



# READING SCHOOL

## RECRUITMENT GUIDANCE

This guidance should be read in conjunction with Reading School's Safeguarding Staff Recruitment Policy.

The latest regulations setting out, among other matters, the checks that the governing body of a maintained school in England must make to ensure the suitability of prospective new members of staff at the school are the School Staffing (England) (Amendment) Regulations 2015 enacted by Statutory Instrument – 2015.887. Previously, the School Staffing (England) Regulations 2009 ('the 2009 Regulations') set out, among other matters, the checks that the governing body of an Academy in England must make to ensure the suitability of prospective new members of staff at the school.

The 2015 Regulations amend the 2009 Regulations to reflect changes made by the Protection of Freedoms Act 2012 to the circumstances in which the Disclosure and Barring Service ('DBS') can be asked to carry out checks.

In particular, regulation 3 makes amendments to various definitions and other interpretation provisions for terms and expressions used elsewhere in the 2009 Regulations. Regulation 4 amends regulations 12 and 24 of the 2009 Regulations, which set out the suitability checks for staff who are to be employed in an Academy. Regulation 5 amends regulations 18 and 30 of the 2009 Regulations, which set out the suitability checks for staff supplied to maintained schools by employment businesses.

The effect of the amendments is that an enhanced criminal record certificate will need to be obtained in cases where the proposed new member of staff will be engaging in 'relevant activity' as defined in the regulations (for example, if they will regularly be responsible for supervising children or will regularly have opportunities for contact with children at the school). Regulation 4(2) inserts a new sub-paragraph (3A) into regulations 12 and 24 of the 2009 Regulations requiring a governing body to consider asking the DBS for an update confirming whether the information in an enhanced criminal record certificate is still current.

Regulation 5(4) amends the requirements for supply staff so that an enhanced criminal record certificate older than three months can still be used if the DBS confirms that the information in the certificate is still current.

Regulation 6 makes consequential changes to schedule 2 to the 2009 Regulations, which sets out the information that a governing body must record about the checks made when appointing staff.

While provisions of the legislation referred to in this guidance are not mandatory for academies, the Governing Body adopts this guidance as they represent good practice.

## **Statement of intent**

The Governing Body will at all times act in accordance with the School Staffing (England) Regulations and the School Staffing (England) (Amendment) Regulations 2015 (as amended from time-to-time) and other associated regulations and legislation. At every stage of the appointments process, the governing body is committed to upholding all the principles included in the single equality scheme and the equal opportunities policy. These principles apply to all categories of employees at Reading School.

The Governing Body firmly supports the assertion that without a high quality, committed staff it is not possible to provide the required standards of education for the students of Reading School. Therefore, within its powers, the Governing Body will make every attempt to recruit the best possible candidate for any post in this school, irrespective of the nature of that post. Where necessary, this will include any of the provisions or incentives that feature in the school's pay policy.

At all times, the Governing Body will meet the requirements of and fulfil anti-discrimination legislation, and it will adhere to the highest possible standards in safeguarding, complying with all current regulations and guidance.

Procedures for the appointment of members of staff will be reviewed annually by our personnel/staff committee and an agreed staffing structure will be approved and attached to the pay policy. Any subsequent recommendations regarding this structure will be brought to a meeting of the full Governing Body for debate and approval before any implantation.

All appointments to the school, whether teaching or associate staff, will be subject to satisfactory disclosure and barring service (DBS) checks, and supportive confidential references, which will be taken up immediately after short listing. The Governing Body is committed to the highest standards with regard to child protection because the welfare of the children within our school is of paramount importance. The Governing Body will therefore take all necessary steps to check identity, residency, qualifications, employment history, including reasons for any gaps in employment, and suitability to work with children.

It is recognised that it is essential that at least one person interviewing potential employees, has received officially accredited safeguarding training.

## **Procedures**

Although the Staffing Committee of the Governing Body will oversee all procedures for the appointment of members of staff, governors who are not members of this committee will be afforded opportunities to take an active part in the actual appointment process, where appropriate.

Where a governor's involvement is required, except in exceptional circumstances, not less than five working days notification will be given.

With the exception of the appointment of a new headteacher (see below), or in a situation where the post advertised is a straightforward replacement within the school's agreed establishment and in accordance with its pay policy, the following stages will apply in the appointment process:

- Identification of need.
- Determination of the type of contract.
- Determination of the salary or salary range to be offered.
- Preparation of person specification and concise job description and other necessary documentation.
- Determination of the job search and advertising strategies.
- Determination of closing date.
- Long and/or short listing of applicants for interview.
- Decision on obtaining references and detail to be requested for each candidate.

- Planning the structure of the interview selection day or days.
- Determination of reclaimable expenses. This is particularly relevant in the case of candidates travelling from places outside of the United Kingdom. Normal practice is to pay expenses from the point of entry to the UK.
- The final selection process and the formal offer of appointment.
- Completion of the necessary pre-employment checks (see below).

Note: CEFM recommends that there should always be a panel of at least two interviewers, at least one of whom must have undertaken accredited training on safer recruitment.

## **Pre-employment checks**

The governors will comply with all statutory requirements and consider all other recommendations in respect of pre-employment checks. Before an appointment is made, the governing body should take the following action:

- It is a statutory requirement to carry out an enhanced DBS check for all appointments. The certificates are transferable where the person has worked in the following places during a period which ended not more than three months before the person's appointment:
  - In a school in England in a post which brought the person regularly into contact with children or young persons.
  - In a school in England and was appointed on or after 12 May 2006 and their post did not bring the person regularly into contact with children or young persons.
  - In an institution within the further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons.
- Take up at least 2 references including one from the applicant's most recent employer.
- Consider any capability history that the applicant may have had in the previous two years.
- Consider the applicant's fitness to teach.
- Check that the applicant is not subject to a prohibition order or an interim prohibition order.
- The regulations require that the governing body must also check:
  - The identity of any person to be offered a post.
  - That the person meets all relevant qualification requirements.
  - That the person has a right to work in the United Kingdom.
- Check overseas criminal records where appropriate to applicant.
- Checks should be carried out on the history of previous employment.
- Residency check on current address.
- Undertake a risk assessment should the start date of employment commence prior to a DBS check or reference being received.

Identity checks will be carried out at the interview stage. The DBS provides a full list of ID documents which are required for the purposes of the DBS check, including arrangements for non-EEA nationals. This list can be found on the disclosure and barring service website ([www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)).

In all cases, including cases where the DBS certificate is transferrable, the following documents are requested as a minimum in order to ensure effective and substantive safeguarding procedures. Only valid, current and original documentation should be accepted. There should be a minimum of three proofs of ID, including:

- Photographic evidence and proof of name and date of birth (passport, driving licence or birth certificate). Where no photographic evidence is available, the safeguarding guidance permits birth certificates as evidence, but such circumstances should occur only exceptionally.
- Further proof of name and date of birth (birth certificate, marriage certificate or national insurance card).
- Further proof of address (two recent utility bills or bank statement).
- Documentary proof to support a change of name (this can include a marriage certificate).
- Qualification checks, particularly at degree and/or diploma level, and in relation to any qualification included on the application which is required for the role, for example food hygiene, accountancy, are essential. Only original certificates should be acceptable.
- For qualified teachers, checking of qualifications and recognition by the National College for Teaching and Leadership (NCTL). Any person who teaches in a state-maintained school in England or Wales needs to gain qualified teacher status (QTS), or be registered on an officially recognised initial teacher training (ITT) programme. Academies can employ teachers without QTS if the governors believe they are suitably qualified. Individual academies are responsible for deciding and assessing whether an individual without QTS is suitably qualified to be employed as a teacher.
- Health check – pre-appointment health checks should not be used, but checks after appointment can be initiated if required to determine support for any disability and to verify that a person is not barred on health grounds from working with children.
- Confidential references should be sought before interview wherever possible and should be specific to the individual applicant. All appointments must be subject to receipt of satisfactory references. Questions relating to the health of the applicant should not be asked of referees.
- Reading School ensures checks are made to ensure a person taking up a management position is not subject to a section 128 direction made by the Education Secretary.

## Categories of employees

### **Headteacher**

#### *Advertisement*

The governing body in a maintained school must notify the local Authority (LA) in writing of any vacancy for headteacher. In academies such notification will be made to the trust, however it is likely that the trust will have delegated the responsibility of appointments of staff to the governing body.

Headteacher vacancies are normally advertised nationally, but the School Staffing (England) Regulations 2009 as amended allow variation from this and governing bodies/academy trusts are advised to discuss the situation with their personnel/human resources provider and, in maintained, community and controlled schools, the LA.

Any details of the job or advertisement should indicate the individual school range (ISR) applicable to the post. The ISR should always be reviewed at the time of appointing a new headteacher.

#### *Selection panel*

The governing body/academy trust will set up the selection panel. This function will not be delegated to a committee. There will be at least three governors on this panel, excluding the headteacher. The same panel will be used at both the short listing stage and any interview and must include the governor who has undertaken accredited training on safer recruitment.

#### *Advisory rights – academies*

It is for an academy to determine its own arrangements; there are no advisory rights for LAs.

#### *Qualification*

Headteachers are no longer required to hold the NPQH qualification. In the case of a senior support staff appointment to 'chief executive' there is no requirement for the appointee to hold QTS. It is recommended that governors consider carefully the person specification for the post of headteacher.

#### *Ratification*

The full governing body must endorse the decision of the selection panel.

### **Deputy headteacher and assistant headteacher**

#### *Advertisement*

The School Staffing (England) Regulations 2009 as amended do not require advertisement nationally and accordingly governors will consider the specific circumstances and should consult their personnel/human resources provider should advice be required before making any appointment. Any job details or advertisement should include the 'range of leadership points' that have been agreed for this post.

Where there is difficulty in filling a post, a governing body will consider contracting the services of a specialist recruitment agency, but should take appropriate professional advice on the specification for the contract. The governing body must notify the LA in writing where it identifies either a current or new post of deputy headteacher as one to be filled.

#### *Selection panel*

The governing body will set up a selection panel comprising at least three members, one of whom will normally be the headteacher and ensure that at least one member has accredited safer recruitment training.

#### *Advisory rights – academies*

There are no LA rights in respect of appointments to academies. It is for the governing body to determine whether or not to seek additional professional advice.

#### *Qualification*

Deputy headteachers and assistant headteachers should normally hold QTS, although this is not essential in an academy.

### *Ratification – academies*

An academy sets its own arrangements and it is suggested that those for foundation schools are appropriate.

## **Teachers**

### *Identification of need*

The governing body/academy trust or its personnel/staffing committee (with appropriate delegated powers) will determine whether to fill a post when it becomes available, in accordance with the approved staffing structure.

### *Advertisement*

There is no statutory obligation to advertise teaching vacancies throughout England and Wales. For senior posts, the governing body, or its appropriate committee, may choose to advertise nationally and/or locally. For other posts, the job search and advertising strategy might depend upon the likely interest in the post and/or availability of a suitable 'known' candidate.

### *Notes*

The DFE encourages the delegation of appointments below the leadership group to the headteacher. However, it is for the governing body/academy trust to determine. Interview panels should always comprise at least two appropriate persons, one of whom must have successfully completed accredited safer recruitment training. Any appointment to a post attracting a TLR allowance must be as identified in the staffing structure review. Such appointments may be delegated to the headteacher, but regard should be paid to the strong recommendation of having at least two people on the interviewing panel.

For the appointment of all other teachers and support staff, including newly qualified and unqualified teachers, the selection panel shall consist of the headteacher (or the headteacher's representative) plus at least one other person. Such appointments may be delegated to the headteacher.

There will be occasions when additional members will be invited to join selection panels (with/without voting rights). For example, the involvement of a particular head of department, subject or year group co-ordinator, could prove entirely beneficial in the appointment of a member of that department or team. In foundation and voluntary aided schools, it is for the governing body to determine whether or not to grant the headteacher the right to be a member of some, or all, of the relevant selection panels.

### *Qualification: Education (Specified Work) (England) Regulations 2012*

Teachers employed in LA-maintained schools and non-maintained special schools are normally required to hold QTS or be registered on a recognised initial teacher training (ITT) programme.

Newly qualified teachers must successfully complete an induction period of three terms.

Teachers with a recognised qualification from an overseas authority, ie overseas trained teachers (OTT), but without QTS, may be employed for up to four years, during which time they should seek accreditation as a qualified teacher, subject to the necessary permission to work, where required. OTTs are people who have qualified as teachers in a country outside of the European Economic Area (EEA) and Switzerland and have successfully completed a course of initial teacher training which is recognised by the relevant authorities in their home countries. An OTT is permitted to work as an unqualified teacher for a four year period beginning on the first day the individual taught in a state maintained school or a non-maintained special school in England. It expires exactly four years later regardless of whether the OTT has taught throughout the four year period. The regulation regarding the four year period may vary depending upon the origin of the OTT and further advice can be obtained from the DFE website.

Qualified teachers from Australia, Canada, New Zealand or the USA can apply to the National College for Teaching and Leadership for qualified teacher status (QTS) without undertaking further training or assessment in England. Further information, including applying for QTS, can be obtained from the DFE website.

Instructors (previously unqualified teachers) may be employed but normally precedence should be given to appointing a qualified teacher or a teacher on a recognised training programme. The law changed in September 2008 and the five year period for passing the skills tests was removed, preventing trainees without QTS from going into teaching, save in specific circumstances.

A teacher cannot begin induction until they have been awarded QTS. Any period of induction undertaken before QTS is invalid. There is no longer a category of 'unqualified teacher' who has yet to pass their skills tests because the skills test must now be completed as part of initial teacher training. Instructors and support staff do not have to pass the tests because they do not have the same range of responsibilities and do not have to meet the same standards as qualified teachers.

#### *Those permitted to teach*

From 1 September 2008, the following people can undertake 'specified work' (the way that the law describes usual teaching activity) in maintained schools or non-maintained special schools in England:

- Teachers with QTS.
- Trainee teachers on mainstream or employment-based routes to QTS.
- OTTs who have worked in the UK for less than four years since the first date they did so.
- Instructors.

Staff may be employed to assist or support the work of anyone falling within one of the categories above, subject to their having the necessary skills and being supervised and directed by a qualified teacher.

The governing body can and would normally appoint the candidate recommended by the selection panel.

#### **Associate staff**

The governing body is responsible for the appointment of associate staff. This includes responsibility for grading and remuneration, which should always be in accordance with the academy's policy.

#### *Advertisement*

There are no statutory requirements regarding the advertisement of support staff posts. Therefore, the governing body, the selection committee or the headteacher (with delegated powers) may choose any appropriate means of advertising the post. Frequently, more than one channel for advertising will be appropriate.

#### *Advisory rights*

The director of children's services has no advisory rights in the appointment of support members of staff. However, governing bodies of community schools must consult the appropriate director of the LA and the headteacher (if the headteacher is not a member of the selection committee) before making the recommendation to appoint.

#### *Selection panels*

Note: the DFE encourages delegation of support staff appointments to the headteacher. The governing body should determine and minute its position on this matter. In all cases, it is recommended that the interview panel should comprise at least two people.

For a senior member of the support staff, paid at the principal officer (PO) or senior officer (SO) rate on the NJC pay spine, the selection panel should consist of the headteacher (or the headteacher's representative) plus at least one other person. However, it is recommended that at least two other people, including a governor is involved.

For the appointment of members of the support staff, paid on the NJC pay spine up to scale 6, the appointment will be delegated to the headteacher and the selection panel should consist of the headteacher (or the headteacher's representative) plus at least one other person.

There will be occasions where it would be appropriate to involve relevant line managers/supervisors in appointments.

#### *Qualification*

Apart from the requirement for the governors to be satisfied that the candidate has the necessary physical and mental capacity for the post as advertised, there are no other statutory requirements regarding qualifications for support members of staff. Therefore, where necessary, the selection panel will identify any relevant qualifications appertaining to the post to be advertised and include these as essential criteria in any person specification.

#### *Ratification*

The governing body can appoint the candidate recommended by the selection panel.

### **Boarding Staff**

The appointment of staff for boarding posts is one of the most important tasks that Reading School undertakes. For senior appointments, e.g. Housemaster and Deputy Housemaster/mistress a panel interview should include a member of the Governing Body e.g. Governor responsible for boarding as well as the Headmaster and a member of the Senior Leadership Team or a member of the Boarding Senior Leadership Team. The appointment process must include an interview and may also include other activities including in-tray exercises and supervised visits to boarding in order to assess staff suitability for boarding. Boarders may also be utilised in the appointment process. The appointments for boarding tutors and deputy house staff are made for fixed term periods e.g. three and five years.

### **Supply staff**

Where a person is supplied through an employment business or agency, the governing body must ensure that it receives the following before the person is permitted to begin work as a member of staff at the school:

- Written notification from the employment business in relation to that person that it has made the checks referred to above and in accordance with the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2015.
- Written confirmation that it or another employment business has applied for a DBS check or has obtained a certificate in response to an application made by that or another employment business.
- If the employment business has obtained such a certificate before the person is due to start work at the school, confirmation as to whether it disclosed any matter or information, or whether any other relevant information was provided to the employment business. Where information was disclosed, a copy of the certificate must be provided to the school.

The DBS certificate must have been obtained not more than three months before the person is due to begin work at the school.

Before a person who is offered supply work through an employment business may begin work at the school, the governing body must check the person's identity (see above), regardless of whether or not the employment business made such a check.



## **Useful references**

- The School Staffing (England) (Amendment) Regulations 2015.
- Protection of Freedoms Act 2012.
- The School Staffing (England) Regulations 2009.
- The School Staffing Amendment (England) Regulations 2012.
- The Education (Induction Arrangements for School Teachers) (England) Regulations 2008.
- The School Standards and Framework Act 1998 – schedule 16 and 17.
- The QTS Standards.
- Governors' handbook (all categories of schools), published by the DFE.
- The latest School Teachers' Pay and Conditions Document.
- The National Agreement on Pay and Conditions of Service, published by the National Joint Council for Government Services (NJC).
- The Education Act 2002.