



**Isle of Man
Government**

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Revised Policy and Procedures for the Recruitment of Teachers and Lecturers

Department of Education and Children
Rheynn Ynsee as Paitchyn

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GENERAL

1. LEGISLATION

1.1 The relevant legislation is the Employment Act 2006, the Employment (Sex Discrimination) Act 2000, the Control of Employment Acts 1975, 1978, 1983, 1990 and as amended by the Civil Partnership Act 2011 and the Data Protection Act 2002.

2. AIMS AND OBJECTIVES

2.1 The Department of Education and Children ("the Department") is committed to recruiting and retaining staff of the calibre required both to deliver education and to provide the services necessary to support those delivering education. In order to do so, it is essential that, subject to the requirements of the Control of Employment Legislation, the Department attracts and appoints the best applicants for vacant posts:

- on the basis of fair and open competition;
- on the basis of merit; and
- without discrimination.

2.2 This is achieved by ensuring that:

- prospective applicants are given equal and reasonable access to adequate information about a vacant post and its requirements and about the selection process;
- applicants are considered equally on merit at each stage of the selection process;
- selection is based on relevant and objective criteria applied consistently to all applicants; and
- selection methods are reliable and free from bias.

3. RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER OF THE DEPARTMENT OF EDUCATION AND CHILDREN

The Chief Executive Officer of the Department of Education and Children has the overall management responsibility for the implementation, operation, monitoring, evaluation and development of the policy.

4. RESPONSIBILITY OF RECRUITING MANAGERS – PERSONNEL CONTROL MECHANISM AND TYPES OF CONTRACT

4.1 The Department has an allocated manpower figure beyond which permanent appointments cannot be made. It is the responsibility of the recruiting manager to ensure that they do not appoint beyond the relevant School/College/Service's allocated number of full time equivalent staff.

4.2 All permanent appointments count towards the allocated manpower figure, but the following limited term appointments are exempt from the Personnel Control Mechanism.

4.2.1 **Genuine Fixed Term Contracts** – This type of contract applies to posts where there is a clearly defined end date and must not be used to meet a permanent service requirement. Such fixed term contracts must not exceed 3 years' duration and may not be renewed or extended. An example of where a fixed term contract could be used would be for project work where there is a clearly defined timetable and end date.

4.2.2 **Natural Discharge Agreements** – this type of contract also applies to posts for which there is not a permanent service requirement but where there is uncertainty regarding the end date. The foreseeable reason whereby the contract would discharge would be built into the contract at the outset of such an arrangement, examples of which are as follows:-

- a) Until the task/project is completed – the details of the task/project to be undertaken would be detailed in the contract.
- b) Until a specific employee returns to work after maternity leave/adoption leave/sickness absence/sabbatical leave or until an appointment is made (in case of non-return/reduction in hours following absence).
- c) For the period of time for which funding is available for this specific role. Due to budgets and spending priorities being kept under continual review, the Department cannot guarantee any minimum or maximum period of employment.

4.3 Oracle is the definitive personnel and payroll system for all of Isle of Man Government via which adherence to the Personnel Control Mechanism is monitored. It is a disciplinary matter to appoint beyond the Personnel Control Mechanism, other than in the case of the above exempted categories, the criteria for which must be fully met.

5. THE PATTERN OF RESIGNATIONS AND APPOINTMENTS OVER THE ACADEMIC YEAR

5.1 The academic year (1 September to 31 August) is the governing factor with regard to resignations/retirements and, in consequence, the timing of new appointments. The Terms and Conditions of Service for Teachers and the Terms and Conditions of Service for Lecturers determine the periods of notice teachers and lecturers are normally required to give, although there is some discretion to release staff at other times in exceptional circumstances.

5.2 After 31 May, the only appointments that may be made for a 1 September start are those for newly-qualified teachers/lecturers entering the profession, teachers from the Supply List, teachers/lecturers not currently employed (or employed privately on different conditions of service), or employed but the Headteacher is willing to permit/negotiate an early release.

6. REDEPLOYEES' REGISTER

6.1 Prior to advertising vacancies anywhere on the Island, recruiting managers shall be required to consider those on the Redeployees' Register and determine those who may satisfy the essential criteria for selection for interview for redeployment or may do so with reasonable training.

6.2 Only if, having tried to match the information in the CVs with the job specification, there is no appointable candidate on the Redeployees' Register, then the recruiting manager may advertise the post(s).

6.3 If it is unclear whether an employee satisfies the essential selection criteria for selection for interview for redeployment, either with or without further training, the employee must be offered the opportunity for interview for redeployment regardless.

6.4 Detailed records must be kept by the manager in order to substantiate any decision taken.

6.5 The composition of the interview panel for redeployment should be the same as for normal recruitment.

6.6 Where an employee satisfies the essential selection criteria, he/she shall be offered the opportunity to be redeployed to the new position, subject to a mutually agreed trial period, (normally the statutory four weeks) and the vacancy shall not be advertised. Prior to its commencement this trial period may be extended by mutual agreement, should this be considered practical and necessary, for training purposes only. Such an agreement shall be confirmed in writing prior to the start of the trial period specifying its duration and the terms and conditions that will apply after the end of that period.

- 6.7 Where the employee could satisfy the essential selection criteria supported with a reasonable level of appropriate training, the nature, extent and means for gaining such training shall be agreed by the recruiting manager and employee. The employee shall be offered the opportunity to be redeployed to the new position, subject to satisfactory completion of the agreed training and to a mutually agreed trial period, inclusive of the statutory four weeks' trial. Again, this trial period may be extended prior to commencement, by mutual agreement, should it be considered practical and necessary for training purposes, only.
- 6.8 Where an employee is not offered an interview or is unsuccessful at interview, the recruiting manager must provide written reasons to the employee justifying why an offer of redeployment to the vacancy concerned is not being made.
- 6.9 Employees who are redeployed shall receive a new written statement of particulars of terms and conditions of employment and confirmation of any salary or travel protection arrangements. Employees shall accept, as a condition of redeployment, to undertake any appropriate training as deemed necessary for their new post. All offers of redeployment made pursuant to this procedure shall be subject to the unchallenged grant of a work permit where such is required.
- 6.10 Other than where more favourable provision is made in the terms and conditions of employment for the employee concerned, in the event of redeployment to a lower paid post, the employee's existing salary shall be protected for a period of one year. If the alternative employment is for different hours of work, either more or fewer hours than the existing post, then this shall be taken into account in determining the extent of salary protection.
- 6.11 In the event of redeployment involving **additional** travel costs, travel claims indicating the difference may be submitted for a period of one year.
- 6.12 The costs in respect of protection of salary, additional travel or training arising from the redeployment of staff shall be met by the school/Isle of Man College of Further and Higher Education /Service area having to lose the member of staff, other than in the case of primary schools where staffing budgets are not delegated to schools and the costs shall therefore be met centrally.
- 6.13 Further details of the arrangements for redeployment are provided in the Department of Education and Children's Redeployment and Redundancy Policy and Procedure document.

7. PRIMARY TEACHERS' TRANSFER LIST

- 7.1 A primary teachers' transfer list is operated in order to provide:
- teachers with opportunities for professional development by creating movement of staff between schools;
 - a contribution to succession planning, in order to provide schools with experienced, and able deputy headteachers and headteachers;
 - a change in the belief that transfers of staff are only carried out if the teacher is having problems.
- 7.2 Teachers are able to apply for a transfer by submitting a letter and up to date CV. This documentation must be accompanied by a signed statement from the headteacher indicating that the headteacher and governors are aware of the teacher's request for transfer to another school. Transfers are to an

equivalent post in another Isle of Man primary school. They are only open to those on permanent contracts and are to permanent posts.

- 7.3 Completed documentation must be submitted to the Office of Human Resources.
- 7.4 Prior to advertising vacancies, Headteachers may consider those on the transfer list. Where a potential transferee meets the essential criteria on the person specification form, they should be contacted in order to ascertain whether they wish to be considered for the post in question. If they do wish to be considered, then they should be interviewed in the normal way. Where no potential transferee meets the essential criteria for the post, where potential transferees do not wish to be considered for the post, or where potential transferees are unsuccessful at interview, the post may be advertised in the usual way.
- 7.5 There is no guarantee that a transfer arrangement will be secured but the Department will encourage recruiting managers to consider those on the transfer list.

8. INTERNAL APPOINTMENTS - POSTS OF RESPONSIBILITY

When a role of responsibility, e.g. a TLR, becomes available at a school/IOM College/Service and to stay within the manpower allocation can only be filled from within the staff, e.g. Early Years Co-ordinator, SENCO etc, then this must be advertised internally within the particular establishment or service concerned and is done outside Jobtrain. To effect the change in contract, a TLR form (**see Appendix A**) must then be completed and forwarded to OHR.

9. DEPARTMENT'S SUPPLY LIST

- 9.1 The Supply List is the Department's approved listing of qualified teachers/lecturers who schools/IOM College can call in, usually at short notice, to cover the work of class teachers/lecturers who are absent from school/IOM College.
- 9.2 The main use of supply teachers/lecturers is to cover short term and long term illness, maternity leave, some training activities and teacher/industry placements. Supply cover should only be used to cover the same role for up to two terms. Longer periods of supply may only be used with the prior written permission from the Director of Strategy and Corporate Services or the Director of Education.
- 9.3 Supply teachers are not employees. There is no contract of employment and no mutuality of obligation i.e. no obligation to provide work or for the supply teacher/lecturer to accept any work offered. Supply teachers/lecturers shall fulfil their professional duties to the degree appropriate to the length of supply cover they are providing which would include staff meetings, parents' meetings, writing reports, etc.
- 9.4 Applications for inclusion on the supply list are made by applying online at www.gov.im/jobs.
- 9.5 Where applicants meet the essential criteria, they are interviewed by the relevant manager in order to ascertain their suitability for supply work and to assess to which age group and subject area(s) the applicant would be best suited.
- 9.6 If the applicant is deemed suitable for inclusion on the supply list, the usual DBS, medical and reference checks are arranged and, where a candidate needs a work permit, a temporary work permit is applied for. In the event a supply teacher/lecturer is required prior to a DBS check being returned, it is possible for a risk assessment to be undertaken providing all other checks are completed satisfactorily. Risk

assessments can only be approved by the Department's Director of Strategy and Corporate Services, the Director of Education or the Chief Executive, or their delegate.

- 9.7 Schools/Services/IOM College are not permitted to call in supply staff unless a DBS check, medical, references and work permit requirements are met.

10. "EMERGENCY" APPOINTMENTS

If a teacher leaves a post after the resignation "deadline" or in the middle of term leaving no opportunity of appointing a replacement teacher by the usual methods, it may be considered to be in the best interests of the pupils/students to arrange a limited term appointment for the term, two terms, or the remainder of the school year. In such cases, the relevant school/service area may, with prior approval from the Director of Strategy and Corporate Services or in her absence the Director of Education, or in the absence of both parties, their delegate offer a limited term appointment to a teacher on the supply list without advertising subject to the individual concerned not requiring a work permit, providing there are no suitable redeployees.

11. CANVASSING

Canvassing, either directly or indirectly, of any members of the Department, Education Council, school, Governors or serving staff of the Department, will automatically disqualify job applicants.

RECRUITMENT PROCEDURES

STAGE 1 – PRIOR TO THE INTERVIEWS

12. REVIEWING THE SCHOOL/SERVICE /ISLE OF MAN COLLEGE OF FURTHER AND HIGHER EDUCATION NEEDS

A vacancy provides an ideal opportunity to review requirements. Due to the developing and changing nature of the educational system and teaching and learning processes such a review can allow for restructuring and the implementation of more efficient and effective organisational structures. Such reviews have most impact when several staff vacancies occur at approximately the same time. Equally, in some situations, the requirement may be for an identical replacement in job description terms. Consideration may also be given to job share arrangements.

13. JOB DESCRIPTION AND PERSON SPECIFICATION/SELECTION PANEL ASSESSMENT FORM

- 13.1 Following the receipt of a notice of resignation/retirement and a review of the post, a job description and person specification/selection panel assessment form shall be drawn up by the recruiting Headteacher/Principal/Department Officer in consultation with the School/Isle of Man College of Further and Higher Education Governing Body, where appropriate. **(See Appendices B & C - Model Job Description and Person Specification/Selection Panel Assessment Form).**

- 13.2 It may be that, as a result of the review, a change to the post is not required. However, even in this case, the preparation of the job description and person specification/selection panel assessment form is an opportunity to articulate even small changes. Job descriptions and person specification must be drafted in clear and unambiguous terms, in order that they are job related, objective and include criteria which are capable of being measured and/or observed. They should define, clearly and concisely, what the job is and the experience, knowledge, skills, qualifications and qualities being sought in an applicant, with all requirements being justifiable. Job descriptions for secondary teaching posts should also state if teaching in a second and third subject may be required. Job

descriptions and/or person specifications should include safeguarding elements which reflect the Department's Safeguarding Policy and Procedure, the Code of Conduct for Isle of Man Government and any School/College Code of Conduct for Staff.

- 13.3 All teachers/lecturers and academic staff must be able to provide evidence of meeting the qualification criteria for the specific post. The Department subscribes to NARIC and can therefore check for equivalences of qualifications.
- 13.4 Subject to the Control of Employment Legislation, there must be no discrimination on the grounds of race, ethnic origin, nationality, gender, marital status, religious beliefs, disability, social background and sexual orientation. In relation to sex discrimination, only when a specific gender is a genuine occupational qualification should it be included as a criterion for appointment. **(See Appendix D – Equal Opportunities Guidance).**

14. APPROVAL TO RECRUIT/ADVERTISING

- 14.1 When a vacancy arises, the need for the post should be reviewed by the relevant manager. If there is a need to recruit, recruiting managers must seek approval to recruit from the Director of Strategy and Corporate Services prior to advertising **all** posts, or in her absence from the Director of Education, or in the absence of both parties, their delegates. Approval is sought via uploading the vacancy details, including the job description, person specification, relevant advert text and any other information relating to the terms and conditions specific to the post to be advertised onto JobTrain.
- 14.2 Once the vacancy has been approved on JobTrain, those on the Redeployees' Registers must be considered first in accordance with Section 6. If there is no suitable redeployee, or redeployee who may be suitable with reasonable training, then the Transfer List may be consulted. If there is nobody suitable on the Transfer List, the post may be advertised internally and to supply staff. There may be occasions on which approval will be given to recruiting internally just within the school/College/Service particularly where restructurings are taking place and this will avoid the risk of redundancy. If this does not result in an appointment, then the position may be advertised externally subject to approval from the aforementioned postholders.
- 14.3 Other than in the case of an appointment being made from the Redeployees' Register, "emergency" appointments (**see Section 10**) and posts of responsibility which can only be filled from within the school/Isle of Man College of Further and Higher Education/Service's staff (**see Section 8**), all vacancies shall be advertised internally within the Department of Education and Children before advertising externally with the exception of teaching posts which may be advertised internally and externally simultaneously.
- 14.4 The responsibility for ensuring posts are advertised lies with the relevant recruiting manager.
- 14.5 Where an appointment is not made internally, primary teaching vacancies shall be advertised in the Isle of Man Courier and on the Department website. Secondary teaching, Isle of Man College of Further and Higher Education, specialist service posts and primary headteacher vacancies shall be advertised in the Isle of Man Courier, on the Department website and, where appropriate, in the Times Educational supplement and/or UK specialist publications.
- 14.6 Recruitment advertisements shall normally run for two consecutive weeks, the closing date for applications being between 5 and 10 days after the last advertisement. The closing date for

applications must be stated clearly in the advertisements. Applications will not be considered should they be submitted after midnight (or other time specified) on the closing date for the vacancy.

- 14.7 Internal recruitment advertisements available to Department of Education and Children staff, plus those on the supply/relief lists, are uploaded on to the IOM Government website.
- 14.8 For the Island's newspapers, recruitment advertisements shall be included in the Isle of Man Government corporate advertisement and the advert should be raised using Jobtrain.
- 14.9 Recruitment advertisements for off-Island publications, e.g. the Times Education Supplement should supply details about the School/College/Service; the date from which the post is required; what will be expected of the successful candidate; in return, what will be offered by the School/College/Service the contact information for further details; the closing date for applications; and the date(s) when interviews and any other recruitment activities will take place (**See Appendix F – Model Recruitment Advertisement**).
- 14.10 Once the closing date for applications has been reached, a shortlisting meeting shall be arranged.

15. COMPOSITION OF SELECTION PANELS

It is Department policy that all members of selection panels must have received training on Good Practice in the Recruitment, Selection and Retention of Staff offered by the Department's CPD programme or the Recruitment and Selection workshop delivered by the Learning, Educational and Development Division of the Office of Human Resources. Selection panels shall be comprised as follows:

15.1 Secondary Headteacher

The Chair of the Governing Body or his/her delegate, the Chief Executive Officer of the Department of Education and Children or his/her delegate, the Director of Education or his/her delegate and the Director of Strategy and Corporate Services or his/her delegate.

The Chief Executive Officer or his/her delegate chairs the selection panel.

15.2 Primary Headteacher

The Chair of the Governing Body or his/her delegate, the Director of Education or his/her delegate and the Chief Executive Officer or Director of Strategy and Corporate Services or their delegate.

The Chair of the Governing Body or his/her delegate chairs the selection panel.

15.3 Deputy Headteacher - Secondary

The Chair of the Governing Body or his/her delegate, the Director of Education or his/her delegate and the Headteacher.

The Chair of the Governing Body or his/her delegate chairs the selection panel.

15.4 Deputy Headteacher - Primary

The Chair of the Governing Body or his/her delegate, the Director of Education or his/her delegate, a School Improvement Adviser or his/her delegate and the Headteacher.

The Chair of Governors or his/her delegate chairs the selection panel.

15.5 **Assistant Headteacher**

The Chair of the Governing Body or his/her delegate, the Headteacher of the School or his/her delegate, the Director of Education or his/her delegate and a School Improvement Adviser or his/her delegate, if requested.

The Chair of Governors or his/her delegate chairs the selection panel.

15.5 **School Posts below Assistant Headteacher with the exception of secondary teaching posts**

The Chair of the Governing Body or his/her delegate, the Headteacher of the School or his/her delegate, and a Department Officer, if requested. For secondary school appointments, the relevant manager may, at the Headteacher's discretion, be invited to be in attendance to provide specialist advice and questioning.

The Chair of the Governing Body or his/her delegate chairs the selection panel.

15.6 **Teacher – Secondary below Assistant Headteacher**

The Headteacher of the School or his/her delegate and the relevant manager. A Department Officer, if requested, may also attend as may the Chair of the Governing Body or his/her delegate, if requested.

The Headteacher or his/her delegate chairs the selection panel.

15.7 **Advisory Headteachers and Headteachers and Teachers Seconded to the Department**

The Director of Education or his/her delegate, the relevant member of the Education Improvement Service or his/her delegate and an appropriate additional officer.

The Director of Education or his/her delegate chairs the selection panel.

15.8 **Inclusion and Safeguarding Services including Pre-School Assessment Centre and Education Support Centre**

The Director of Inclusion and Safeguarding or his/her delegate, the Headteacher of the School/Head of Service or establishment to which the appointment is to be made, or his/her delegate.

The Director of Inclusion and Safeguarding or his/her delegate chairs the selection panel.

15.9 **Posts with the Music Service and Manx Language Unit**

An Education Improvement Service Officer or his/her delegate and an appropriate additional officer.

The Education Improvement Services Officer or his/her delegate chairs the selection panel.

15.10 **Principal**

The Minister or her/his delegate, the Chief Executive Officer or his/her delegate, the Chair of the Isle of Man College of Further and Higher Education Governing Body or his/her delegate, the Director of Education or his/her delegate and the Director of Strategy and Corporate Services or his/her delegate.

The Minister or his/her delegate chairs the selection panel.

15.11 **Programme Managers or Equivalent Cross-College Managers and Assistant Principals**

The Chair of the Isle of Man College of Further and Higher Education Governing Body or his/her delegate, the Principal or his/her delegate and the Director of Education or his/her delegate. For Programme Manager posts the relevant Assistant Principal with line management responsibility for the Programme Manager may, at the Principal's discretion, also serve on the panel.

The Chair of the Isle of Man College of Further and Higher Education Governing Body or his/her delegate chairs the selection panel.

15.12 **Lecturers and Isle of Man College of Further and Higher Education Management Spine Staff below the Grade of Programme Manager**

The Chair of the Isle of Man College of Further and Higher Education Governing Body or his/her delegate, the Principal or his/her delegate, the appropriate Programme Manager and the relevant Assistant Principal.

The Chair of the Isle of Man College of Further and Higher Education Governing Body or his/her delegate chairs the selection panel.

15.13 **NOTES**

The Teacher/Lecturer member (including if a parent governor) of a Governing Body is only permitted to sit as a delegate of the Chair on interview panels for posts up to and including their own level. The student member is not included on selection panels.

16. REFERENCES

16.1 References are obtained by the Office of Human Resources and must be written. Telephone/verbal references and "to whom it may concern" references are not acceptable. For external candidates, a minimum of two references must be obtained, one from the existing/last employer. Referees should be advised that in the event of the applicant making a data subject access request, their reference would be disclosed. References are not obtained for internal candidates.

16.2 The purpose of a reference is to obtain information, in confidence, from a third party, providing a factual check on a candidate's employment history, experience and an assessment of the candidate's suitability for the post in question. The information sought will include length of employment, job title, responsibilities, reason for leaving, etc.

16.3 References may also be used to check factual information in relation to such factors as timekeeping and performance. To ensure that all persons involved in recruitment are confident in the referencing process, it is important that:

- references are fair;
- information is factual and not subjective;
- derogatory remarks are avoided; and
- the information provided does not mislead or misinform the recipient.

16.4 No candidate must commence work prior to all pre-employment checks being completed satisfactorily. This will include receipt of two satisfactory written references for external candidates. **(See Appendix G - Extract from guidance issued on the Chartered Institute of Personnel**

and Development's website providing a brief overview of some legal considerations when preparing or handling references).

17. SHORTLISTING ARRANGEMENTS

17.1 The shortlisting panel should, as far as possible, comprise all of those who will sit on the interview panel. The Chairperson is responsible for ensuring that all panel members are involved in deciding the shortlist of candidates.

17.2 Shortlisting shall be undertaken with reference to the information contained in the application forms using the job description and person specification as the criteria. **(See Appendix H –Guidance on Reading Application Forms and CVs)**. These criteria must be consistently applied to all applicants.

17.3 Using Jobtrain, applicants should be rated on a scale of 0-5 in respect of criterion in each section set out in the person specification, as follows:

- 0 – Does not meet
- 1 – Minimally meets
- 2 – Partially meets
- 3 – Almost meets
- 4 – Fully meets
- 5 – Exceeds

This then produces a points score for each candidate. The candidates with the highest point scores, i.e. those who most closely meet the person specification and post requirements should be shortlisted, subject to work permit requirements. **(See Appendices I – Work Permit Legislation, Policy and Procedures)**.

17.4 Completion of the shortlisting form on Jobtrain is optional, however, the Chairperson should ensure that relevant records of the rationale for shortlisting are adequate to support the panel's decision should it be challenged. Consideration should also be given to the requirements of the work permit applications should a non-Isle of Man Worker be shortlisted (those candidates eligible for a 3a work permit under the Control of Employment Act may be considered alongside Isle of Man workers).

17.5 The Chairperson is responsible for ensuring that:

- Jobtrain is updated to reflect the status of the candidates, both successful and unsuccessful.
- the successful candidates interview times are entered.
- any additional assessment is reflected in the job notes section of the vacancy.
- the status of the job is updated to shortlisted.

17.6 The selection panel should agree on which areas of the person specification each member will cover at the interview. The Headteacher/Principal/Department Officer will then complete an interview schedule accordingly and forward copies to the selection panel members. This should not prescribe all questions in advance as members of the selection panel must be able to ask supplementary questions of candidates. **(See Appendix J - Model Interview Schedule)**.

17.7 It is the responsibility of the Chairperson of the panel to provide feedback to candidates should they request it.

18. SUPPLEMENTARY SELECTION METHODS

18.1 Supplementary selection methods may be used in addition to a recruitment interview. Where supplementary selection methods, for example teaching observations, presentations, etc. are deemed to be necessary, they should be specifically related to the job requirements and should measure an individual's actual or potential ability to fulfil the requirements of the post.

18.2 Such supplementary selection methods must:

- be applied equally to all short listed applicants;
- test the essential skills required for the post, in particular, they should not require an in-depth knowledge of the school/Isle of Man College of Further and Higher Education/ service concerned, which would only be reasonably available to an applicant working in that area; and
- be fair, with the objectives being clearly defined on the outset.

19. INVITING SHORTLISTED APPLICANTS FOR INTERVIEWS

19.1 Shortlisted candidates should be given as much written notice as possible of the time and date of their interview and any other selection event. If, due to unforeseen circumstances, only a short period of notice is possible, contact should be made by telephone in advance of the invitation to interview letter being received. For those required to travel to the Island, details of the arrangements for booking travel and accommodation should be supplied. Correspondence inviting candidates to interviews should state that the appointment of the successful candidate will be subject to satisfactory references, health and police checks and a work permit, if applicable. **(See Sections 16, 26 & 27).**

19.2 It is helpful if shortlisted external applicants are requested to bring their original birth, marriage and any change of name by deed poll certificates, passport, driving licence and qualification certificates to their interview, to be verified by a nominated identity checker and photocopies taken to accompany their DBS application. These can then be forwarded to the Office of Human Resources with the other information for the successful candidate and enables the Office of Human Resources to immediately verify personal and education details, thereby speeding up the appointment of the successful candidate.

STAGE 2 – THE INTERVIEW PROCESS

20. INTERVIEW QUESTIONS

20.1 Interview questions must be related to the requirements and circumstances of the post and must not be of a discriminatory nature. For example, applicants should not be asked questions about their ethnic origin, domestic circumstances or disability. **(See Appendix K - Advice on Avoiding Sex Discrimination in Interviewing Supplied by the Department of Economic Development).**

20.2 The selection panel chair should spend a few minutes on introductory matters seeking to place the candidate at their ease.

20.3 The bulk of the interview time should be spent on obtaining information concerning the career and experience of the applicant and their suitability for the post for which they have applied. In this regard, it is useful to ask open questions, e.g:

“Please tell me about

"How did you cope with?"
"What do you mean?"
"Why?"
"Why not?"
"How?" "In what way?"
"Why do you say that?"
"Could you tell me more about this?"
"Could you explain? "Could you expand on?"
"What do you think about this?"
"How do you feel about ?"

Rather than closed questions, which may simply lead to yes/no answers.

In addition to applicants' ability to perform the duties of the post, the interview should also explore the issues in relation to safeguarding, and promoting the welfare of children, including:

- motivation to work with children and young people;
- ability to form and maintain relationships and personal boundaries with young people;
- emotional resilience in working with challenging behaviours;
- attitudes to use of authority and maintaining discipline;
- gaps in the applicant's employment history;
- any concerns or discrepancies arising from the information provided by the applicant and referees; and
- whether the applicant wishes to declare anything in the light of the requirement for an enhanced police vetting check.

21. FURTHER GUIDANCE FOR INTERVIEWERS

It is helpful if interviewers:

- check at the beginning and end of the interview that the candidate is still interested in the post;
- allow or provide choice of situations/previous events to which a candidate can refer;
- leave candidates time to think;
- listen to answers;
- observe non-verbal signals (**See Appendix L – Reading a Candidate's Body Language and Using Your Own**);
- summarise to check understanding and show interest;
- link questions to previous points and answers from candidates.

22. ACTIONS TO BE TAKEN AT THE CONCLUSION OF THE INTERVIEWS

22.1 Each member of the selection panel should enter their markings for each of the job criteria and produce a total on the person specification/interview assessment form.

22.2 At the conclusion of the interviews, the selection panel should compare markings on the person specification/interview assessment form and discuss any discrepancies, in order that a single assessment form may be completed by the Headteacher/Principal/Department Officer for each candidate on the e-recruitment system, Jobtrain. This forms the record for the assessment of the candidate, which can be compared with those for other candidates to assist in the choice of the most suitable candidate for the post. This documentation also provides information for feedback to unsuccessful candidates, will be valuable in the event it was alleged that the selection progress was

in some way flawed or unfair and, in the event that the successful candidate requires a work permit. For work permits, the person specification/selection panel assessment forms for both the successful candidate and any unsuccessful Isle of Man Worker candidates will be required by the Work Permit Office.

STAGE 3 – FOLLOWING THE INTERVIEWS

23. COMPLETION OF THE NEW APPOINTMENT DOCUMENTATION

- 23.1 The Headteacher/Principal/Department Officer will complete the new appointment form for the successful candidate on the e-recruitment system, Jobtrain.
- 23.2 If applicable, verified copies of photographic ID and/or Qualifications and completed Relocation Forms in **Appendix D** should be forwarded by the Headteacher/Principal/Department Officer to the Employment Services Team, Office of Human Resources, via email.
- 23.3 Where the successful candidate requires a work permit, the Headteacher/Principal/Department Officer of the recruitment panel will provide a report within 5 working days of the interview to support any Work Permit Application (excluding applications under section 3a of the Control of Employment Act). Guidance on the required contents of such a report can be obtained from staff of the Office of Human Resources.

24. SALARY ON APPOINTMENT

- 24.1 For teachers, the salary on appointment shall be in accordance with the Pay Policy for Teachers.

25. NOTIFYING UNSUCCESSFUL APPLICANTS

- 25.1 It is the responsibility of the Headteacher/Principal/Department Officer to contact both the successful and unsuccessful candidates, in order to advise them of the outcome and offer unsuccessful candidates feedback, preferably by telephone. This should take place as soon as possible after the interviews. Feedback must be handled sensitively and should be based on the information recorded on the person specification/selection panel assessment forms. It should cover the candidate's strengths and weaknesses in relation to the person specification criteria for the job for which they have been unsuccessful. Guidance should be offered to assist the candidate in their personal development and with future job applications.

Headteacher/Principal/Department Officer must update Jobtrain with all the completed documentation (new appointment form for the successful candidate and interview assessment form for each candidate) after the shortlisted candidates have been verbally advised of the outcome of the interview. The Chairperson of the recruitment panel has ultimate responsibility for recruitment decisions and ensuring fairness. Completed documentation should be of a standard to demonstrate so far as possible that a fair process has been followed and decisions made on an objective basis in relation to the criteria set on the person specification.

- 25.2 The rejection process is as important as the appointment process as, whilst a candidate may have been unsuccessful for the post in question, he/she may be highly suitable for a future vacancy and the method of his/her rejection will strongly influence whether or not he/she applies for future posts.
- 25.3 In accordance with the Data Protection Act 2002, information on unsuccessful candidates should not be held for longer than 6 months from the date of the appointment being made. During this time a

candidate could make a data subject access request to view all information held on a recruitment file regarding them, which may include references.

26. HEALTH CHECKS

- 26.1 All appointments are subject to a satisfactory health check. This involves the completion of a pre-employment health screening questionnaire which is submitted to the Occupational Health and Safety Service of the Department of Health and Social Care by the Office of Human Resources. A medical examination may also prove necessary.
- 26.2 An x-ray is only required should there be evidence of persistent respiratory illness or epidemiological factors suggesting a risk of pulmonary tuberculosis, or if there are other specific reasons that the Medical Adviser finds applicable.
- 26.3 Should a medical examination be necessary and if attending the Occupational Health and Safety Service is impracticable, as may be the case of off-Island candidates, they will be asked to arrange to have their medical examination at the Occupational Health Department of the hospital closest to their present address.
- 26.4 Teachers and lecturers must not take up appointments without medical clearance.

27. DISCLOSURE AND BARRING SERVICE CHECKS AND TEACHER STATUS CHECKS

- 27.1 The Rehabilitation of Offenders Act 2001 does not apply in respect of teaching and lecturing positions and information about all convictions in the Isle of Man or elsewhere must be stated in the job application form, whether or not they are treated as "spent" by the Act.
- 27.2 Teaching and lecturing appointments are subject to a satisfactory check that the successful candidates have no criminal convictions that would render them unsuitable for work with children. Checks are also made on the records of people working with children, young people and/or vulnerable adults.
- 27.3 Teaching appointments for candidates new to the Department are subject to a satisfactory teacher status check to check if the candidate is prohibited from teaching. Prohibition Orders are issued by the UK Secretary of State. This check will be carried out using the Department for Education's Employer Access Online Service.
- 27.4 Teachers and lecturers must not take up appointments without a satisfactory DBS check unless a prior risk assessment has been undertaken by the Department's Director of Strategy and Corporate Services, the Director of Education or the Chief Executive, or their delegates. Risk assessments can only be undertaken when all other checks have been completed satisfactorily.

28. CONDITIONS OF SERVICE

- 28.1 Teachers are subject to the provisions of the Terms and Conditions of Service for Teachers, lecturers are subject to the provisions of the Terms and Conditions of Service for Lecturers.

29. THE OFFICE OF HUMAN RESOURCES RESPONSIBILITIES IN RELATION TO RECRUITMENT

- 29.1 Once the record on Jobtrain for the successful candidate for a post is updated, it is the responsibility of the Office of Human Resources to issue the offer of employment to the successful candidate. This

is issued by letter or email, with the necessary enclosures and ensuring that all the necessary pre-employment checks are completed satisfactorily prior to confirming the appointment.

29.2 The following information is enclosed with the offer of employment::

- Written Statement of Particulars of Terms and Conditions of Employment (contract of employment)
- Pre-employment health screening questionnaire;
-
- Personal information pro forma;
- Teachers' Fact Sheet and Superannuation Starter Form;
- Relocation expenses scheme, (if applicable, issued by the school/service concerned);
- Disclosure and Barring Service application form and Isle of Man Vetting Bureau Declaration form, if not already completed
- ;
- Work permit application, if applicable.

29.3 Once all the necessary pre-employment checks have been completed, the Office of Human Resources will issue a confirmation of appointment e-mail/letter is issued, which states the start date of employment.

29.4 Both the offer of appointment and the confirmation are sent to the relevant Headteacher/Principal/Head of Service, and Central Administration Team, in order that Oracle/pay records may be set up.

29.5 Once the confirmation of appointment letter has been issued, the recruiting Headteacher/Principal/Department Officer should ensure that the new employee is contacted and advised as to whom they should report and at what time on their first day in their new post and given details of the induction arrangements.

30. INDUCTION

30.1 It is the responsibility of the line manager for the newly appointed member of staff to ensure that an appropriate induction programme is put in place covering the following areas:

- information about the School/College/Service's policies and procedures;
- provision of the appropriate support for the specific role including meeting any training or other personal development requirements e.g. child protection training etc;
- provision of opportunities for discussion about any aspect of the role or any issues and concerns arising from it;
- setting objectives as per the relevant performance management/appraisal scheme.

FINANCIAL MATTERS

31. CANDIDATES WHO WITHDRAW AT INTERVIEW

31.1 In some instances, candidates visiting the Island for the first time find that the ethos of the school/College/service or even the way of life on the Island is not suited to them.

31.2 If this is the case, and the reasons given by the candidate could not reasonably have been foreseen without having visited the school/College/service area, or the Island, it is usual for the interview panel to recommend that interview expenses are not withheld.

31.3 If the candidate withdraws for reasons which should have been foreseen by the candidate prior to the interview, then expenses are withheld. The candidate is notified of this in the letter of invitation to attend an interview.

32. RELOCATION EXPENSES SCHEME

If a candidate does not reside in the Isle of Man and is appointed to a position with the Department of Education and Children, they may claim relocation expenses and housing assistance, details of which are set out in the Department of Education and Children Relocation Expenses Scheme. (**See Appendix E – Department of Education and Children Relocation Expenses Scheme**). Claims should be submitted to the Department's Finance Division.

33. SALARIES AND SUPERANNUATION

Teachers' salaries (including those for limited term appointments) are in accordance with the School Teachers' Pay and Conditions document and the Department of Education and Children's Pay Policy for Teachers.

Lecturers' salaries are in accordance with the Department of Education and Children's agreement with the Isle of Man College's Joint Negotiating Committee.

Teachers and lecturers are subject to the Teachers' Superannuation Scheme, which is a contributory scheme administered by the Public Sector Pensions Authority, Ground Floor, Goldie House, 1-4 Goldie Terrance, Upper Church Street, Douglas. Accrued service may be transferred from the UK Scheme to the Isle of Man Scheme where the teacher/lecturer is currently working in the Isle of Man. However, Section 24(12)b of the UK Teachers' Pensions Etc (Reform Amendments) Regulations 2006 states that comparable British service does not include service which is pensionable under a superannuation scheme for teachers in public employment in the Channel Islands and the Isle of Man. This affects those who, after 5 years' service, return to teach in the UK, as they will be treated as new members of the UK Teachers' Pension Scheme. A notice to this effect should be included in the information uploaded to Jobtrain with the advert to ensure that those applying for teaching posts from off-Island are aware of this from the outset.

Further details of the Teachers' Superannuation Scheme can be obtained from either the Teachers Pensions Website (www.pspa.im) or alternatively from the booklet "Teachers' Superannuation Scheme (Isle of Man) A Guide for Members."

34. ADVICE AND SUPPORT

Advice and support with all aspects of the recruitment process is available from the Office of Human Resources.

HR Business Partner	686289
HR Adviser	685829
HR Adviser	685778
Assistant HR Adviser	650926
Assistant HR Adviser	687554

TLR Form

This form must be completed by the authorising manager to notify the Office of Human Resources of any TLR appointments, temporary TLR's and where an agreement has been reached to relinquish a TLR.

Name of Employee:	Date of Birth:
--------------------------	-----------------------

Position:	Location:
FTE:	Pay Point:

Please tick the appropriate box:

TLR 1a TLR 1b TLR 1c TLR 1d

TLR 2a TLR 2b TLR 2c TLR 3

Permanent TLR - please state the date amendment is to commence:

Temporary TLR (1 or 2) please tick appropriate box:

Secondment cover Maternity cover

Sick leave cover Vacant TLR pending permanent appointment

Date from: Date to:

Appointment of a TLR3:

Amount:
(£511 – £2,551)

TLR3 Title:
(clearly time-limited school improvement project, or one-off externally driven responsibility)

Date from: **Date to:**

Does the post holder wish to relinquish TLR:

Reason for amendment/additional information:

All correspondence regarding any change of employment details will be via email. If you do not wish to be contacted via email please leave the below email address field blank.

Should this notification not be received in time to make the necessary adjustment in the current month's salary, I agree that any over or underpayment can be recovered/paid in the following month.

Employee's Email Address	Signature	Date
Manager's Name (please print)	Signature	Date

MODEL JOB DESCRIPTION

Post Title:

Isle of Man College of Further and Higher Education/Name of School/Name of Service.

Brief details relating to the features of the School/Isle of Man College of Further and Higher Education/service, i.e. size, location, subject strengths, community links, etc)

Salary Scale:

Purpose of the Post:

This section should provide an accurate but brief statement of the overall purpose and objectives of the post.

Relationships:

This section should explain by whom the employee is managed and what, if any, staff management responsibilities he/she will have.

Main Activities:

This section should describe, in priority order, the main duties and objectives of the post. It is not meant to be an exhaustive list of all tasks but should summarise the main responsibilities.

Key Tasks:

This section should set out the key tasks to be undertaken in the first 12 months of the post.

This job description and the allocation of particular duties and responsibilities may be amended by agreement from time to time and, in any case, will be reviewed by (date)

Signed

Name:

Signed

Name:

Headteacher/Principal/Head of Service *delete as appropriate

MODEL PERSON SPECIFICATION/SELECTION PANEL ASSESSMENT FORM

Post Title:

Isle of Man College of Further and Higher Education/Name of School/Name of Service

Post Summary:

Selection Panel Information

- 0 – Does not meet this criterion
- 1 – Minimally meets this criterion
- 2 – Partially meets this criterion
- 3 – Almost meets this criterion
- 4 – Fully meets this criterion
- 5 - Exceeds this criterion

Attributes	Essential or Desirable	Method of Assessment	Shortlisting Points Scores	Interview Point Scores	Points score for any other selection method used, eg presentation, teaching, observation etc	Comments
Qualifications List essential and desirable qualifications						
Experience This section should cover the types and lengths of essential and desirable experience sought. Care should be taken not to discriminate against certain groups of people (eg women who have taken career breaks).						

<p>Knowledge and Skills This section should cover:</p> <p>Learning and reasoning ability</p> <p>Transferable skills eg communication, interpersonal, organisational and management skills</p> <p>Professional skills related to qualification and experience</p> <p>Specialist knowledge relevant to the post.</p> <p>Safeguarding</p>						
<p>Personal Qualities This section should cover the personal qualities required, eg management roles will require leadership, motivation and influencing skills, assertiveness and the ability to gain the respect of others. It may also be necessary to seek such attributes as reliability and flexibility.</p>						
<p>Circumstances / Interests This section is essentially to</p>						

<p>cover such issues as work permit status (being an IOM Worker should be deemed as desirable), or ability to meet the hours of work of the post.</p> <p>This section may also be used to identify any interests/hobbies which demonstrate one or more of the experience, skills or disposition attributes sought. The criteria must not include reference to such issues as marital status, domestic circumstances, trade union affiliation and occupation of the spouse. Such issues are not relevant to a candidate's ability to perform the job and may be discriminatory.</p>					
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Total Points Score			
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<p>Shortlisted for Interview *delete as appropriate</p>	<p>Yes/No *</p>
<p>Reasons(s) not shortlisted:</p>	

For Interviewed Candidates

Comments taken from references:

Selection Panel Recommendation(s) and if the candidate is not to be appointed the reasons why

Recommendation(s)

Key strengths as they match/exceed the person specification:

Reason for rejection for use in feedback:

Name **Signature** **Date**

EQUAL OPPORTUNITIES GUIDANCE

The Employment (Sex Discrimination) Act 2000 came into force on the Isle of Man on October 17th 2001. This piece of legislation makes it unlawful to discriminate on the grounds of sex or marital status:-

- in the arrangements made for determining who will be offered a job (e.g. interview procedures, selection methods, etc.);
- in the terms on which the job is offered;
- by refusing (or deliberately omitting) to offer a person the job;
- in access to opportunities for promotion, transfer or training;
- in respect of any other benefit, facilities or services provided to employees;
- in relation to dismissal and any other unfavourable treatment to which a person may be subjected.

It is therefore essential to ensure that selection procedures for recruitment, training and promotion are non-discriminatory, and offer equal opportunities to all employees or potential employees irrespective of their sex, marital or civil partnership status. Managers may also be held responsible for any breaches of this Act by their employees in the course of advertising, selection or recruitment, unless they can show that they took all reasonable steps to ensure this discrimination could not happen.

There are different forms of discrimination covered in the Employment (Sex Discrimination) Act which may constitute discrimination in employment:-

a) Direct Sex Discrimination – Treating a person, on the grounds of their sex, less favourably than a person of the opposite sex is, or would be, treated in similar circumstances. For example, refusing a promotion to a female applicant on the grounds that she is pregnant may be direct sex discrimination.

b) Indirect Sex Discrimination – Applying a condition or requirement which, although it is applied equally to both sexes, is such that a considerably smaller proportion of one sex than the other can comply with it and which the person applying it cannot show to be justifiable. Indirect sex discrimination in employment might arise, for example, if an employer required applicants for a job to hold a particular technical qualification which was not often acquired by women and which was not relevant to the job in question. Employers are advised to be particularly wary of discriminating against part-time workers as the majority of part-time workers are female and any less favourable treatment of them may constitute indirect sex discrimination.

c) Direct Marriage Discrimination - This is treating a married person or a person in a civil partnership, on the grounds that he or she is married, or in a civil partnership, less favourably than a single person of the same sex is, or would be, treated.

d) Indirect Marriage Discrimination –Applying a condition or requirement which has the effect of discriminating against a married couple or a couple who are civil partners of each other because considerably fewer people who are married, or in a civil partnership, than single people of the same sex can comply with it, and which the person applying it cannot show to be justifiable. Indirect

marriage, or civil partnership, discrimination might arise where, for example, an employer refused to recruit people who had children.

e) Victimisation – Treating one person less favourably than other because that person has, for example, asserted rights under the sex discrimination legislation, or has helped another person to assert their rights or because it is suspected that the person might do any of these things. For example, a person who has given evidence on a colleague's behalf at the Employment Tribunal ('the Tribunal').

GENUINE OCCUPATIONAL QUALIFICATIONS

In very limited circumstances, Section 9 of the Act provides an exception to the requirements of the Act and allows a job to be restricted to one sex where the sex of the worker is a genuine occupational qualification (GOQ). A GOQ exists when the essential nature of the job, or particular duties attached to the job, may call for a member of one sex. It is lawful to discriminate in recruitment, training, promotion and transfer in a job for which the sex of a worker is a GOQ.

Only the Tribunal or the Court can give an authoritative ruling as to whether or not a GOQ is valid. For example, an individual may bring a claim to the Tribunal if they feel they have been unfairly barred from applying for a post because an employer has unjustifiably claimed a GOQ exists for that post. The Tribunal would look closely at the validity of the GOQ claimed.

ESTABLISHING A GOQ

The following list is **exhaustive**, so reasons not fitting any of the categories, such as administrative convenience, pressure from clients or a desire to correct the balance of the sexes in a workplace, are not valid defences to a sex discrimination claim -

1) Physiology or authenticity (s9(2)(a)) – Where a person of a specific sex is required for reasons of physiology or, in dramatic performances or other entertainment, for authenticity. For example, this GOQ could apply where a man is required to play Father Christmas. This GOQ **cannot** be used to restrict jobs to one sex on the grounds that it requires physical strength or stamina.

2) Privacy and decency (s9(2)(b)) – Where it is necessary to preserve privacy and decency:

- if the job is likely to involve close physical contact (not just physical proximity) with a person of the opposite sex who might reasonably object to the job holder being of the opposite sex; and/or
- the job holder is likely to work in circumstances where people of the opposite sex are in a state of undress or using sanitary facilities and they might reasonably object to the job holder being of the opposite sex.

This GOQ may be used where actual physical contact or close proximity between the sexes may cause embarrassment or offence. However, the specific sex of the person performing the job must be **necessary**, rather than preferable, for doing the job. *For example: a male where the job involves helping men dress or use the toilet.*

3) Private households (s9(2)(c)) – This GOQ may apply where the jobholder will have social or physical contact with a person living in a private home, or the job will entail knowledge of intimate details of such a person's life.

4) Single-sex accommodation (s9(2)(d)(i)) – This very rarely applies as the Tribunal would normally expect facilities to be provided for both sexes.

5) Single-sex establishments (s9(2)(e)) – This GOQ may apply in circumstances where the job is done in a hospital, prison or other establishment for persons requiring special care, supervision and attention where those persons are all of one sex and it would not be reasonable, having regard to the essential character of the establishment, for the job to be done by a member of the opposite sex. *For example, a female worker in a women's refuge.*

6) Personal welfare and counselling (s9(2)(f)) – A GOQ may be claimed where the holder of the job provides individuals with personal services promoting their welfare or education, or similar personal services, which can most effectively be provided by a member of a specific sex. To support this claim the employer will have to show that the nature of the services is directly related to the sex of the person providing them. An employer cannot rely on stereotyped assumptions about a specific sex. *For example, where a female counsellor is needed to provide support for women who have suffered abuse.*

7) Jobs outside the Isle of Man (s9(2)(g)) – A GOQ may be claimed where the job is likely to involve work in a country in which the laws or customs are such that a woman or man could not do the job effectively, or at all. *For example, it may be difficult for a woman to work effectively in certain posts in some Islamic countries.*

8) Married couples and civil partnerships (s9(2)(h)) – A GOQ may be applicable where the 'job is one of two to be held by (i) a married couple, (ii) by a couple who are civil partners of each other, or (iii) by a married couple or a couple who are civil partners of each other'. *For example, in the case of the residential posts of warden and caretaker in a care home for the elderly, S9(2)(h) may allow the restriction of these posts to a married couple.*

The following points should be taken into account when claiming a GOQ:

- 1) GOQs should be identified at the beginning of the recruitment process, **before** the vacancy is advertised.
- 2) If an employer wishes to claim a GOQ he/she must consider what the duties are for which the exemption is to be claimed: a GOQ cannot be claimed unless some or all of those duties are covered by a specific exemption, and an assessment has been made showing that it would be unreasonable to require existing employees of the appropriate sex to undertake those duties. Also it must be shown that those duties must be carried out to achieve the objectives of the job.
- 3) A GOQ exemption cannot be claimed in relation to particular duties if the employer already has sufficient employees who are capable of carrying out the required duties, and whom it would be reasonable to employ on those duties without undue inconvenience (Section 9 (4)).
- 4) Each job for which a GOQ may apply must be considered individually; it should not be assumed that because a GOQ exists for one job it also exist for jobs of a similar nature or in a similar location. The nature or extent of the relevant duties may be different or there may be other employees who could undertake those duties.
- 5) A GOQ can only be claimed where it is **necessary** for the relevant duties to be carried out by a specified sex, not merely because it is preferable.

- 6) A GOQ must be reassessed on each occasion a post becomes vacant to ensure that it can still be validly claimed. Circumstances may have changed, rendering the GOQ inapplicable.
- 7) GOQs are always open to challenge by an aggrieved individual. The burden of proof lies with the employer to establish the validity of a GOQ by providing evidence to substantiate a claim.
- 8) Only the Tribunal or the High Court can give an authoritative ruling as to whether a GOQ is valid.

ADVERTISING A JOB WITH GOQ

1. Advertising the job – It is recommended that a simple statement should be added to the advertisement specifying which GOQ is being used, for example: '*Section 9 (2)(b) of the Employment (Sex Discrimination) Act 2000 applies to this post.*'

2. Responsibility of publishers and advertisers – The Attorney General has the power to take proceedings in the High Court against any party involved in publishing an advertisement which is potentially in breach of the Act. There is a maximum fine of £5,000. However, publishers are not liable if they can show:

- that they relied on a statement from the advertiser (i.e. usually the employer) that publication of a particular advertisement would not be unlawful, and
- that it was reasonable for them to rely on that statement.

3. Written Statements – It is recommended that an employer who wishes to claim that there is a GOQ for a particular vacancy supplies a written statement to the advertiser or agency involved. A person who knowingly or recklessly makes such a statement which is false or misleading is committing an offence under the Employment (Sex Discrimination) Act 2000. The written statement will not prevent a challenge to a GOQ but it may be helpful at a Tribunal or Court hearing. It is good practice for the statement to include:

- i) the GOQ being claimed, the job title and gender restriction;
- ii) the duties of the job that fall under the GOQ, reasons why a person of one sex is needed to do the job, and why it would be unreasonable for them to be carried out by the other sex; and
- iii) if the employer already has employees of the sex in question, there should be an explanation as to why these employees cannot cover the relevant job duties.

Produced by the Equality Adviser, Department of Economic Development



Isle of Man
Government

Reillys Ellan Vannin

DEPARTMENT OF EDUCATION AND CHILDREN

RELOCATION EXPENSES SCHEME

Revised: October 2013

**Department of Education and Children
Relocation Expenses Scheme
Contents**

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RELOCATION EXPENSES SCHEME

1. Scheme Objective

To provide financial assistance towards the cost of relocating from the UK to the Island to those staff who are not normally resident in the Isle of Man and are appointed to a position within the Department of Education and Children.

This Scheme supersedes all previous schemes and does not extend to Civil Service appointments, which are subject to the Relocation Expenses Scheme administered by The Personnel Office of Isle of Man Government on behalf of Government Departments.

2. Eligibility to Claim

All staff on permanent appointments or a fixed term of 3 years or more are entitled to apply ***providing they are not classed as ordinarily resident on the Isle of Man.***

Exclusions:

- The Department scheme does not apply to those staff appointed on a fixed term of less than 36 months, and is applied pro-rata for part time appointments. However, applications may be considered by headteachers on a discretionary basis.
- An employee is unable to claim relocation expenses, including housing assistance, if their spouse or partner has already received expenses or assistance from the Department of Education and Children or another Government Department.

Applications to claim assistance must be submitted to the Department within the first year of appointment. For example:

If an employee is appointed from 1 September 2010, his/her application must be received by the Department before 31 August 2011.

3. Undertaking

The Scheme is subject to the requirement that a member of staff granted assistance under the Scheme must sign an undertaking to repay all or part of the assistance granted in the event of resignation or dismissal, for reasons other than health, from the Department within 3 years of taking up the appointment. If the appointment is not taken up, repayment will be in full.

Wherever possible any repayment will be deducted (with the employee's permission) from salary prior to the employee leaving the Department.

4. Applications

Applications for assistance should be made on the appropriate form (see Appendices) and should be accompanied by the necessary receipts and other documents. They should be forwarded, in the first instance, to the School/Service/IOM College to which the recruit has been appointed.

The form of undertaking should be submitted with the first application and will apply to all future claims for assistance made under this Scheme.

5. Pre-Employment Visits

The scheme provides the following assistance, after the post has been accepted but before the appointment is taken up:

i. Preliminary Visit

An allowance of up to £250 each for the recruit and his/her partner and £125 each for up to 2 dependant children towards the cost of travel to the Island to view housing.

ii. School/Service/College Visit

An allowance of up to £75 per night for accommodation (for a maximum of 2 nights) in addition to the return fare from the recruit's home to the Island to visit the place of the appointment.

iii. Combined Preliminary and School/Service/IOM College Visit

An allowance of up to £325 each for the recruit and his/her partner and £140 each for up to 2 dependant children towards the cost of travel and accommodation for a visit to the Island to view housing and for the recruit to visit the place of appointment.

Note:

The allowances for a preliminary visit and a School/Service/IOM College visit undertaken on different dates may be claimed separately. Where the visits are combined only 1 application form need be submitted.

6. Removal Expenses

The Department will meet 70% of the expenses necessarily incurred in transporting the recruit, their partner and any dependant children and their personal, household and other effects, including one motor vehicle, to the Isle of Man.

(A dependant child is defined as a child in full-time education and under the age of 19 when the recruit takes up the appointment).

Notes:

- Where a private removal firm is to be used, **2 or more** estimates must be submitted, at least one of which should be from an Isle of Man based firm, and any assistance will be calculated on the lowest of these.
- It is the policy of the Department to make payments only on submission of a receipted invoice from the removal firm. Therefore, in order for reimbursement of the removal expenses to be arranged, it is necessary for the recruit to forward all receipts, vouchers, etc in support of the application, in addition to the estimates that have been obtained.
- Claimants may carry out the removals themselves, provided quotes are supplied. Reimbursement will be up to the maximum of the lower quote.

7. Furniture Storage

The Department will meet 70% of the cost of storing the recruit's furniture for a maximum of 13 weeks during their move to the Island. Granting of assistance will be subject to the production of receipts.

8. Housing Assistance

The Scheme will provide financial assistance towards accommodation costs for staff that are appointed by the Department, providing they are not classed as ordinarily resident on the Isle of

Man, are relocating to the Isle of Man and, as a result, are incurring higher property costs on the Island.

- i. Where the recruit has a UK mortgaged property, which is for sale and for which no rental income is received, and is paying either rent or mortgage on an Isle of Man property, assistance to a maximum of £500 per month for a maximum of 2 years may be granted.

Where rental income is received from the UK property, the assistance payable will be less the rental income received.

Where rental income previously received on the UK property ceases, but the property remains for sale, the full amount of assistance may be re-instated.

Where the recruit's UK property is sold within the two-year period of assistance, the assistance may be re-assessed on the basis of rent assistance to a maximum of £200 per month.

- ii. Where the recruit previously rented a UK property immediately prior to relocation and is paying either rent or mortgage on an Isle of Man property, assistance to a maximum of £200 per month in respect of the increase in rent/mortgage for a maximum of 2 years may be granted.
- iii. Where a newly qualified teacher appointed to the Department's staff previously lived in student accommodation or with parents in the UK, is paying either rent or mortgage on an Isle of Man property and provides evidence of the former rental costs involved, assistance to a maximum of £200 per month for a maximum of 2 years may be granted.

(Examples of the calculations of payments are provided in section 9 below)

Payment of Housing Assistance.

Payments will be made on a monthly basis with normal salary for a maximum of 2 years. Such payments will not be liable to Superannuation, Income Tax or National Insurance deductions at source. Staff will, however, be required to declare the full amount of any housing assistance received as a 'benefit in kind' on their Tax Return form each year.

To assist employees in receipt of housing assistance in completing their Tax Return forms accurately, at the end of the financial year, the Finance Division will issue T9 forms detailing the amount of assistance received. Copies of these forms will also be sent to the Income Tax Division of Treasury.

Review

A member of staff who is receiving Housing Assistance will be required to sign a periodic declaration confirming the actual costs involved and all other relevant information and agreeing to notify the Department of any change in circumstances. Failure to provide timely notification of changes may lead to the withdrawal of assistance.

9. Examples of the Calculation of Payments made under the Housing Assistance Scheme:

- i. **Example A – Member of staff still paying a UK mortgage.**

A member of staff has a UK mortgaged property which is for sale and for which no rental income is received and is paying either rent or mortgage on an Isle of Man property.

- UK mortgage is £400 per month
- Isle of Man rent/mortgage is £550 per month
- Housing assistance of £400 per month, the lower figure may be granted.
- The assistance will be paid whilst the UK property remains unsold or up to a maximum of 2 years, whichever is the earlier. The member of staff will be required to provide proof that efforts are being made to sell the property and of the actual mortgage/rent payments made.
- Should the property be sold within the two-year period then the assistance for the balance of the period will be calculated using the method outlined in example B, with the maximum payment being £200 per month.

ii. Example B – No UK property but the member of staff has higher accommodation costs on the Island.

A member of staff who previously rented a UK property for £450 per month immediately prior to relocating to the Island and is now either paying rent or mortgage on an Isle of Man property of £600 per month.

- An allowance of £150 per month calculated on the difference between the two costs, may be granted.
- The maximum amount which may be paid in these circumstances is £200 per month for a maximum of 2 years.

iii. Example C – Newly qualified teachers and staff in special circumstances.

A member of staff has previously lived in student accommodation, or with parents, the rental costs involved (evidence of costs to be provided) valued at £200 per month and is now either paying rent or mortgage on an Isle of Man property of £600 per month.

- An allowance of £200 per month, the maximum amount which may be paid in these circumstances, for a maximum of 2 years.

**DEPARTMENT OF EDUCATION AND CHILDREN
RELOCATION EXPENSES SCHEME**

NAME	.....
ADDRESS (including postcode)	..... ..... .....
Name of School/Service/IOM College visited	.....
Date of Leaving UK	.....
Date of Return to UK	.....
<i>EXPENSES INCURRED</i>		
Boat Fare/Air Fare		£.....
Rail Fare(s)	From: To:	£.....
Buses/Taxis	From: To:	£.....
Car Mileage	.....
Engine Size	.....cc (PTO)	£.....
Accommodation (max. 2 nights)		
At	Date(s).....	£.....
At	Date(s).....	£.....
	TOTAL	£.....
Signature of Claimant	.....
Date	.....
Signature of Headteacher/Head of Service/Principal IOM College		

	
Date	.....
<i>FOR OFFICE USE ONLY</i>		
Total Claim	£.....	
Amount Payable	£.....	
Passed for Payment	.....
Print Name	.....

**DEPARTMENT OF EDUCATION AND CHILDREN
RELOCATION EXPENSES SCHEME
REMOVAL EXPENSES CLAIM FORM**

NAME	.....
ADDRESS (including postcode)	..... ..... .....
Address, including postcode, to send cheque if different from above:	..... ..... .....
Post	.....
School/Service/IOM College	.....
<i>EXPENSES CLAIMED</i>		
Removal expenses, excluding storage		£.....
Storage		£.....
Travel costs for postholder, partner and dependants		£.....
Vehicle cost (1 only)		£.....
	TOTAL	£ _____
Signature of Claimant	.....
Date	.....
Signature of Headteacher/Head of Service/Principal IOM College	.....
Date	.....

FOR OFFICE USE ONLY		
Total Claimed	£.....	
70% of claim	£.....	
Date Passed for Payment	.....
Authorised by	.....

**DEPARTMENT OF EDUCATION AND CHILDREN
RELOCATION EXPENSES SCHEME
APPLICATION FOR HOUSING ASSISTANCE**

Part 1 of 2	
PERSONAL DETAILS	
Name:	.....
Date of Appointment	.....
Post:	.....
School/Service/IOM College	
Amount of Relocation Grant Awarded:	£.....
About your Accommodation on the Isle of Man	
Address (including postcode)	..... ..... .....
Is this accommodation rented or owned?	.....
Amount of rent/mortgage per month	.....
About your Previous Accommodation in the UK	
Address (including postcode)	..... ..... .....
Was this accommodation rented or owned?	.....
Amount of rent/mortgage per month	.....
If the UK property is still owned by you, please also	

answer the following questions:	
Do you receive any rental income and, if so, how much per month?	£.....
If the property is for sale, please state:-	
a) How long the property has been for sale	.....
b) The current sale price	..........
c) How the property is being advertised	
Please provide a copy of the estate agents' contract or other information to confirm that the property is being actively marketed.	
If the property is not for sale, please explain your intentions with regard to the property.	..... ..... .....
Part 2 of 2	
Please detail any other information which is relevant to your application for Housing Assistance.	

Amount of Housing Assistance claimed (per month)	£.....

The completed form should be forwarded to your Headteacher/Head of Service/Principal Isle of Man College for countersigning.

Please ensure that you have submitted the documents relating to your accommodation costs, both in the UK and on the Isle of Man. This may include a rental contract, certified copies of mortgage agreements (UK and IOM where appropriate) and estate agents' contracts.

You should also ensure that you have read and understood the provisions of the Housing Assistance Scheme before submitting this application. Any queries should be directed to the Headteacher/Head of Service/Principal of the IOM College or the Finance Division of the Department of Education and Children, Hamilton House, Peel Road, Douglas, IM1 5EZ.

DECLARATION
I can confirm that I have read and understood this form and that the information which I have provided is true and correct. I understand that, should any of the details change which may affect the amount of assistance paid, I must inform the Finance

Division within 5 working days and that failure to do so may result in the assistance being permanently withdrawn and any overpayment being fully recoverable.

Signed:.....Date:

**Countersigned: Date:
Headteacher/Head of Service/Principal IOM College**

DEPARTMENT OF EDUCATION AND CHILDREN
RELOCATION EXPENSES SCHEME

FORM OF UNDERTAKING

Ihaving been appointed initially to the post of

..... at

.....School/Service/IOM

College for the Department of Education and Children with effect from

.....HEREBY CERTIFY that I am entitled to claim financial assistance

in accordance with the Department’s Relocation Expenses Scheme.

IN CONSIDERATION of the Department granting me financial assistance towards the cost of relocating to the Isle of Man, I **UNDERTAKE** that if within 3 years of the date of my appointment to the above post, I either resign from the Department for reasons other than my health, or am dismissed from such Department, I shall repay to the Department the proportionate amount of the total assistance advanced to me calculated in the manner provided:

- If leaving within 1 year – 100% refund
- If leaving between 1-2 years – 50% refund
- If leaving between 2-3 years – 24% refund

I confirm that I have read and understood the current Relocation Expenses Scheme.

Given under my hand this..... day of201

Signed.....

Signature of Witness.....

Occupation

MODEL RECRUITMENT ADVERTISEMENT FOR OFF ISLAND ADVERTISING

DEPARTMENT OF EDUCATION AND CHILDREN

**ISLE OF MAN COLLEGE OF FURTHER AND HIGHER EDUCATION/NAME OF SCHOOL
OR SERVICE**

**(Details relating to the institution or service, eg size, location, subject strengths and
community links)**

Required for ... (date)

POST TITLE

PAY SCALE

**(This section may also mention the laptops for teachers scheme and that a generous
relocation package is also available)**

Explanation of the post and key responsibilities

e.g An experienced, committed and highly motivated Teacher is required to lead and co-ordinate KS1 at X School, taking a key role in the development and management of the School. The successful candidate will be a member of the Senior Management Team and will also co-ordinate an area of the curriculum throughout the School.

If you can offer us:

List what is being sought with reference to the person specification, e.g:

- *Excellent classroom practitioner skills.*
- *Experience of innovation and curriculum development within a school.*
- *High expectations and the desire to raise standards.*
- *The ability to motivate, lead and support colleagues.*
- *Strong communication skills.*
- *A commitment to working in partnership with parents.*

In return we can offer you:

List what the IOM College of Further and Higher Education/ school can offer, e.g:

- *Polite, well behaved and enthusiastic pupils/students*
- *A supportive Governing Body and parents.*
- *Hardworking staff committed to promoting excellence and enjoyment and willing to develop their roles.*
- *A commitment to training and staff development.*

Further details and an application form may be obtained from *name, post title, address, telephone number.*

Applications should be made online at www.gov.im/jobs

The closing date for applications is *(date)*

Shortlisted candidates will be interviewed on *(date)*

(If there is also to be a presentation, or other selection method employed, this should be stated as well as the date for such event if different from the interview date).

LEGAL CONSIDERATIONS WHEN PREPARING OR HANDLING REFERENCES

The following is an extract from guidance issued on the Chartered Institute of Personnel and Development's website, providing a brief overview of some legal considerations when preparing or handling references:

Employers' liability for references

There is no common law duty on an employer to provide references for a serving or past employee unless there is a term to that effect in the employment contract. However, it is rare for an employer to refuse - partly because it is established practice to do so and a refusal could result in adverse consequences for the employee. (See additional comment in 'Negligence' overleaf).

Defamation

If a reference contains a false or unsubstantiated statement that damages the reputation of the individual, action for damages may result. The risk is not great, since the employer can rely on the defamation defence of 'qualified privilege' based on having a duty (express, implied, moral or otherwise) to the prospective employer and having acted bona fide and without malice. It would be difficult for the employee to prove that the employer acted maliciously. Legal aid is not available for defamation cases so very few cases are pursued.

Deceit

The referee may have a legal liability to the prospective employer. If the referee gave a reference that falsely attributed qualities, or other 'material factors', which were known to be untrue, an action alleging 'deceit' could arise.

The employer would have to show that the individual had been appointed on the basis of the reference, only to find that he/she was unsuitable in respect of a 'material factor' given in that reference. Employers can protect themselves by adding the phrase 'without legal responsibility' to any references given. This makes it clear that new employers rely on the reference at their own risk. However, this will provide no defence against an action for libel and no certain defence against an action for negligence

Negligence

The real risk lies in 'negligence' as shown in *Spring v Guardian Assurance plc* [1994] IRLR 460. Spring had been employed by an estate agent that sold his business to Guardian Assurance. Spring did not get on with his new manager and was dismissed. He applied for other jobs. Guardian Assurance provided references to prospective employers based on information supplied by three Guardian Assurance staff. Prospective employers all rejected Spring due to 'unsatisfactory references'. Spring took legal action. After examination of the evidence, Judge John Lever held there to be no defamation liability because the references were not 'malicious' in content, but they were 'negligent' because, had the 'facts' been checked, they would have been found to be groundless.

Judge Lever also decided that there might be a 'contractual duty' to provide a reference where: the contract was of a class where it is 'natural practice' to require a reference from a previous employer before offering employment, and where the employee could not expect to enter that type of employment without a reference.

Confidentiality

All reference information should be treated as confidential. A failure to do so may mean that the defamation defence of 'qualified privilege' is lost. However, the applicant may apply for a 'disclosure order' in cases where they believe unsatisfactory references led to dismissal, job offers being withdrawn, etc.

Unfair Dismissal

It is inadvisable to give favourable references to employees dismissed on grounds of unsatisfactory performance. Should the dismissal be challenged, the favourable reference may be irreconcilable with the dismissal reason. Notes made during any telephone reference check should be kept on file as they could be used in an employer's defence in cases of alleged unfair dismissal and/or subject to an order for discovery.

Source: CIPD Quick Facts

N.B. The CIPD guidance should not be regarded as an authoritative statement of the law, and in cases of doubt, managers should obtain advice from the Human Resources Unit.

GUIDANCE ON READING APPLICATION FORMS**LAYOUT**

Is it tidy and accurate, suggesting attention to detail and an organised candidate, or crammed, suggesting a chaotic mind?

LANGUAGE

Is it full of management speak, or bland, generic words showing no real personality or originality of thought. Examples of weak words are 'challenge', 'liaised' and 'involved in'. Examples of strong words are 'led', 'handled' and 'managed'.

CHRONOLOGY

Are there any gaps? e.g. 2014-2015, could be December 2014 to January 2015, i.e. just one month!

ACHIEVEMENTS

Does the candidate describe the role or the result?

ORDER OF INFORMATION

Which information is given first and last? Often the least impressive is given last.

INCONSISTENCIES

Does the job title match the job description?

Are the assertions made in the cover letter consistent with the application form or CV?

INTERESTS

What do they say about the applicant's personality?

This should not be taken at face value, for example, there is a difference between being a member of, and having an active role in, a club – one may have a card and sit at home, whilst the other may have considerable motivation.

WORK PERMIT LEGISLATION, POLICY AND PROCEDURES

The Department must ensure compliance with the Isle of Man Control of Employment Acts. There are three categories of applicants under the Control of Employment Acts 1975 – 1990 and the Department has the following policy in respect of each category:

Isle of Man Workers

These are applicants who meet the definition of an Isle of Man Worker in the Control of Employment Acts. These applicants are eligible for appointment in any post without the grant of a work permit.

To qualify as an Isle of Man Worker a person must satisfy one of the following conditions:

- have been born in the Isle of Man;
- have lived in the Isle of Man for at least 10 consecutive years;
- have lived in the Isle of Man for at least 5 consecutive years and not have lived elsewhere more than once in the following 15 years (residence in the Isle of Man before 1963 does not count);
- be married to an Isle of Man worker;
- be the civil partner of an Isle of Man worker;
- have been married to an Isle of Man worker, have lived in the Isle of Man for at least 3 years immediately before becoming widowed or divorced and continued to live in the Isle of Man thereafter;
- be the child of an Isle of Man worker who was serving in the armed forces at the time of birth;
- be the child of a parent who was born in the Island, provided that the parent lived in the Island for their first 5 years;
- have received full time education, either on the Island or elsewhere, whilst normally living in the Island and continuing to live in the Island thereafter.

Applicants Eligible for a 3(a) Work Permit

A 3(a) work permit is automatically granted to a person whose husband, wife or civil partner is already in receipt of a full permit, or who is an exempt person. The permit is granted for a period of 1 year, renewable provided they continue to meet the requirements of this section of the legislation.

These applicants are eligible to be considered for appointment to a post and treated in the same way as Isle of Man workers for the purposes of selection (i.e. the post may be offered to the person who best meets the person specification for the post, irrespective of whether they are an Isle of Man Worker, or are eligible for a permit under Section 3a).

3(a) applicants may therefore be included on shortlists on an equal basis with Isle of Man workers. However, the spirit of the Control of Employment Acts is that Isle of Man workers should be given preference, provided that they are suitable for employment, even though they may not be the best candidate. The intent of the Control of Employment Acts should be borne in mind when recruiting.

Applicants Requiring Work Permits in their Own Right

Applicants who require a work permit are subject to the full conditions of the Control of Employment Acts.

Such applicants may only be considered for appointment if it can be shown that no suitable Isle of Man workers have applied for the post. Therefore, the selection panel must be able to clearly demonstrate that any Isle of Man workers who have applied do not meet the person

specification for the post to such an extent that they would be incapable of undertaking the duties of the post to an acceptable standard within a reasonable timescale (normally 6 – 12 months), even if provided with appropriate training.

Work permits are issued in whatever form the Department of Economic Development sees fit and for whatever period. The length of time for which they are issued may be:

- for a 5 year period, in other words until the person concerned becomes an Isle of Man worker. (This is classed as an 'indefinite' permit);
- for one year or less. This is where Isle of Man workers are not immediately available but it is considered that they may become so;
- for the period requested in the application, if this is not already covered in the previous alternatives. For instance a permit may be granted for a 3 year period to allow for a specific fixed term contract.

APPEAL ARRANGEMENTS

Anyone who is dissatisfied by a decision of the Department of Economic Development can appeal to the Control of Employment Appeal Tribunal. The Tribunal is an independent panel with a legally qualified Chair and two members who represent the interests of employers and employees respectively.

Written notice of appeal should be given to the Tribunal's secretary within seven days of a decision being received. Usually appeals are made by persons who have been refused permits, but they can also be made by Isle of Man workers who can show that they have suffered a definite loss because a permit has been granted.

WORK PERMIT APPLICATIONS AND NECESSARY RECORD KEEPING

When recruitment is undertaken to any post, a detailed record must be kept incorporating:

- an indication of how the vacancy arose;
- copies of the actual printed published advertisements;
- the name of the publication(s) carrying the advertisements, and the dates that the advertisements appeared;
- a list of the names of all applicants for the post which must clearly indicate which applicants are Isle of Man workers and which are not.

Once the closing date for applications for a post has been reached, the total number of Isle of Man and non-Isle of Man applicants must be calculated and recorded. It is important to ensure the required shortlisting and interview assessment forms are completed on the re-recruitment system, Jobtrain.

FACTORS TAKEN INTO ACCOUNT WHEN IT IS DECIDED WHETHER OR NOT TO GRANT A WORK PERMIT

The following factors are taken into account when it is decided whether or not to grant a permit:

- The likelihood of suitable Isle of Man workers being available for the employment concerned. It is sometimes difficult to judge who is suitable, but in general terms it is taken to be someone who is considered to be capable of doing the job to the required standard, not necessarily the best person for the job.
- The likelihood of suitable Isle of Man workers becoming available within 12 months, bearing in mind general employment prospects. In these circumstances a permit may be refused or its length restricted.

- The family circumstances of the person concerned, provided that he/she has been working on the Island for a period of at least 2 years. (A permit is less likely to be refused if the person concerned has shown that he/she has some sort of commitment to the Island, e.g. has Manx-born children, or other family on the Island. He/she may have been in steady employment or may have bought a home).
- The percentage of Isle of Man workers already working for the employer concerned. (In broad terms if an employer shows that most of their workforce is made up of Isle of Man workers, the employer has a better chance of being granted a work permit).
- The size of the family of the person requiring a permit. (If the size of the family is thought to cause a problem to the Island, e.g. due to the cost of child benefit, education, etc a permit may be refused, but this depends also on the security and salary of the employment concerned. Applications where the number of children exceeds three are likely to be refused).
- The character of the person concerned and of his/her family. (The question of criminal convictions of the person concerned is considered and the Work Permit Committee may go on to consider the criminal convictions of his/her family).
- Whether or not the employer has made Isle of Man workers aware of the vacancy. (The employer is expected to give Isle of Man workers a chance of applying for the employment concerned, normally by advertising. The Work Permit Committee takes into account the extent to which this has been done, e.g. in the local press, specialist publications, or through the job centre or an employment agency. The response from local workers and the reasons for their rejection are noted).
- Whether a refusal would be harsh and oppressive to the employee.

WORK PERMIT OFFENCES

It is an offence punishable by a fine and/or imprisonment, for a person who requires a work permit to work without one. It is also an offence to make a false statement in order to obtain a work permit.

Alleged offences are investigated by an Inspector of the Department of Economic Development and prosecutions are brought by the Attorney General.

ARRANGEMENTS ON COMPLETION OF 5 YEARS' RESIDENCE

When a person has completed five years' residence they may apply in writing requesting confirmation of Isle of Man worker status. Once approved, a letter exempting the worker from future work permits is issued.

WORK PERMITS FOR OVERSEAS NATIONALS

All overseas nationals need overseas national work permits with the exception of:-

- an EEA National,
- a family member of an EEA national,
- a citizen of Gibraltar,
- a commonwealth citizen with leave to remain in the UK/IOM on the basis of UK/IOM ancestry,
- a seaman under contract to join a ship due to leave British waters,
- a person employed as a civilian component of NATO Forces,
- a person admitted to the UK/IOM as the dependant of a person settled here, or
- a dependant under another category (under limited circumstances)
- a student (under limited circumstances).

Can your dependants join you in the UK/IOM?

Your spouse can join you as your dependant in the UK/IOM provided:

- he or she is legally married to you,
- he or she has obtained entry clearance to be your dependant before travelling to the UK/IOM,
- you both intend to live together for the duration of your work permit and your marriage is subsisting,
- he or she can be adequately maintained and accommodated without recourse to public funds, or
- he or she does not intend to stay beyond any period of leave granted to you.

Your dependant child can join you in the UK/IOM provided:

- he or she is under 18 years of age;
- he or she is unmarried, has not formed an independent family unit and is not leading an independent life;
- he or she can be adequately maintained and accommodated without recourse to public funds;
- he or she will not stay beyond any period of leave you have been granted;
- both you and your spouse are being issued with entry clearance except where: You are the sole surviving parent, or you have responsibility for the child's upbringing, or there are exceptional reasons for allowing his or her entry and suitable arrangements have been made for his or her care.

Further information can be sought from the Department of Economic Development's website at the link below:-

<http://www.gov.im/ded/workpermits/wpwelcomepage.xml>

MODEL INTERVIEW SCHEDULE**Post:****Isle of Man College of Further and Higher Education/Name of School or Service****Selection Panel:**Name (Chairperson) - *(List other panel members)*

<i>Candidate</i>	<i>Time of interview</i>

AGREED AREAS OF QUESTIONING**Chair**

- Welcome and check that copies of passport, birth, marriage, change of name by deed poll and qualification certificates have been copied and signed that the original one has been seen.
- Introductions
- Explanation of the format for the interview.
- Check that the interviewee is still a firm candidate for the post.
- Explore attraction of post for the candidate.
- Person specification areas – qualifications and experience, including any aspects of the job description of which the candidate does not have experience, or would require training or other support in order to deal with.
- Reasons for any gaps in employment history or discrepancies between information provided in the application and by referees.

2nd Panel Member

- Person specification area – knowledge and skills, including how the candidate would approach the post and questions about how they would handle or have previously handled situations they are likely to encounter in the post.
- The interviewee's attitude to children and young people.

3rd Panel Member

- Person specification area – personal qualities, again including situational questions about how the candidate has handled particular issues, challenges and responsibilities in the past.
- Candidates should also be asked how they would ensure equality of opportunity and inclusion; how they would support pupils/students, colleagues and the curriculum and how they, personally, would wish to be supported.

Chair

- Person specification area – circumstances/interests, including work permit status, and hobbies/interests demonstrating any of the attributes sought.
- Whether the interviewee wishes to declare anything in the light of the requirement for a police check.
- Questions?
- Check that interviewee is still a firm candidate for the post.
- Explain arrangements for notifying of decision and check contact details are correct.
- Thank for attending.

AVOIDING SEX DISCRIMINATION IN INTERVIEWING

1. Avoiding discriminatory questions when interviewing candidates

Whilst interviewers will quite properly wish to satisfy themselves that their chosen candidate can meet the requirements of the job, that need does not countenance unwarranted intrusion into an applicant's personal or family life. Questions should be framed around the needs of the job, and not around the candidate's personal life. The examples given below could naturally be asked of both male and female candidates:-

- *Instead of asking, "who would look after your children if we needed you to work late at short notice?", the interviewer might enquire, "we will sometimes require you to work late at short notice, will that be a problem for you?"*
- *Instead of asking, "How would your husband feel if we asked you to travel away from home on company business?", the interviewer might say, "the job involves travelling away on company business once or twice a month - how would you feel about that?"*

It is often believed that a simple way to avoid discrimination in interview questions is to make sure the same questions are put to all applicants. Whilst this approach may in a general sense provide some protection against accusations of discrimination, it is not foolproof. It may in any event not be practicable, since flexibility in questioning is essential if the detail of a particular candidate's background is to be thoroughly explored. **The overall test of sex discrimination is whether a female applicant was treated less favourably on the grounds of sex than a male applicant was or would have been treated (or vice versa).** Thus, it is not only the questions that are asked, but also the manner in which they are asked, the use to which the answers are put, and the outcome of the interview that may be subject to scrutiny if sex discrimination is alleged by a disgruntled interviewee. Ultimately the decisive factor will be would a particular candidate have been appointed (or short-listed) *but for* his or her sex or marital status? It follows that the assessment of each candidate should be based on factual evidence only, i.e.

- on information about the person's work experience,
- qualifications,
- skills and abilities in relation to the job,

rather than on nebulous factors such as a "gut feeling" that someone would "not fit in" to an existing team which can be notoriously difficult to substantiate or justify.

2. Selection Process

Selection should be carried out systematically and objectively by comparing each application with an employee specification.

Assuming an employee specification (which should have been prepared at the start of the recruitment exercise) has been drafted in accordance with the realistic needs of the job, the selection of the candidate whose background most closely matches its requirements will be a straightforward, objective and rational exercise.

The process of selection should therefore adhere to the same principles of objectivity and consistency as the earlier stages of the recruitment process. Each candidate's skills, experience, qualifications and perceived ability to perform the key tasks and responsibilities of the job should be compared to the criteria defined in the employee specification, and the closest match identified. This should be a logical process free from personal emotion, unexplained hunches

and vague notions that cannot be backed up by concrete evidence. Judgments should be rational, explicable and uninfluenced by irrelevant factors.

3. The implications of rejecting a suitable candidate

If a rejected job applicant takes a complaint of unlawful discrimination to the Tribunal, the onus is on them (in theory) to prove, on the balance of probabilities, that the decision to reject them in favour of another applicant was discriminatory. Absolute proof of discrimination is not, however, required for a case to succeed at the Tribunal.

4. Rejecting a candidate on the grounds of sex or marital status

If, on the face of it, a candidate, has been rejected in favour of someone whose qualifications and experience are inferior to theirs, and who is of the opposite sex, or the tribunal finds that a person of the opposite sex would not have been treated in that way, the tribunal may draw an inference of discrimination.

This does not mean that employers are compelled in every circumstance to appoint the candidate with the strongest background, but rather that recruitment decisions must be capable of being shown to be objective, rational and free from bias.

5. Rejecting a candidate on the grounds of pregnancy

Although it is unlawful to dismiss a woman because she is pregnant, there is no express provision in Manx law covering discrimination on pregnancy grounds in the field of recruitment. Discrimination against pregnant job applicants (and employees) may well be regarded as direct sex discrimination on account of extensive case law from the UK. The primary logic of this is based on the simple fact that only women, and not men, can become pregnant, with the result that only women can suffer discrimination on grounds of pregnancy.

The leading case is that of *Dekker v Stichting Vormingscentrum voor Jonge Volwassen Plus* [1991] IRLR 27, a Dutch case in which the European Court of Justice (ECJ) decided that any unfavourable treatment of a woman for reasons associated with her pregnancy would be direct sex discrimination and contrary to the Equal Treatment Directive. The *Dekker* case concerned a pregnant job applicant who was recommended for appointment but not recruited because the organisation was concerned about the financial consequences and inconvenience that her pregnancy and impending maternity leave would cause.

In the German case of *Mahlburg v. Land Mecklenburg-Vorpommern* ECJ 03.02.00 Case No C-207/98, the ECJ had to rule on an employer's refusal to recruit a pregnant woman to a permanent post because she was unable on account of her pregnancy to take up the duties of the post initially due to statutory health and safety provisions prohibiting women from working in certain types of job. The ECJ concluded that the refusal to appoint the applicant to the post on grounds of her temporary inability to perform the job due to pregnancy was unlawful sex discrimination.

6. Indirect Discrimination – requirements and conditions

It is possible to reject someone for employment because they cannot comply with a requirement or condition, without realising that the requirement or condition itself could have an adverse impact on a specific group because of their sex or marital status.

Examples could include a requirement that the job holder must:

- be available at short notice to work additional hours. This requirement could have a greater adverse impact on women than on men (because in practice more women than men have childcare responsibilities that would prevent them complying with the requirement)

- be able to relocate to another area or travel extensively on company business (which similarly could have an adverse impact on married women/men whose family circumstances may make it impossible or highly impracticable for them to relocate or spend periods of time away from home)

Unless such requirements are necessary for the job, they could be unlawful. It is therefore important to scrutinise thoroughly any conditions and requirements attached to the job to make sure they are necessary for effective performance. This is particularly important if the requirement or condition is likely to place one or other of the sexes at a potential disadvantage.

7. The implications of refusing employment on grounds of the candidate's age

At present there is no legislation on age discrimination in the Isle of Man or the UK. Consequently it is not unlawful to use age as a criterion in selection for employment. Despite this absence of legislative provision, imposing an upper age limit as a criterion for recruitment may, in certain circumstances, be indirectly discriminatory against women on the grounds of sex.

For example, if an employer imposes an upper age limit as a condition for recruitment combined with a requirement to have a minimum number of years of experience, this could place more women than men at a disadvantage, because more women than men take breaks in their careers in order to have children.

Women are thus less likely to have the required amount of experience by the requisite age. The upper age limit could therefore be indirectly discriminatory on grounds of sex unless the employer could objectively justify the need for it.

Managers responsible for recruitment should therefore avoid imposing arbitrary age requirements as there is, in any event, no evidence to suggest that age is a valid predictor of job performance, success in team working or reliability.

8. The importance of keeping records

Records should be kept of why the successful candidate was selected and why the other applicants were rejected. Although there is no compulsion in law for employers to inform unsuccessful candidates why they were not selected (although many may choose to do so out of courtesy), it is important that the company can show the reasoning behind their selection decision if challenged at the Tribunal. A candidate may bring a case to a Tribunal up to **3 months** after the alleged discriminatory act has happened and the Tribunal may request any notes or written material as evidence.

9. Contacts : -

Industrial Relations Officer, Manx Industrial Relations Service, 5th Floor, Victory House, Prospect Hill, Douglas, IM1 1EQ Tel: (01624) 672942.
e-mail: iro@industrialrelations.gov.im

Equality Adviser – December 2003

The leaflet is a guide and has no status in law. It does not cover all the rules for every situation, nor does it provide a full interpretation of the rules. It should not be treated as a complete and authoritative statement of the law. It should be read in conjunction with the Code of Practice that the Department of Economic Development publishes on the legislation.

READING A CANDIDATE'S BODY LANGUAGE AND USING YOUR OWN BODY LANGUAGE

Advice for Interviewers on their Body Language

Ensuring that the person specification for a post is accurate and structuring an interview properly will go a long way towards ensuring that the right decision is taken. However, anything that a recruiter can do to find out more about a candidate will obviously assist.

In listening to someone, only around 20% of the information taken in actually comes from the words they speak. What helps us to properly understand and assess what the other person is thinking and feeling – the remaining 80% – is what we see. This is the person's body language, or indicators, such as: -

- the way the body is angled towards or away from us;
- the way the head and shoulders are held;
- the position of arms in relation to the rest of the body;
- hand gestures;
- eye contact;
- how hands touch the face and rest of the body; and
- facial expressions

Reading and understanding the more obvious body postures, as well as minor visual clues, can help a recruiter understand what is going on in the candidate's mind. However, there can be a temptation to read too much into bodily signs, for example, the person rubbing his or her ear may have an uncomfortable earring; when someone glances away, a reflection may have caught his or her eye; and someone who frowns may simply be concentrating.

It is said sometimes that certain signals indicate that a person is lying – rubbing the side of their nose or pulling an earlobe, for instance. This may, in some cases, be true, but the interviewer should be careful about drawing such conclusions. More questioning would, however, be useful. Cultural differences relating to gestures and eye contact must also be taken into account and movement may also be affected by disability, medical condition or temporary injury. The following may assist in understanding what another person's body language may be telling a recruiter in an interview situation -

Baseline Demeanour

It may be useful during the very early phase of an interview to note what might be the candidate's normal and relaxed posture and facial expression, sometimes called baseline demeanour. This will make it slightly easier to identify other behaviours when the interview becomes more stressful. For example, if a person repeatedly touches his or her face as a normal and uncomplicated habit, it would tend not to indicate specific negative feelings when concentrating and being asked challenging questions. If a person is very relaxed to begin with, however, then starts to exhibit particular movements, it maybe because he or she finds the current topic of discussion difficult.

Confidence and Dominance

An early cue as to the candidate's baseline demeanour and how he or she is feeling about the interview comes from confident and dominant body language. A person who stands and walks erectly, juts his or her chin, maintains raised eyebrows and, when seated, places his or her hands palm down on the table, is a very confident candidate and someone who may well expect to control others. The person specification/selection panel assessment will indicate whether or not this a desirable attribute.

Interest

The candidate who leans forward when seated is showing interest and this will probably be reflected in the directness and immediacy of the discussion. It may be accompanied by direct but comfortable eye contact and hands palm up denoting openness. More common among women than men is tilting the head to one side whilst listening, possibly an unconscious signal of empathy.

Bending Away

Bending or twisting the body away from someone often reveals negative feelings and a wish for distance. It could be that the candidate has negative feelings about the interviewer, the job, the organisation, or the current topic of discussion and this needs to be explored. In some instances, the lower legs and feet may even be turned towards the door reflecting an unconscious desire to escape. The interviewer can either ask supplementary questions on the topic, or be completely open and say "I notice that you are not very happy discussing this".

Crossed Arms

Arms folded over the lower chest or abdomen is sometimes described as a defensive, self-comforting position that people adopt to reduce anxiety or stress. A tightly held position may indicate extremely nervousness, whilst a relaxed arm cross may indicate arrogance or anger. Since the interview is about getting information in an open and honest atmosphere, no useful purpose will be served by allowing a candidate to remain nervous. The interviewer should take steps to reduce these feelings, given the individual time to think and answer questions and encouraging them to "open up". A smile, a light touch of humour, and open body language on the part of the interviewer will help. If the candidate is not nervous try to identify if he or she is defensive or angry and find out why. Ultimately, the individual may just be comfortable sitting with arms crossed – the content of the conversation will help to reveal that.

Red Face

Blushing is a response to unwanted attention, so the candidate who blushes may be simply exhibiting nervousness at the general interview situation, or in talking about a particular topic. The interviewer should probe to find out whether the candidate will be able to cope with the level of attention they will receive in the post for which they have applied.

Eye Contact

Directly looking into someone's eyes is necessary for good communication and shows self-confidence, however the normal time limit for comfortable eye contact is 3 seconds. In natural and relaxed conversations there is intermittent eye contact, but when people disagree this grows less. Eyes that suddenly narrow reveal disagreement, doubt or suspicion, but candidates may narrow the eyes and frown because they are concentrating on how they will answer a question. Similarly, when a candidate's eyes move laterally to the left or right and slightly upwards, this may signal uncertainty, or he or she may simply be thinking about his or her answer to a question, either remembering facts, or responding to an enquiry as to how they would behave in certain situations. Rapid blinking is often a sign of nervousness. In extreme situations, some people will speak whilst facing the interviewer with their eyes closed for a period much longer than a blink. Here, the interviewer needs to probe to find out whether the cause is the interview situation or the topic of discussion, or whether the individual finds all face to face conversation difficult.

Doubt and Uncertainty

There are several cues that signal a candidate is uncertain about something, for example, pursing the lips, shrugging the shoulders, clearing the throat, repeated swallowing, stumbling over words, lateral eye movements or narrowed eyes. These cues should encourage the interviewer to probe more deeply and can usefully followed up by the interviewer with such invitations as "you don't seem too sure about that", or "perhaps you have mixed feelings on this topic".

Self Touch

People unconsciously touch their own face or body when their emotions are aroused, perhaps reflecting a primitive urge to comfort oneself. Touching the lips, nose or ears may indicate that a candidate is not telling the truth, or simply signal uncertainty.

Presentations

Should a candidate be required to make a presentation, their body language can reveal how practiced and how certain of themselves they are. Warning signs include lack of eye contact with the audience or focussing on only one person, repeated fiddling with clothes or hair, hunched shoulders, a defensive stance and a tense, static posture.

Observing body language can enrich our understanding of each other and is a valuable tool in selection situations, provided that the conclusions are treated with caution especially since some candidates themselves may have received body language training.

Interviewers' Own Body Language

Body language works both ways – whether or not an interviewer realises it, he/she will be sending signals to candidates and these may be read on two levels.

For instance, it is easy for a candidate to see the interviewer is interested when he or she leans forward, or has lost interest when he or she turns and looks out of the window. Awareness and control will influence the success of the interview, so recruiters should manage this by taking the following steps:

- Recruiters should be aware of their own posture, movements, gestures, etc and consider how these reflect what they are thinking and feeling.
- Role play will identify useful and counterproductive body behaviours.
- Matching is a useful strategy i.e. adopting a similar sitting position to the candidate can make him or her feel at ease and facilitate productive discussion.
- Be careful about sending out very positive body language messages to candidates as they may draw more optimistic conclusions than is fair.
- Be consistent with candidates.