

Recruitment Policy and Procedures

“Whatever you do, work heartily, as for the Lord and not for men, knowing that from the Lord you will receive the inheritance as your reward. You are serving the Lord Christ.”

“Colossians 3:23-24



A statement of principles regarding Catholic education

At Sacred Heart School, Casterton, our task is to recruit staff members who are committed to our shared vision of Christian life and our culture of providing a safe environment for all in our school community.

More than just an educational institution, Sacred Heart School, Casterton is a key part of the Church, and an essential element in the Church’s mission. So, too, staff members in our school community are more than employees – they represent the Church and bear witness to the Gospel Values in a multitude of ways.

All staff members have an indispensable role to and are expected to:

- (a) accept the Catholic educational philosophy and ethos of our school;
- (b) develop and maintain an adequate understanding of those aspects of Catholic teaching that touch upon their subject areas and other aspects of their work;
- (c) by their teaching and other work, and by personal example, strive to help students to understand, accept and appreciate Catholic teaching and values;
- (d) avoid, whether by word, action or public lifestyle, influence upon students that is contrary to the teaching and values of the Church community in whose name they act;
- (e) comply with job specific Accreditation Policies i.e. the Catholic Education Commission of Victoria’s (CECV) policy to teach in a Catholic school, and other CECV policies;
- (f) be committed to embedding and providing a culture of child safety
- (g) promote the cultural safety participation and empowerment of aboriginal students and their families
- (h) promote the cultural safety of participation and empowerment from culturally and or linguistically diverse backgrounds (CALD) and their families.
- (i) promote the personal safety, participation and empowerment of students with a disability and make them feel welcome and included in all aspects of school life.
- (j) be committed to regular ongoing professional development;
- (k) be qualified as required by appropriate authorities.

Procedures for the appointment of staff

In advertising, selecting and interviewing applicants for a position, or dealing with staff generally, including terminating their employment, account should be taken of the anti-discrimination laws which apply in Victoria. The relevant Acts are the *Equal Opportunity Act 1995* (Vic.), the *Workplace Relations Act 1996*, the *Sex Discrimination Act 1984*, the *Affirmative Action (Equal Opportunity for Women) Act 1986*, the *Racial Discrimination Act 1975*, and the *Disability Discrimination Act 1992*. It is unlawful to discriminate on the grounds of sex, marital status, age, pregnancy, family responsibilities, race, colour, nationality, descent/ancestry, ethnic or national origin, religion, disability or impairment (including physical, intellectual and psychiatric disability), political opinion, industrial activity, lawful sexual activity, physical features, political belief or activity, and personal association with a person who is identified by reference to any of the above attributes. The *Workplace Relations Act 1996* (Cwlth) also proscribes, in addition to the above grounds, termination of employment on the grounds of social origin.

Reference should also be made to the *Privacy Act 1988* (Cwlth). The section of these guidelines dealing with unsuccessful applicants (below) provides advice to ensure compliance.

Advertisements

The purpose of advertising a vacant position is to attract suitable applicants. Advertisements will contain:

- (i) the title of the position;
- (ii) a brief description of the position;
- (iii) expectations of the employer (e.g. the applicant must have a demonstrated commitment to Catholic Education);
- (iv) the school's requirements surrounding Child Safety (applicants must demonstrate a commitment to child safety standards in accordance with Ministerial Order 807)
- (v) conditions of employment or reference to the relevant award;
- (vi) closing date, if applicable;
- (vii) details on how to access an application package from the school including, but not limited to, an application form, selection criteria, child safety standards and 'Principles of Teaching in Catholic Schools' document .

Note: It is essential that information contained in advertisements is correct and does not mislead any potential job applicant. It is an offence under Section 13 of the *Fair Trading Act 1999* (Vic.) to engage in conduct that is liable to mislead a person seeking employment in any matter relating to such employment, including the availability, nature, or terms and conditions of employment. A penalty of \$2,400 applies for a natural person and \$6,000 for a body corporate. Section 195 of the *Equal Opportunity Act 1995* (Vic.) makes it unlawful to publish or cause to be published an advertisement which indicates (or that might be reasonably understood as indicating) an intention to discriminate unlawfully. A penalty of \$2,000 applies.

Applications

1. The application form contains basic information necessary to screen applicants prior to interview. If additional information is required it should be requested as an attachment. (**Attachment 1** – Employment Application Form.)

2. *Prima facie* discrimination on the grounds of religion or marital status is unlawful. Although questions about religion and marital status may be asked, it is important that employers do not act on that information in a discriminatory way. A practice of employment that is discriminatory will only be lawful if it conforms with the doctrine of the Catholic religion or is necessary to avoid injury to the religious susceptibilities of the people of the religion.

Sections 75 and 76 of the *Equal Opportunity Act 1995* provide for exemptions in the following terms:

Section 75

(1) Nothing in *Part 3* applies to:

- a. the ordination or appointment of priests, ministers of religion or members of a religious order;
- b. the training or education of people seeking ordination or appointment as priests, ministers of religion or members of a religious order;
- c. the selection or appointment of people to perform functions in relation to, or otherwise participate in, any religious observance or practice.

(2) Nothing in *Part 3* applies to anything done by a body established for religious purposes that:

- a. conforms with the doctrines of the religion; or
- b. is necessary to avoid injury to the religious sensitivities of people of the religion.

(3) Without limiting the generality of its application, sub-section (2) includes anything done in relation to the employment of people in any educational institution under the direction, control or administration of a body established for religious purposes.

Section 76

(1) This section applies to a *person* or body (other than a body established for religious purposes) that:

- a. establishes an *educational institution* to be conducted in accordance with religious beliefs or principles; or
- b. directs, controls or administers an *educational institution* conducted in accordance with religious beliefs or principles.

(2) Nothing in *Part 3* applies to anything done by a person or body to which this section applies in the course of establishing, directing, controlling or administering the *educational institution* (including the *employment* of people in the institution) that is in accordance with the relevant religious beliefs or principles.

3. A copy of 'A Statement of Principles Regarding Catholic Education'

(**Attachment 2 – Principles Regarding Catholic Education**) should be provided with the application form, as the application form concludes with 'I have read and understand the Statement of Principles regarding Catholic Education'.

4. All applications should be acknowledged

(see **Attachment 3 – Acknowledgment of Application Form**)

5. A schedule of applicants should be compiled

(see **Attachment 4 – Schedule of Applicants**)

6. A copy of the school's 'Child Safety' policy

(**Attachment 4.A – Child Safe Policy**) should be provided with the application form, as the document concludes with 'I have read, understand and commit to embedding and providing a culture of child safety as outlined in this 'Child Safe' policy'.

Selection criteria

For the use of the selection panel, a written profile should be prepared in point form, listing the main qualifications, qualities, attributes, skills and expectations which would be required to perform the duties of the position to the satisfaction of the employer. The selection criteria must not be discriminatory.

First screening

These criteria help to screen applications to determine who is to be interviewed. The use of such criteria during the interview facilitates an objective approach within the selection process, ensuring fairness and justice to each and every applicant. (Selection Criteria document is included as [Attachment 5](#).)

Type of interview

The employer may decide that a selection panel would facilitate the selection process or that more than one interviewer is not necessary. In normal circumstances it is recommended that a selection panel be appointed.

The interview panel

It is recommended that in selecting panel members, attention be given to balancing the number of men and women.

After a selection panel is given the task to screen applicants, the panel should meet and discuss selection criteria and reach consensus on the approach to be adopted. It should be made clear to the panel that its role is to recommend the employment of an applicant. **The decision to offer employment rests solely with the employer.**

Having regard to the selection criteria, the panel should decide on which of the applicants are to be interviewed. Applicants who do not meet the criteria should be advised in writing that they have been unsuccessful. ([Attachment 6](#) is a letter for this purpose.)

Applicants whom the selection panel feel could meet the criteria should be contacted and an interview arranged. (A suitable letter confirming this is included as [Attachment 7](#).) This letter should include a statement explaining the expectations of the employer and of the school.

The interview

A few suggestions that may be of assistance are:

- The members of the selection panel/interviewer should ensure each is conversant with the information on the application form.
- The selection panel/interviewer need to plan for the interview. It is recommended that a time limit for the interview be established.

- To obviate duplication and to enable all members of the panel to participate and observe actively, it is recommended that certain areas of importance be allocated to each panel member.
- To obtain an accurate understanding of the applicant and his/her claims for the position, it is important to create a friendly atmosphere in which the applicant can feel at ease. It is best to be straightforward with questions unless the purpose is to test logic, thinking ability, etc.
- It is important that the panel establishes, without invading the privacy of the applicant, whether the applicant is prepared in his/her teaching and personal example to strive to help students to understand, accept and appreciate Catholic teaching and values. Is he or she willing to avoid, whether by word, action and public lifestyle, influence on students that is contrary to the teaching and values of the Church community, in whose name the applicant will act if employed within the school? Through questioning, the panel can ascertain whether the applicant understands and accepts the Church's teaching and values or, in the case of a non-Catholic applicant, is sensitive to the Church's teachings and values.
- It can be helpful to allow the applicant time to put his/her claims for the position.
- It is important to discuss any expectations the applicant may have of the position and any particular expectations that the school may have of the successful applicant.
- It is important to learn the reasons the applicant is leaving (has left) his/her current employment.
- It is important that the applicant understands that the principal of the school at which he/she is presently employed (or where he/she was last employed) and other referees will be contacted. The timing of this contact could be discussed with the applicant. Should the applicant request that contact with the present principal not be made, the panel should carefully consider the explanation for such a request.
- Legal advice suggests that the following questions should not be asked in an interview:
 - Are you married?
 - Do you have a family?
 - Are you going to have (more) children?
 - Who looks after your children when they are sick, on holiday or doing work?
 - What religious holidays do you observe?
 - How old are you?
 - How will you manage your family if you have to work overtime/shift work?
 - Are you a union member or a member of a political party?

- Questions that may be raised in a normal social context may be inappropriate. Extra-curricula activities such as sport, theatre and music are usually safe topics. Exercise caution when discussing politics or activities in connection with unions.
- Basically straightforward questions which relate to performance issues, the applicant's career, and activities relevant to the job requirements are legitimate questions. Questions about the candidate's past performance, capabilities and behaviour (*not* beliefs, feelings or speculations) are matters that involve less risk. Be careful if certain behaviours of the applicant result from a disability such as poor eyesight or hearing, having a disease or psychological disorder. If the question is not relevant to the job, do not ask it.
- You may ask the applicant if he/she feels there is anything that may prevent him/her from successfully completing the tasks required. If special facilities are required to overcome a disability, the employer is obliged to make reasonable efforts to provide these and these should not affect the decision about the suitability of the applicant.
- After the interview the panel objectively rates how the applicant meets the selection criteria. Although allowance can be made for nervousness, etc. it may be helpful to remark how the applicant performed under the stress of interview as this may be relevant to the job. A short summary of interview and comment on each applicant are helpful.

Second screening

Comparison with other applicants is made after interviewing all the applicants who were selected for interview. The panel may decide it is appropriate that some applicants be taken off the list for selection at this stage if it has decided on the unsuitability of one or more applicants.

Referees

As far as possible, all referees should be contacted. The principal of the applicant's current school (or where he/she was last employed) must be contacted and the applicant advised that this is the policy of the school. If the applicant expresses a desire that this not be done, the applicant should be asked for reasons for the concern.

It is worthwhile remembering that applicants will rarely nominate a person whom they think will not give a favourable report.

The referees should be questioned along an agreed line and the selection criteria should form the basis of the conversation. A check list may be helpful, particularly if two or more applicants are comparable in certain areas.

A question 'Would you personally recommend this person?' sometimes helps the referee to remain objective because his/her own reputation is in question.

The selection panel should consider referees' reports, e.g. verbal or written reports from referees nominated by the applicant and any other person deemed necessary by the selection panel to offer advice on the applicant.

Third screening

After all necessary referees have been contacted, the panel should then compare the various applicants and information obtained. If further information is needed, this may be ascertained through contacting further referees or holding another interview.

The successful applicant/letter of appointment

It is a requirement of the Victorian Catholic Schools and Catholic Education Offices Award that all employees be given a letter of appointment. The relevant sections of the Award state:

9.1 Subject to Clause 24 (Termination) and sub-clauses 9.3 and 9.4 herein, employment under this Award shall be of an ongoing nature, except for casual employees and emergency teachers.

9.2 Letter of Appointment

Upon engagement, each employee shall be given a letter of appointment.

31.3 Upon engagement, the School Officer (Administration Staff) shall be given a letter of appointment which sets out the level and the pay subdivision, together with the category of employment, the hours of duty, rate of pay, superannuation entitlements, long service leave provision and any recall obligations for Category 'B' School Officers. In the case of Category 'C' School Officers, the weeks of leave for the school year shall be specified upon engagement and at the start of each school year.

Employer approval to employ

When the panel decides upon whom it recommends to be offered the position, the matter must be discussed with the employer before any offer of employment is made, unless the employer has specifically delegated the employing function to the principal. Such delegation must be in writing or part of the principal's contract. If it is agreed, a letter should be sent to the successful applicant offering the position/teaching appointment. This letter must contain:

- an offer of employment to a particular position (note that staff may be appointed to permanent, relieving, replacement, or casual positions);
- a copy of 'A Statement of Principles of Catholic Education' ([Attachment 2](#));
- a copy of the school's 'Child Safety' policy ([Attachment 4](#));
- a description of the duties, with the proviso that duties may be varied from time to time;
- the salary and conditions of employment;
- the commencement and cessation date (if applicable) of employment;
- a space for the applicant to sign accepting the offer of employment.

[Attachment 8](#) is a sample letter offering employment. This letter, when signed by the successful applicant, becomes the formal Letter of Appointment.

Attached to Attachment 8 is [Attachment 8B](#) (Disclosure Form for Pre-existing Injuries/Diseases). The information contained in this form is required only after an offer of employment has been made. If such information is sought before a decision to offer employment is made, it may put the employer at risk of claims of discrimination.

Criminal Record Checks

CECV Policy 1.22 provides guidelines in respect of criminal record checks for all employees and volunteer staff in Catholic education. Please refer to the CECV policy. Appropriate declarations have been inserted in the attachments to these guidelines. It should be noted that there are different declarations for instances where the preferred applicant is required to commence employment before the criminal record check is obtained.

Unsuccessful applicants

The unsuccessful applicants should be thanked for their interest and notified that their applications have been unsuccessful. A letter may be sent to unsuccessful applicants at the same time the successful applicant is offered the position if the employer believes there is no doubt that the preferred applicant will accept the offer of employment. If there is any doubt,

options should be left open until acceptance is gained from the successful applicant. However, all unsuccessful applicants should be notified in writing as soon as possible. It is recommended that schools retain all documents relevant to the application process, including any documents relating to unsuccessful applicants (e.g. CVs, references) for at least one year after the selection process has concluded. Under the *Privacy Act 1988* (Cwlth), job applicants are not covered by the employee records exemption and therefore schools will need to ensure that they comply with the principles relating to storage and use of personal records. These retained documents are governed by the *National Privacy Principle 2.1(h)(v)* that provides:

An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless the organisation reasonably believes that the use or disclosure is reasonably necessary for one or more of the following, by or on behalf of an enforcement body, the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Attachment 6 is an appropriate draft letter to unsuccessful applicants.

Records

The completed letter of appointment, signed by employer and employee, should be attached to the employee's personnel file.

Fixed Term Appointments

The Victorian Catholic Schools and Catholic Education Offices Award provides that teachers may be employed for a fixed term of appointment/tenure in a number of circumstances. Clause 9 of the Award provides as follows:

Clause 9.3

Employment for a specified period of time

9.3.1 Without limiting the generality of the following, in normal circumstances, employment for a specified period of time will only occur:

- (a) when the position to which the employee is appointed is to undertake a specific project for which funding has been made available to the employer for a specified period of time;
- (b) when the employee is employed to undertake a specific task which has a limited period of operation;
- (c) when the employee is employed for a specified period of time to replace an employee who is absent on approved leave;
- (d) when the employee is employed for a specified period of time to replace an employee whose employment has terminated after the commencement of the school year and the demands of the program or organisation of the workplace require the employment of a person for a specific period of time, provided that the period of appointment must not exceed the end of that school year;
- (e) when the employer has good reason to believe that, should the employee not be employed for a specified period of time, then a redundancy situation will arise, and provided that the period of appointment must not exceed the end of that school year;
- (f) when an employee is employed as a Placed Teacher, New Arrivals Teacher, Primary Principal or Curriculum Adviser.

9.3.2 The employer shall provide in the letter of employment, for employees covered by fixed term appointments, the reason for the employment being of fixed term duration and the date of commencement and the date of cessation of employment.

Attachment 8C is a sample letter which encompasses the requirements of the Award.

Emergency Teachers

It is recommended that similar processes to those described above also be applied when considering the employment of Emergency Teachers or Relieving Teachers.

In schools where a list of emergency teachers is utilised on an ongoing basis, the principal should:

- request that the emergency teacher complete the application form ([Attachment 1](#));
- interview the prospective teacher;
- check references;
- interview the principal of the school where the teacher last taught in an ongoing employment situation;
- a copy of 'A Statement of Principles of Catholic Education' ([Attachment 2](#));
- a copy of the school's 'Child Safety' policy ([Attachment 4](#));
- provide a letter of appointment to the teacher in the manner set out in [Attachment 8D](#).

School Officers and School Services Officers

These policies and procedures are also relevant to staff other than teachers. The attachments may require some adjustment appropriate to the specific nature of the position. The pre-conditions to employment in 'A Statement of Principles regarding Catholic education' and 'Child Safe' documents should be adjusted also to delete, if appropriate, references that suggest the successful applicant is a teacher. Sub-paragraphs (b), (c), (e) and (g) may need amendment.

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