



## Guidance on recruitment of staff for Welsh Governing Bodies

This guidance should be read alongside the Notes to Applicants which are also available on the CES website.

### Terminology

The words listed below are used in this guidance with the meanings set out unless the context requires otherwise.

**'School(s)'** means the Catholic school(s) for which staff are being recruited. It includes:

- voluntary aided schools;
- in the case of a federation, the federation and all the schools within it;
- independent Catholic schools; and
- Catholic schools more generally (as appropriate).

**'Diocese'** includes any duly authorised representative or officer of the Diocesan Bishop who is exercising education functions on behalf of the Diocesan Bishop.

**'Governing Body'** refers to the body with legal responsibility for conducting the School on behalf of the Diocesan Trustees and employing the staff and includes: the governing body of a Catholic voluntary aided school, and the governors of an independent school.

**'Governor'** means a member of a Governing Body.

**This guidance is intended for use by persons involved in the recruitment of staff in Catholic Schools in Wales. It is for guidance purposes only – appropriate HR and / or legal advice should be sought where Governing Bodies have specific queries arising from this guidance.**

### Key Considerations:

- **Diocesan Advice, the Bishops' Memorandum and Diocesan Protocols**

Governing Bodies must ensure that they and their advisers have read the Bishops' Memorandum on the Appointment of Staff in Catholic Schools ('the Memorandum') in order to ensure that the requirements of the Memorandum are met. The Memorandum can be viewed by following the link below:

<https://www.catholiceducation.org.uk/employment-documents/bishops-memorandum>

Governing Bodies must seek advice from their Diocese as soon as is practicable after the identification of the requirement to recruit for a Senior Leadership post and, in any case, before any recruitment procedure or process begins (including the issuing of advertisements). Governing Bodies must ensure that they follow any recruitment guidance issued by their Diocese.

Governing Bodies must also review the recruitment section of the Diocesan Protocols in order to ensure that the relevant requirements are complied with. Governing Bodies are responsible for ensuring that their advisers comply with the documents and advice referred to in this guidance.

- **The Staffing of Maintained Schools (Wales) Regulations 2006**

Governing bodies must ensure that they follow the requirements of The Staffing of Maintained Schools (Wales) Regulations 2006<sup>1</sup>, and that they are familiar with the School Governors' Guide to the Law, section 10 both of which set out, inter alia, the requirements in relation to the involvement of the Local Education Authority in recruitment processes.

[School Governors' guide to the law | GOV.WALES](#)

- **Keeping Learners Safe**

Governing Bodies must also familiarise themselves with the Welsh Government's statutory guidance "Keeping Learners Safe" (the "statutory guidance") which can be accessed by following the link below. In particular, attention should be paid to section 9 which is entitled "Safer staff recruitment practice". The recruitment process set out in this guidance and the suite of recruitment documents provided by the CES (including the model application forms) are compliant with the statutory guidance.

[Keeping Learners Safe](#)

If any queries arise as a result of advice received from advisers Governing Bodies should contact their Diocese.

It is important that all those involved with the recruitment of staff in Schools have received appropriate safer recruitment training, the substance of which should, as a minimum, cover the requirements of the statutory guidance. It is recommended that at least one person on every interview panel should have completed safer recruitment training which should be regularly refreshed. This is not a requirement of the statutory guidance, but it is considered good practice.

#### **The recruitment process:**

- **Advertising a vacancy**

The Memorandum requires that Dioceses are involved in recruitment processes from an early stage. Governing Bodies must give sufficient advance notification to the Diocesan Director of a vacancy for any senior post to which the requirement to be a practising Catholic is applied before taking any action, including appointing an acting Head Teacher or Principal, acting Deputy Head Teacher or Deputy Principal, or advertising the vacancy.

It is particularly important to agree all meeting and interview dates with the Diocese in advance, to allow Diocesan Officers to be involved from the beginning of the process. The Diocese should be involved in the drawing up of job descriptions, person specifications and advertisements and Governing Bodies should contact the Diocese at the earliest opportunity as they may be able to provide model documentation and guidance in this regard.

All advertisements should include appropriate commitment to safeguarding wording and if there is a requirement for the postholder to be a practising Catholic, this should also be made clear in the advertisement. The application pack should also include a copy of the School's child protection policy

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<sup>1</sup> [The Staffing of Maintained Schools \(Wales\) Regulations 2006 \(legislation.gov.uk\)](#)

and policy on the employment of ex-offenders or inform applicants as to where they can find these documents on the School website.

- **Shortlisting for Interview**

Once application forms have been submitted and the closing date has expired, the application forms must be reviewed in order that a shortlist can be drawn up listing those people the Governing Body wish to interview. At least two people should be involved in the shortlisting exercise and Governing Bodies will need to consider how application information will be securely provided for review, for example, it should not be emailed to the shortlisting panel, but should be made available via a secure drive.

In order to comply with data protection requirements, the CES model application forms only request information which is required in order to process an application at this stage of the process. There is no legitimate basis for requesting items such as National Insurance Numbers and former names and addresses as these are not needed at the point of application. Further information may however, be needed for shortlisted applicants and can be requested at an appropriate point.

Shortlisting will usually be performed by reference to the job description and person specification applicable to the role as well as any other relevant, pre-determined criteria set by the School for the purposes of recruitment. All information considered in decision making should be clearly recorded along with details of the decisions made.

Once a shortlist has been compiled contact should be made with the shortlisted applicants to invite them to interview. The CES provides a model Invitation to Interview Letter that may be used and can be accessed on our website by following this link:

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

Applicants should be reminded to bring the Rehabilitation of Offenders Act 1974 – Disclosure Form with them in a sealed envelope when they attend for interview. **Please note that these forms should not be viewed until an offer of employment is about to be made.**

Governing Bodies should read the CES Guidance Note on Model Application Forms and GDPR Compliance for more information about the processing of criminal records information. A link to this guidance is provided below:

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

Governing Bodies should consider destroying the application forms and any data provided by unsuccessful applicants in line with the requirements of their data retention policy.

- **Gathering References**

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. Most important are the decisions based on the Governing Body's own robust recruitment process. Common advice is therefore that the panel as a whole refer to the references towards the *end* of their decision making process. The application forms state that references may be taken up prior to interview and so contact will need to be made with the referees listed.

References should be requested for all candidates shortlisted for interview and enough time allowed between shortlisting and interviews for referees to receive the request, write the reference and return it. Obtaining references before interview means that any issues of concern that might arise can be explored further with the referee and taken up with the applicant at interview. For further

information about taking up references Governing Boards should read the CES Guidance on Employment References which can be accessed by using the following link:

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

References should always be requested directly from the referee and Governing Bodies should not rely on open references, for example in the form of 'to whom it may concern' testimonials. If an applicant for a teaching post is *not* currently employed as a teacher, Governing Bodies should check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving. It is good practice for one panel member who has completed safer recruitment training to gather references, supported, if applicable, by any local authority, HR or Diocesan adviser. This allows the rest of the panel to judge the recruitment process unencumbered by external opinions.

All references obtained should confirm the applicant's suitability to work with children and provide information about any substantiated safeguarding allegations that meet the harm threshold.

Applicants are asked to complete a Consent to Obtain References Form which should be provided with the application form and this can be used in order to demonstrate to referees that appropriate consent has been obtained.

- **EWC Register**

Searches should be made of the EWC register in respect of applicants, as required by paragraph 9.4 of Keeping Learners Safe. It should be noted that in addition to these checks being part of pre-employment checks, it is **effective practice** for annual checks to be made on everyone who regularly undertakes work within a School (paragraph 9.6).

- **Invitation to Interview**

The CES model Invitation to Interview Letter makes reference to reasonable adjustments that may be made for attendance at interview in the event that the applicant has a disability. Stating this to all applicants at this stage confirms that the Recruitment Monitoring Form has not been seen by the person dealing with recruitment (as that may already disclose whether the applicant has a disability) and also ensures that reference to reasonable adjustments being made for interview does not feature in the application form itself (which contravenes good practice guidance issued by the Equality and Human Rights Commission which prefers the recruiter to have had no indication whether or not an applicant has a disability). The CES provides a model Reasonable Adjustments Statement as an enclosure to the Invitation to Interview Letter.

The recruitment monitoring form must **not** be available to the interview panel.

If the post holder is required to be a practising Catholic the Diocesan guidance on this should be provided to the applicant prior to interview along with the relevant CES model contract as this will ensure that the applicant is aware of what the terms of their employment will be in the event that they are appointed and this provides an opportunity for the applicant to raise any concerns or ask any questions at the interview.

- **Interviews**

The person(s) conducting the interview will need to ensure that certain information and documentation has been provided by the applicant at this stage. The information *required* to be provided at interview is identification documentation and proof of entitlement to work in the UK. An

employer is under a strict legal duty to ensure that it has carried out the relevant checks with regard to entitlement to work in the UK.

It is good practice for application forms to include a declaration from the applicant that all the information provided is true (such a declaration is included on the CES model). Where such a declaration has been signed electronically on the application form, applicants should be asked to sign a hard copy or bring a signed copy with them when they attend for interview.

Governing Bodies are referred to the Home Office guidance entitled “An employer’s guide to right to work checks” which provides examples of the types of documents which will need to be provided by applicants in order to evidence their right to work. Where Governing Bodies are unsure what documents are required to prove entitlement, they should seek appropriate advice. **If the information is not provided at the interview stage, or where further checks relating to a right to work in the UK are required, any offer of employment must be made conditional upon receipt of the correct documentation and/or receipt of satisfactory results from the checks required to be made.**

If documentary evidence of qualifications, courses attended etc, is required to be provided at interview, the applicant should be notified in advance – good practice suggests this should be requested in the Invitation to Interview Letter (and is so requested in the CES model).

Prior to interviews taking place, the panel should agree on the questions to be asked and which member of the panel will ask them. A question which enables the applicant to demonstrate their understanding of safeguarding in schools must be asked and there should also be appropriate questions about the Catholic character of the School in order to explore whether or not the applicant displays an appropriate understanding of the Catholic character of the School and is able fulfil the requirements of the role in that regard.

There may also be other elements to the interview process such as teaching observations, in-tray exercises, presentations and/or discussions with pupils or other members of staff.

- **Post-Interview Selection**

After the interviews have taken place, the Governing Body will need to consider all the applicants in light of their applications, personal statements, references, supplementary documents, results of checks and performance at interview as against the job description, the person specification and any other relevant national standards for the post with the aim of determining which applicants should proceed to the next stage of the recruitment process. Notes should be made of any decisions made and the reasons for those decisions and it is recommended that a record of interview question responses is kept and then disposed of in line with the appropriate retention policy.

- **Making an Offer of Employment**

In many cases there may be several rounds of interviews but, for the purposes of this guidance, it is assumed that a selection can be made following the first interview. The Governing Body may, at this stage, make an offer of employment to the preferred applicant but it must stipulate that such offer is conditional upon receipt of satisfactory pre-employment checks (as appropriate to the role for which they are hiring). Newly appointed staff who have lived outside the United Kingdom must undergo the same checks as all other staff, but as these checks may not be sufficient to establish suitability to work with children, Schools must ensure they carry out the full range of other checks which will include conducting appropriate overseas checks.<sup>2</sup>

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<sup>2</sup> *School Governor’s Guide to the Law, section 10, paragraph 46*

The offer may also need to be expressed to be conditional upon receipt of a current employer reference once the Governing Body has the applicant's consent to make a request and/or satisfactory results of health checks (see paragraph C below).

**Things that Governing Bodies need to look out for during the recruitment process:**

- **Fully Completed Applications / Provision of Appropriate Documentation to Panel**
  - A. At the application stage, Governing Bodies should make sure that applicants have fully completed the application forms and provided all relevant documentation / information required at that stage. If not, an application may be rejected on the grounds that it has not been fully completed.
  - B. Members of the selection panel should make sure that they do not, as the reviewer of application forms, have sight of the completed Recruitment Monitoring Forms. The Recruitment Monitoring Forms should only be used as a tool for the School to analyse the types of application that they receive which may assist them to comply with their public sector equality duty.

For more information see the Equality Act 2010 guidance available from the Equality & Human Rights Commission which can be found by following this link:

<http://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>.

Further, the Recruitment Monitoring Forms should be anonymous so that the School can demonstrate that the information collected from applicants is being used to monitor equality and diversity and not to discriminate, inadvertently or otherwise.

- **Mental and Physical Fitness to carry out the Job**
  - C. Generally speaking, employers are not allowed to ask prospective employees questions relating to disability or health during the recruitment process; however, s.60 of the Equality Act 2010 applies an exception to this general rule, and allows a prospective employer to ask about the health of an applicant if asking the question is necessary for the purpose of establishing whether the applicant will be able to carry out a function that is intrinsic to the work concerned.<sup>3</sup> Therefore it may be appropriate to ask questions about disability and health in order to establish whether an individual has the physical and mental capacity for the specific role.

It is recommended that ITE providers should not ask all-encompassing health questions but should ensure they only ask targeted and relevant health related questions which are necessary. This is also a sensible approach for managing job applications and we would suggest that it is followed by Governing Bodies.

An offer of employment must be made conditional upon satisfactory answers to any relevant health related questions. Schools will, therefore, need to decide whether it is appropriate to ask health related questions in each individual case depending on the role required to be filled and, if in doubt, Governing Bodies should seek legal advice.

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<sup>3</sup> Section 60 (6) (b) Equality Act 2010

Governing Boards are reminded of their duties in respect of the public sector equality duty (the CES has provided guidance on the Public Sector Equality Duty which can be downloaded from our website: [Equality \(catholiceducation.org.uk\)](https://www.catholiceducation.org.uk). Further, any data collected as a result of health related enquiries is likely to be 'Sensitive Personal Data'<sup>4</sup> within the meaning of the UK General Data Protection Regulation (UK GDPR) and must be processed in accordance with the requirements of that Regulation<sup>5</sup>.

- **Discrimination**

- D. Schools designated with a religious character in England and Wales are permitted by law<sup>6</sup> to give preference to practising Catholics for certain posts (what is permissible is explained further below). In certain specific circumstances, it is possible that a temporary post may be filled by a person who is not a practising Catholic and there is no intention to deter suitable applicants from expressing their interest. Temporary appointments should only be used in limited circumstances and Governing Bodies should seek advice from their Diocese where they are having difficulty recruiting a practising Catholic where that is required. All temporary appointments must have the approval of the Diocese.

**Senior Leadership posts** – The Memorandum provides that ‘the posts of Headteacher or Principal, Deputy Headteacher or Deputy Principal and Head or Coordinator of Religious Education are to be filled by practising Catholics’.

The CES model application forms make it clear that all applications for senior leadership posts where there is a requirement to be a practising Catholic must include the details of a priest who can provide a reference. The purpose of this reference is to verify that the applicant is a practising Catholic.

**Teacher posts** – Schools are entitled to give priority to Catholic applicants. A higher degree of priority may be given to practising Catholic applicants but applications from all Catholic applicants (whether practising or not) are eligible to be given priority over applicants who are not Catholic. Where Catholic applicants do not consider themselves to be practising they may provide a copy of their baptismal certificate or details of the date and place of their baptism rather than the details of a parish priest who can give a reference. Applicants who are not Catholics are welcome to apply and should not be discouraged.

**In summary, all suitably qualified Catholic applicants, regardless of the teaching post for which they are applying, are eligible to be given preference over applicants who are not Catholic. Practising Catholic applicants should nominate their Parish Priest as one of their referees. Those applicants applying for the permanent Senior Leadership posts referenced in the Memorandum must provide such details.**

Governing Bodies should not deter applications and expressions of interest from Catholics who do not consider themselves to be *practising*. In the event that the permanent role cannot be filled immediately for example, a Catholic who is not *practising* would be eligible to receive preference over applicants who are not Catholic in relation to a temporary appointment.

It is for each Diocese to provide guidance to Schools regarding the definition of “practising” Catholic either by way of its own guidance or by reference to another source which is

<sup>4</sup> Article 9(1) GDPR sets out the categories of sensitive personal data and ‘data concerning health’ is included as a category.

<sup>5</sup> See footnote 1 above.

<sup>6</sup> Ss 60 and 124A of the School Standards and Framework Act 1998

recognised as being the definition upon which the Diocese relies. A copy of any guidance or other source of information must be provided to the applicant with the Invitation to Interview Letter so that the applicant has a clear understanding of the School's expectations of a practising Catholic applicant. Applicants should then be asked at interview to confirm that they have read and understood the requirements and that they are able to comply with them.

The Notes to Applicants that supplement the CES model Application Forms set out clearly the legal basis upon which a Governing Board is required to recruit, or may exercise a preference to recruit, a practising Catholic. The Notes to Applicants can be viewed by following the link below:

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

- **Rehabilitation of Offenders Act 1974 – Disclosure Form and Disqualification Policy**
- E. The answers provided on this form should be kept confidential and seen only by the relevant persons in the course of their specific duties relevant to recruitment and vetting purposes. It is, therefore, for Governing Bodies to determine who sees the form. The Governing Body is under various duties relating to the access, handling, usage, retention, storage and disposal of information provided by the applicant and / or as a result of any DBS checks. The Disclosure Form should be handed to the interviewers in a sealed envelope when candidates attend for interview. The envelope should only be opened if the Governing Body has determined that they wish to make an offer of employment to the individual concerned. If a disclosure is made on the Form, relevant questions about the offence should be asked of the applicant with a view to obtaining contextual information about the offence to enable the Governing Body to determine whether the applicant should be appointed.
- **Data Protection and Privacy**
- F. The CES Model Invitation to Interview letter requests that the applicant brings certain documents to the interview. Governing Bodies should ensure that appropriate privacy notices or consents are in place in relation to personal information collected during the interview process.



**Recruitment Checklist:**

1. Has the Recruitment Monitoring Form been removed from the application pack?
2. Has the application form been fully completed and is it accompanied by relevant supporting documents including the consent to obtain references form and any documentary evidence (if required)?
3. Have appropriate references been taken up?
4. Has the Invitation to Interview Letter and appropriate enclosures been sent to the shortlisted applicant including:
  - Guidance on “practising Catholic” requirement
  - Appropriate CES model Contract of Employment
  - Reasonable Adjustments Statement
  - Disqualification Policy (if applicable)
  - Rehabilitation of Offenders Act 1974 Form
5. Have any reasonable adjustments been made to the recruitment / interview process, if necessary?
6. At interview, has the applicant provided original evidence of:
  - Identity
  - Right to work in the UK (this may overlap with evidence of identity)
  - Qualifications attained (if required)
7. At interview, has the applicant signed a copy of the Invitation to Interview Letter to confirm that they have read and understood the contents of that Letter?
8. At interview, has the applicant provided a signed copy of the application form if an electronic signature was provided previously?
9. At interview, has the applicant signed the model Applicant Declaration confirming that they have read and understood the CES contract and had any relevant questions answered?
10. At interview, has the applicant confirmed that they have read and that they understand the guidance on the requirements for Practising Catholics and that they are able to comply with the requirements (where relevant)?

If a Governing Body is ready to make an offer of employment, it should check that the following documentation has been received or the offer of employment must be conditional on receipt of the appropriate documentation (where relevant):

The Rehabilitation of Offenders Act 1974 Form – was this handed in at the interview? Has it been kept in a sealed envelope to be seen only by the “relevant person” in the event that a job offer is going to be made?

Any discussion necessary as a result of offences disclosed

Satisfactory DBS checks

Satisfactory education workforce checks

Letter of professional standing (for those who have lived/worked outside the UK) (if appropriate)

Satisfactory overseas checks complete (if appropriate)

Reference from current employer (if not previously obtained)

Satisfactory health checks

A signed copy of the "Disqualification Policy for Staff" (if applicable)

Any discussion necessary as a result of offences disclosed

Any other document required but not yet provided by the applicant or a third party

**Note: Governing Bodies must have obtained evidence of identity and right to work in the UK before they allow a successful applicant to commence employment.**

Once the Applicant has been appointed, Governing Body must then ensure the following:

That all documents collated during the recruitment process have been securely disseminated and/or destroyed in accordance with data handling requirements

That the Applicant's (now employee's) signed and dated Disqualification Policy has been filed in their personnel file (if necessary)

That the Applicant (now employee) has returned a signed and dated the relevant CES contract of employment

That the Applicant (now employee) has been provided with information regarding the appropriate employment policies and procedures