where it is clear from the outset that it will end on a specified date, after a certain event or on the completion of a specific task.

Penryn College will ensure that there is a clear rationale for offering a fixed term contract. When issuing a fixed term contract, it should be made clear under what circumstances the contract will end and give appropriate notice provisions to allow for earlier termination should this be necessary.

Members of staff appointed for a specific task, for example to support a child with a Statement of Special Educational Needs, can be employed on a fixed term contract without an end date being specified. However, the reason for the employment and the circumstances in which it will come to an end should be clearly outlined within the contract.

A fixed-term contract expires on the given date or at completion of the event or task specified without either side needing to give notice.

If a member of staff has at least two years' service they will therefore also have a claim for unfair dismissal if the employer fails to renew their fixed-term contract without a fair reason and without following a fair procedure.

Successive fixed term contracts cannot continue for more than four years. After that time the person would become a permanent member of staff unless continuing with a fixed term contract can be justified, e.g. for reasons of fixed term funding.

31. Employment Rights

Individuals accepting temporary employment do so knowing that it is likely to come to an end when the contract of employment expires. However, the law does not distinguish between temporary and permanent staff in terms of employment rights and people on fixed term contracts must not be treated less favourably by their employer than permanent members of staff.

Staff on Fixed Term contracts have the right to:

- the same pay and conditions
- the same or equivalent benefits package
- be treated fairly on the grounds of race, gender, sexual orientation and religious belief
- Certain maternity rights
- join a recognised trade union
- a written statement of the terms of their employment
- itemised pay statements
- paid holiday
- the opportunity to receive training
- the right to be informed of any relevant permanent vacancies
- not to be unfairly dismissed (after two years' service)
- to a written statement of reasons for dismissal (after two years' service)
- access to the pension scheme (where the fixed term contract is for more than two years)
- to statutory redundancy payments (after two years' service)

32. Continuous Service

If a member of staff is employed on a series of fixed-term or temporary contracts, it is more than likely that their service will be regarded as continuous, even if there is a break in the contracts for school holidays. Additionally, if a member of staff transfers from one school to another, whether within the same local authority or not, their service is generally regarded as continuous for the purposes of calculating redundancy payments.



33. Supply / Zero Hour Contracts

A zero hour or supply contract is issued where a worker is employed on a casual or day to day basis. Workers would be called in on a day to day basis, usually to cover short term absence. There is no obligation on the employer to offer work and no obligation on the worker to accept it. The worker is entitled to the basic employment rights.

If a Worker works regularly every week, with no breaks during term time, they will start to acquire employment rights in the same way as other temporary staff and this is not the appropriate type of contract in these circumstances.

34. Procedure Review / Change

This procedure may be amended or withdrawn by Penryn College subject to consultation with The Governing Body and in line with changes to UK legislation governing employment law.



APPENDIX A

GUIDANCE ON ELIGIBILITY TO WORK IN THE UK

Name of person:		
Date of check:		
Type of check:	Initial check before employment <input type="checkbox"/>	Follow up check on an employee <input type="checkbox"/>

Step 1 Obtain		
<p>• You must obtain original documents from either <u>List A</u> or <u>List B</u> of acceptable documents for a manual right to work check.</p> <p>List A</p>		
1	<input type="checkbox"/>	A passport (current or expired) showing the holder is a British citizen or citizen of the UK and Colonies having the right of abode in the UK.
2	<input type="checkbox"/>	A passport or national identity card (in either case, whether current or expired) showing the holder is an Irish citizen.
3	<input type="checkbox"/>	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4	<input type="checkbox"/>	A current passport 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 their stay in the UK.
5	<input type="checkbox"/>	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6	<input type="checkbox"/>	A birth or adoption certificate (short or long) issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
7	<input type="checkbox"/>	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8	<input type="checkbox"/>	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.



List B Group 1		
1	<input type="checkbox"/>	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2	<input type="checkbox"/>	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey

		Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3	<input type="checkbox"/>	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2		
1	<input type="checkbox"/>	1.A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2	<input type="checkbox"/>	A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3	<input type="checkbox"/>	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4	<input type="checkbox"/>	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5	<input type="checkbox"/>	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Step 2 Check		
<ul style="list-style-type: none"> You must check that the documents are genuine, that the person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering 		



1	Are photographs consistent across documents and with the person presenting themselves for work?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2	Are dates of birth correct and consistent across documents?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3	Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4	Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (For students who have limited permission to work during term time, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5	Have you taken all reasonable steps to check that the document is genuine, has not been tampered with and belongs to the holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6	Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Step 3 Copy

You must take a clear copy of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must also retain a secure record of the date on which you made the check. Further information can be found under 'Retaining Evidence' in the employer's guide at [Employer's guide to right to work checks](#).

You must obtain and retain copies of:

1	<input type="checkbox"/>	Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission, expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied).
2	<input type="checkbox"/>	All other documents: the document in full, both sides of an immigration status document and an Application Registration Card.

All copies of documents taken should be kept securely for the duration of the worker's employment and for two years afterwards. The copy must then be securely destroyed. We recommend you use the government's online interactive tool [Check if someone can work in the UK](#), which will take you through the process by asking you a series of questions.

Know the type of statutory excuse you have



If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked are copied from:

1	List A <input type="checkbox"/>	Contains the range of documents you may accept for a person who has a continuous right to work in the UK (including British and Irish citizens). If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person's employment with you. You do not have to conduct any follow-up checks on this individual.
2	List B: <input type="checkbox"/>	Contains a range of documents you may accept for a person who has a temporary right to work in the UK. If you conduct the right to work checks correctly, you will establish a time-limited statutory excuse. You will be required to conduct a follow-up check in order to retain your statutory excuse.

You will not obtain a statutory excuse if:

- it is reasonably apparent that the person presenting the document is not the person referred to in that document, even if the document itself is genuine
- you know that the individual is not permitted to undertake the work in question
- you know that the documents are false or do not rightfully belong to the holder

I confirm that I have carried out the right to work check above in compliance with the instructions within and I believe a valid statutory excuse is established for this worker.

Signed:

Name:

APPENDIX B

CERTIFICATE OF GOOD CONDUCT

Whilst a DBS check is a check of a criminal record in the UK this cannot currently assess criminal records held overseas. Consequently, if candidates have lived outside the UK for more than 3 months in the past 5 years they will need to obtain a criminal record check from **ALL** countries they have lived in during that period.

This is commonly referred to as a **Certificate of Good Conduct**.

Candidates will also be subject to a DBS check; both checks can be carried out simultaneously.

Applying for a Certificate of Good Conduct

The application process for criminal records checks or Certificates of Good Conduct varies from country to country.

Candidates should contact either the Foreign Embassy in this country, the British Embassy in the country concerned or the police station local to where candidates were living at the time, for guidance on obtaining this check.

For further information please visit:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Translation and related expenses

- A Certificate of Good Conduct should be issued in English or a certified translation of the certificate should be obtained.
- A copy of the receipt should be retained.
- Penryn College will reimburse any costs incurred. If receipts are in a foreign currency reimbursement will be payable in pounds sterling.
- Candidates should present HR with a copy of the certificate on receipt and before taking the post.

APPENDIX C
ONLINE SEARCH RECORD

Please complete this for all shortlisted candidates.

Ideally, someone not involved in the interview or recruitment decision should complete this. If any relevant concerns are identified this form should be passed to the interview panel prior to the interview date so this can be explored further.

Post		
All forenames		
Current surname		
All previous forenames and surnames		
Search parameters: Google search (All), looking at the first page of results returned: <ul style="list-style-type: none"> • Candidate name(s) • Candidate name(s) plus current employer/job title Please check both the general results page and the news tab.	Only record information that suggests the candidate poses a safeguarding risk. Do not include any irrelevant personal information. Concerns:	
I confirm that I have carried out an online search within the above parameters and recorded any concerns above.		
Signed		
Date of check		
Name and post of person carrying out the check	Name: Post:	

If concerns are highlighted and discussed further at interview, a record of this discussion should be made on the interview notes

APPENDIX D

PROCEDURE FOR HEADTEACHER APPOINTMENTS

The appointment of a Headteacher is a decision of the Board of Trustees, following the recommendation from the Governing Body, who will have in turn received a recommendation from an Appointment Panel.

The Procedure for Headteacher Appointments outlines the process for selecting and appointing a new Headteacher for the school.

The procedure includes five stages: agreeing on the Appointment Panel, preparing recruitment paperwork, conducting shortlisting and interview preparation, holding interview days, and securing Board approval on the recommendation of the appointing panel and School Governing Body.

Principles to ensure a robust appointment process:

- The same Appointment Panel members will be involved throughout the whole process
- At least one member of the appointment panel must have had Safer Recruitment training
- Records of all panel meetings and decisions will be retained in line with the Data Protection Policy.
- The HR Manager will coordinate the administrative element of the process
- Staff and pupils from the school will be included in the assessment process

Stage 1 – Agreeing the membership of the Appointment Panel

- The Penryn College Senior Leadership Team and Governing Body with support from the HR Manager has responsibility for organising the recruitment of a Headteacher; the Appointment Panel should typically be comprised of a combination of members of the Senior Leadership Team, The Chair of the Governing Body (or their nominated representative) and the Chair of the Board of Trustees (or their nominated representative)
- The HR Manager will be responsible for the coordination and administration of the recruitment process ensuring the process has been carried out in line with the procedure. Once the candidate is appointed, the HR Manager will be responsible for undertaking all pre-employment vetting checks in line with Safer Recruitment requirements.

Stage 2 – Recruitment Paperwork

Once the Appointment Panel has been formed, they will agree:

1. Recruitment schedule dates
2. Recruitment Pack
3. Salary Range (in conjunction with HR advice)

Stage 3 – Shortlisting and Interview Preparation

The Appointment Panel will then:

1. Shortlist candidates
2. Agree interview format
3. Agree interview questions / selection tasks
4. Ensure references of shortlisted candidates are requested

(NB the Appointment Panel may be advised during the meeting by the HR Manager who may also conduct initial shortlisting. This will always be subject to confirmation by the Appointment Panel. The shortlisting decision will always be made by the Panel).

Stage 4 – Interview Days

The Appointment Panel will identify their preferred candidate using agreed tasks and criteria as per Stage 3.

The successful candidate can be provisionally offered the position by the hiring manager but must be informed the appointment is subject to a decision of the Board of Trustees (plus all the usual recruitment checks).

Stage 5 - Formal Ratification Agreement of Appointment Panel Decision Recommendation

The Governing Body will meet asap after the Appointment Panel carries out the formal interview, to receive the recommendation of the Appointment Panel and agree a recommendation to the Board. The Chair of the Appointment Panel should request that the Clerk to the Governing Body coordinate this as an extraordinary meeting if this cannot be achieved within the normal meeting cycle. In exceptional circumstances this could be achieved through a Chairs Resolution but every effort should be made to ensure a meeting takes place.

The appointment must be approved by the Board before being confirmed to the candidate.