



# Section A

# Recruitment and Selection Checklists for Governors when Appointing Staff

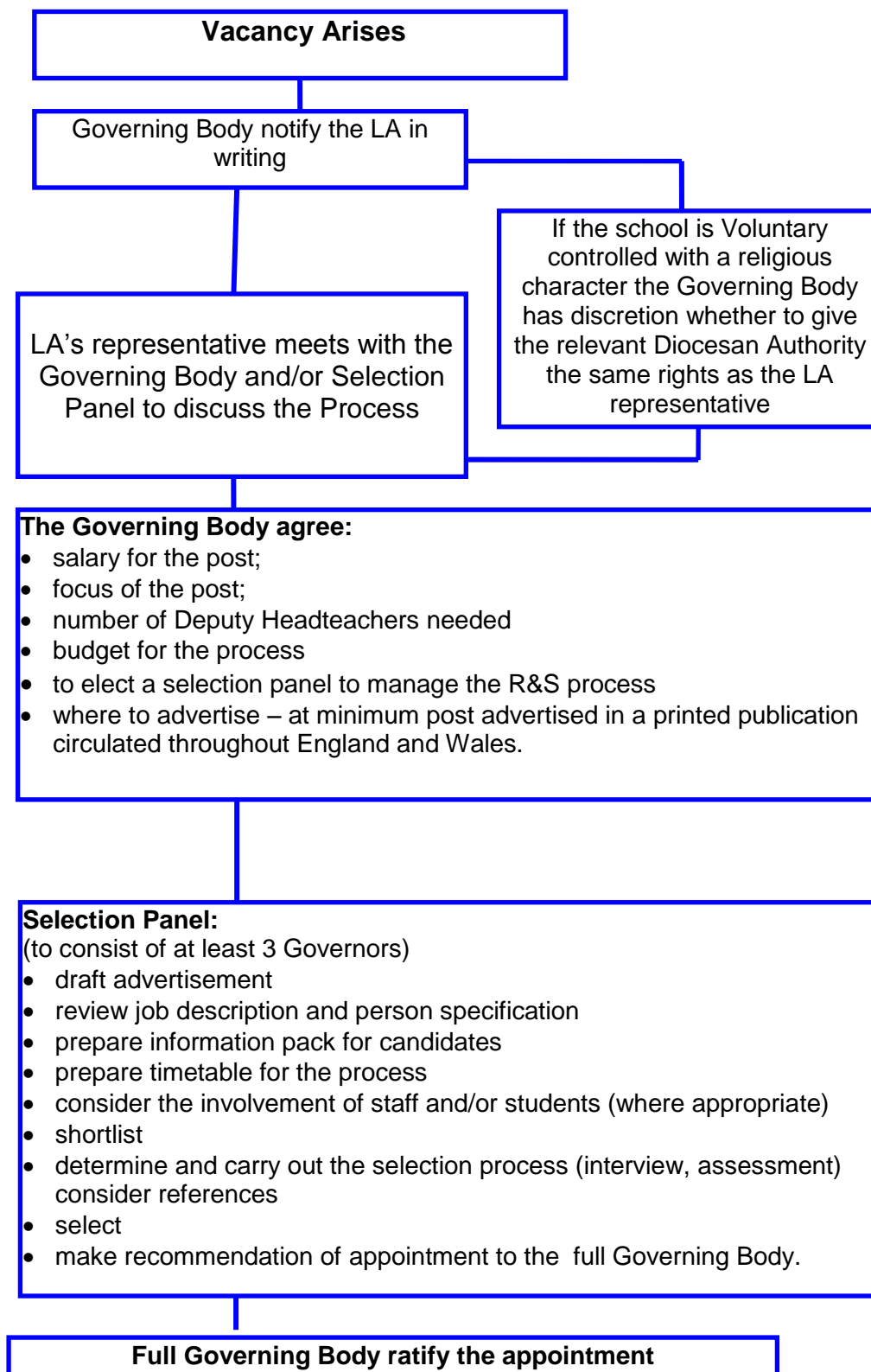
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**Sheffield** *where everyone matters*



## Appointing Heads & Deputies



## 1. Appointment of Headteachers of Schools where the LA is Employer (Community, Voluntary Controlled, Community Special Schools and Maintained Nursery Schools)

- The Headteacher is a Governing Body appointment.

### Governing Body's Role

- To delegate the recruitment procedure to a Selection Panel of a minimum of three members of the Governing Body who manage the entire process. Where schools express a preference they may use the whole governing body as a selection panel, however this is not recommended except in exceptional circumstances.
- No member of the Selection Panel should have any pecuniary or personal interest in who is subsequently appointed to the post.
- The Selection Panel should be given a clear brief by the Governing Body e.g. salary of the post, focus of post, budget for process. The Governing Body should review the Individual School Range (ISR) for the school taking into account the size and circumstances of the school and whether the post is difficult to fill. (See School Teachers Pay and Conditions Document)
- Executive Director (or representative) is entitled to attend and give professional advice at all stages of the procedure, however, only Governors have voting rights.
- It is recommended that any involvement of the departing Headteacher in the process would be at the planning stage and not on the panel.
- If the school is a voluntary controlled school with a religious character, it is at the Governing Body's discretion whether to give the relevant Diocesan Authority the same advisory rights as the Executive Director.
- Governing Bodies must notify the Inclusion and Learning Service of the vacancy **in writing**, as soon as they become aware a vacancy exists. This will ensure that you are in compliance with Section 35(8) and 36(8) of the Education Act in conjunction with the School Staffing (England) regulations 2003 No 1963. This statutory guidance is available at <http://www.legislation.hmsso.gov.uk/si/si2003/20031963.htm>
- The post should be advertised in such a manner as the Governing Body deems appropriate. At the very least it should be advertised in a national publication circulating throughout England and Wales, though this does not necessarily need to be a printed publication.
- The Governing Body of a new or merged school resulting from a reorganisation should advertise head teacher or deputy head teacher posts in a manner the governing body deems appropriate, at the minimum in a national publication circulating throughout England and Wales.
- The Governing Body should consider if acting arrangements are

necessary. It may not be possible for a new appointment to start until they have worked their contractual notice with their last employer.

- If acting arrangements are necessary the Governing Body should decide what they will be. Temporary appointments, temporary acting up arrangements or engagements? When making acting arrangements governors will also need to consider an individual's entitlement to remuneration for 'acting up'.

### **Selection Panel's Role**

see Section B for further information on the following steps;

- draft advertisement
- decide in which media/publications the advertisement is to be placed
- prepare information pack for candidates including updated job description and person specification following a review of the post. Also include school and LA related materials.
- prepare timetable for the process.
- consider the involvement of staff (where appropriate) and how candidates can visit the school and gain information about the school
- shortlist with input from the school's Advisor and with reference to paragraphs 109 to 111 in the Code of Practice on LEA-School Relations (see Appendices)
- determine selection process (an assessment/selection centre followed by interview is recommended)
- prepare selection activities in conjunction with advice from ILS Advisor and HR provider.
- select best candidate through the agreed selection process and check references. Must consider advice of Executive Director/LA Representative.
- The Education Act 2002 requires governing bodies/selection panel to send details of their shortlist to the LA via the Link Adviser. The LA has 7 days to make written representations on this shortlist therefore it is important that references are sought at the earliest opportunity. The governors must consider and reply **in writing** to the LA's comments if they recommend appointing a candidate deemed unsuitable by the LA. The LA will only make representations if it believes the candidate would have a detrimental effect on school performance if appointed.
- Types of concerns that may trigger a formal LA response include; if a candidate is from a school in special measures, serious weaknesses where issues are related to the candidate in an inspection report, performance in National Curriculum assessments or public examinations worsened for reasons attributable to the candidate, the candidate has not worked in the

same phase school, the candidate has inadequate experience for the particular school in question, the candidate has been subject to a pattern of repeated and serious complaints, the LA of candidate's previous school or schools suspended the school's delegated budget for reasons of mismanagement attributable to candidate.

- The final decision should be reached by a vote representing a majority of all the members of the Selection Panel.
- **Appointment**
- A meeting of the full Governing body is necessary to ratify recommendation of the Selection Panel. (Education Act 2002 Staffing Guidance Section). Whilst the Governing Body must appoint a selection panel they must still 'recommend an interviewee to the Governing Body for appointment'. This is outlined in the Staffing Section of the 'Guide to the Law for School Governors'. In order to be quorate the Governing Body needs 50% of the membership to be present.
- The LA must appoint the candidate recommended by the Governing Body unless he/she fails to meet legal requirements on qualifications (or health or is barred from teaching. (see Appendices))
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- Where no appointment is made the Governing Body should re-advertise the vacancy **until a permanent Headteacher fills the post**. In the interim period in such instances, the Governing Body shall either recommend a person for appointment as acting Headteacher, or engage or make arrangements for the engagement of acting Headteacher such appointments/engagements are subject to the same qualification requirements as for Headteacher appointments.

## **2. Appointment of Headteachers of Schools where Governing Bodies are the Employer (Foundation, Voluntary Aided and Foundation Special Schools)**

As per Section A 1 above. The Education Act 2002 states:

- The Executive Director/LA Representative does not have an automatic statutory right of attendance at appointment proceedings. The Governing Body may accord them rights to attend and give advice (subject to any relevant agreement). The coverage of those rights can vary. They do not have to cover the same rights as the Executive Director/LA Representative has for community, community special and voluntary controlled schools.
- If the Governing Body do not agree such rights, the Education Act 2002 entitles the Executive Director/LA representative to seek a determination from the Secretary of State giving them such rights. In making any determinations about advisory rights, the Secretary of State will want to know how the Governing Body will ensure they always have access to high-quality expert advice in making appointments, and their reasons for

concluding that the Executive Director's attendance is not the most appropriate mechanism for obtaining this.

- Where the Executive Director/LA representative is accorded advisory rights, any advice given by them must be considered by the Governors before a decision is made.
- Under the Education Act 2002 and School Staffing (England) Regulations 2003, governing bodies must send details of their shortlist to the LA's Link Advisor even if they have not agreed advisory rights with the LA. The LA has 7 days to make representations on the shortlist. The governors must consider and reply to the LA's comments if they recommend appointing a candidate deemed unsuitable by the LA.
- If the school is a voluntary aided school with a religious character, the governing body must give the appropriate Diocesan Officer the same advisory rights as the Executive Director/LA representative.
- If the school is a foundation school with a religious character, it is at the governing body's discretion whether to give the relevant Diocesan Authority the same advisory rights as the Executive Director/LA representative.

### **3. Deputy Headteachers for Schools where the LA is the Employer**

- This is a Governing Body Appointment. They decide how many, if any, Deputy Headteachers the school should have. It is not a legal requirement for a school to have a Deputy Headteacher.
- Advertising requirements are as per the arrangements for headteachers appointments
- The Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice.
- The same process should be followed as for Headteacher appointment (i.e. a Selection Panel from the Governing Body to be set up).
- The LA has to appoint the candidate recommended by the Governing Body unless they fail to meet legal requirements on relevant staff qualifications or health, or is barred from teaching.
- Where there is no appointment, the Governing Body may decide not to re-advertise the position of Deputy Head.

### **4. Deputy Headteachers for Schools where the Governing Body is the Employer**

As per Section above.

- the Governing Body decide how many, if any, Deputy Headteachers the

school should have and the relevant pay range.

### **Assistant Headteachers**

There is no requirement to advertise these posts nationally. Assistant Headteacher appointments are the responsibility of the Governing Body, it is not the expectation that such appointments are delegated solely to the Headteacher.

### **5. Acting Headteacher and Deputy Headteacher appointments**

- If a Headteacher vacancy will not be filled before the date it falls vacant, the Governing Body is required by the Education Act 2002 to appoint or recommend to the LA for appointment an acting Headteacher.
- For deputy Headteacher vacancies, there is no legal requirement to appoint or recommend an acting deputy Headteacher.
- Alternatively, the governing body may engage a person to provide his/her services as acting head/deputy Headteacher.
- All such appointments/engagements are subject to the same qualification requirements as a Headteacher or Deputy Headteacher appointment and all other pre-recruitment checks
- These actions do not remove the vacancy or the Governing Body's duty to fill the vacancy.

### **6. School Reorganisations and Headteacher and Deputy Headteacher appointments.**

- School reorganisations – the temporary governing body of a new or merged school arising from a reorganisation should normally advertise the posts of Headteacher or Deputy Headteacher in accordance with the procedures laid out in the previous pages.
- However, the Governing Body can decide the Headteacher and Deputy Headteacher posts are “not in effect vacant” and therefore not subject to advertising and selection requirements if the following conditions apply: -
- The new school is formed from immediately pre-existing schools
- For each post there is only one person available for continued employment from the pre-existing schools and their performance is highly regarded by the governing body/LA.
- The person has suitable qualifications, experience and ability
- Schools may also collaborate on such appointments (see section 7)

## **7. Schools collaborating on Staffing Matters**

### **Headteachers and Deputy Headteacher Appointments**

- The Collaboration Regulations (The School Governance (Collaboration) (England) Regulations 2003 allow the governing bodies of 2 or more maintained schools to work together on staffing matters, to make use of the wider help and expertise of other governors, or where they share the services of a member of staff.

Where governing body's agree to collaborate on the appointment of a Headteacher or deputy Headteacher they must:

- Notify the LA and specify the school/schools for which the post applies.
- Appoint a Selection Panel of at least 3 governors taken from any of the collaborating bodies.
- Make proposals for the collaboration's advertising arrangements, and the membership of the selection panel, and put these forward for ratification at both governing body's formal meetings.
- Advertise the post in a manner the governing bodies deem appropriate, at the minimum a national publication, either printed or online.
- Select a candidate in the same manner as for the appointment of Headteachers or Deputy Headteacher.
- Recommendations for appointment should be made to the governing body of the school where the vacancy arises or for shared appointments to each relevant governing body for approval.

### **Teachers and support staff appointments**

Where governing body's collaborate on the appointment of teachers (for appointments exceeding 4 months) they must:

- Draw up a specification for the post, send to LA and specify for which school/schools the post applies.

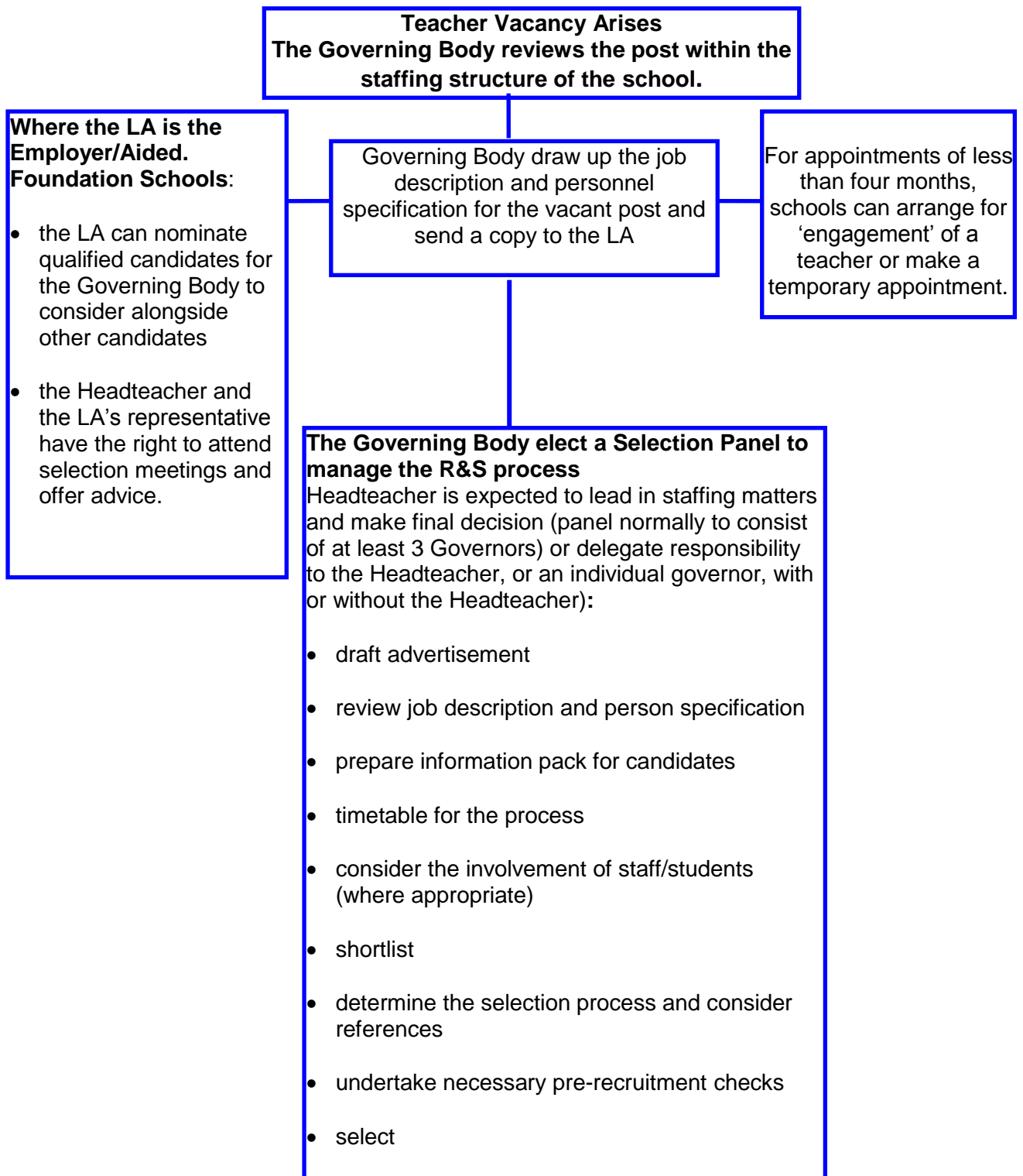
For the appointment of support staff, governing body's must:

- Send a specification for the post to LA with its recommendation of the person to be appointed and specify the school(s) to which the appointment applies.

For both types of appointment the Governing Bodies may delegate the selection process to one or any combination of persons drawn from the Headteachers and governors from the collaborating schools. Proposals for collaboration, advertising arrangements and the delegation of the selection should be put forward for ratification at formal meetings of the governing bodies.



## Appointing Teachers



## **8. Teachers for Schools where the LA is the Employer (Community, Voluntary Controlled and Community Special Schools and Maintained Nursery Schools)**

- There is no legal obligation to recruit when a vacancy arises.
- The Governing Body decide the number of teaching staff and number who have management duties/responsibilities. When a member of staff leaves, the Governing Body decide whether or not to replace them.
- If the Governing Body decides to fill a teaching post (for more than 4 months), they must draw up a person specification for the vacant post and send a copy to the LA.
- The School Staffing (England) Regulations 2003 place an expectation on the Headteacher to take the lead in the selection process.
- However, the governing body may delegate responsibility for the selection process to the Headteacher, individual governors or a group of governors with or without the Headteacher. Irrespective of whichever approach is adopted, the Headteacher maintains the right to attend and offer advice.
- The governing body may also delegate responsibility to an acting head for staffing matters.
- If the Headteacher is unwilling to take responsibility for the selection process and their previous service did not include such responsibilities, the governing body may make decisions without the Headteacher, again the Headteacher maintains the right to attend and offer advice.
- The Headteacher may require training to meet the requirements of their new role in the selection process, therefore the Headteachers level of involvement in staffing matters should be reviewed on an annual basis until they are taking the lead in staffing matters.
- The Executive Director and the Headteacher have the right to attend selection meetings and to offer advice.
- The LA has to appoint the teacher selected by the Governing Body, unless the candidate fails to meet legal requirements on qualifications on health, or is barred from teaching.
- Where a vacancy exists, the LA can nominate qualified candidates for the post, the Governing Body should give proper consideration to these candidates alongside the other applicants.
- The Governing Body must advertise the vacancy unless they decide to accept someone nominated by the LA, or appoint someone already working at the school e.g. where school governors have agreed an internal

restructure, or where a temporary teacher has employment protection rights and is in a potential redundancy situation. In such cases it is suggested that Governors/Headteachers seek advice from HR.

- There is no requirement to advertise if the school decides to accept a teacher already working at the school or LA nominee.
- For appointments of less than four months, schools can arrange for the engagement of a teacher or make a temporary appointment without taking the steps outlined above.
- Engagements are subject to the Education Teacher Regulations 'staffing qualification' requirements and Executive Director advice.
- Governors/Headteachers must check whether the most suitable candidate has qualified teacher status (QTS) in line with the 1993 and 1999 Education (Teacher) Regulations and Teaching and Higher Education Act 1998.
- Where interviews take place prior to student teachers obtaining QTS, offers of appointment must be provisional upon them obtaining QTS. Governors/Headteachers are strongly advised to ask for original certificates of qualification. Upon appointment the Newly Qualified Teacher should be asked for their Career Entry & Development Profile (CEDP). This should be signed by the course leader and academic tutor of the Initial Teacher Training provider.
- Governors should check whether the most suitable candidate needs to serve a statutory period of induction in line with the 1999 Education (Teacher) Regulations, this is mandatory for all Newly Qualified Teachers effective from 7 May 1999. If you have any queries contact CYPS Human Resources.
- If the LA declines to appoint the candidate selected by the governing body, the governing body may select another person for appointment (in accordance with Regulation 14. School staffing (England) Regulations 2003 as amended) including existing applicants.

## **9. Reserved Teachers at Controlled Schools**

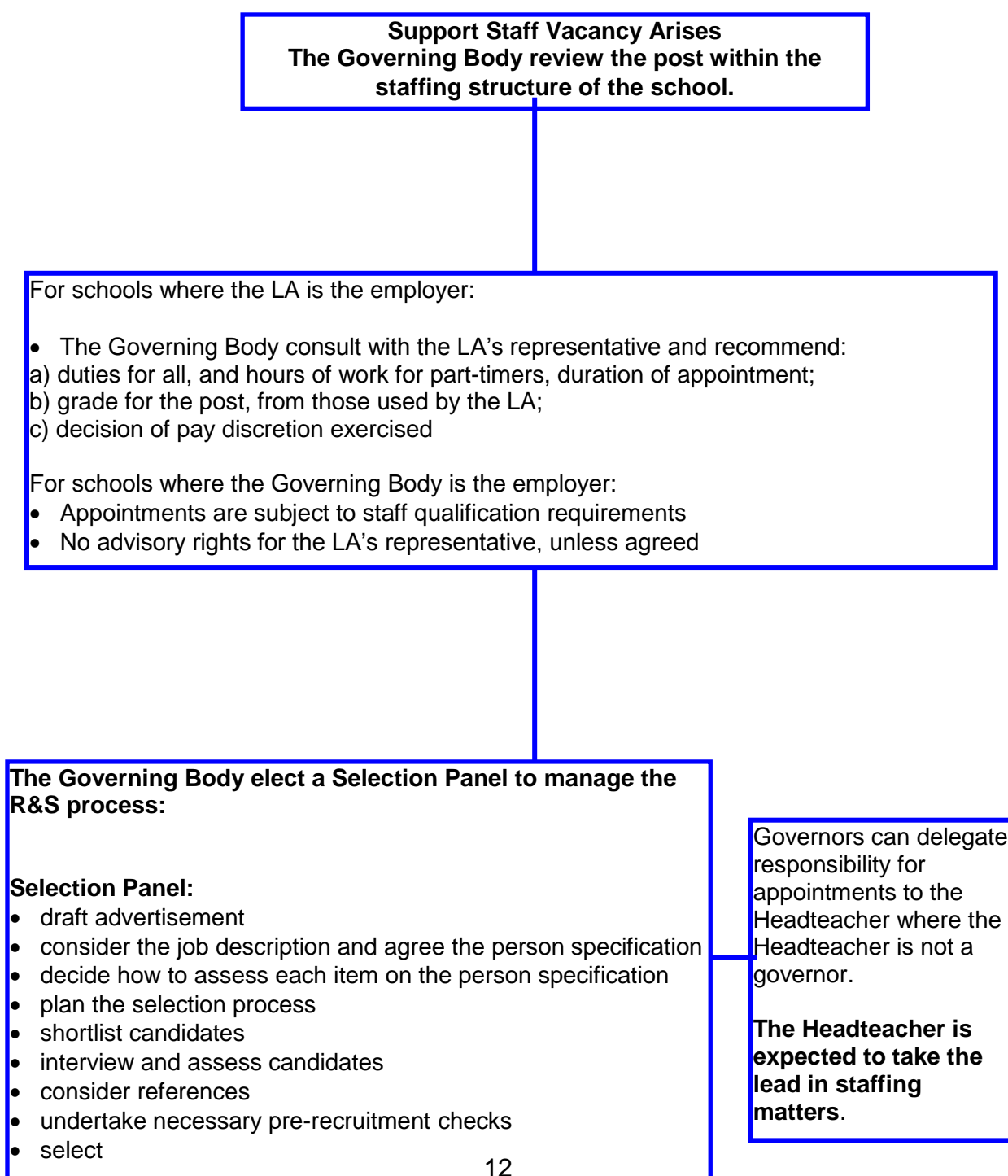
- Foundation Governors have extra rights about appointing 'reserved teachers'. These teachers give religious instruction and must not be appointed unless the Foundation Governors are satisfied they are suitable and competent to do this.
- The Headteacher may not be a reserved teacher, but the Deputy Head may.

## **10. Teachers for Schools where the Governing Body is the Employer (Foundation, Voluntary Aided, and Foundation Special Schools)**

The procedure is the same as in Section 5 other than the Executive Director/LA representative does not have same automatic statutory right of attendance at appointment proceedings.

The governing body may accord them rights to attend and give advice. Where the right to give advice is given this must be considered by governors before decisions are made.

## Appointing Support Staff



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## **11.Support Staff where the LA is the Employer (Community, Voluntary Controlled and Community Special Schools and Maintained Nursery Schools)**

- The Governing Body decide the number of support staff posts and whether or not to recruit to the post where a vacancy arises.
- There are no legal requirements regarding the advertisement of support staff posts, however in any advertisement the governing body should ensure the level of pay is clear and adhere to best practice. Further information related to the construction of advertisements is contained in the publication 'Recruitment Advertising and Marketing' which is available as part of the subscription package.
- There is no legal obligation on the governing body to consult the LA in cases of appointing support staff prior to making a formal recommendation of whom to appoint, however schools are advised to consult the LA where issues over pay/grading may not be straightforward.
- Care should still be taken to adhere to good employment practice and equal opportunities policies. Further information related to this is contained in Section B and Appendices.
- Any appointment of support staff must be made by the governing body unless both they and the LA agree the appointment should be made by the LA.
- The governing body is responsible for deciding who is appointed.
- The Governing Body when making a recommendation to appoint must provide the LA with a job specification which includes:
  - I. duties, hours of work for part-timers, duration of appointment.
  - II. grade and pay. In compiling this information the governing body should refer to NJC job profiles and LA pay and grading structure.
- The LA have the right to make representations after receiving a recommendation, if they have concerns about the pay and grading of a post.

- If within 7 days of receiving the job specification the LA makes written representations to the governing body relating to the grade/pay the governing body must consider the representations, and if the governing body decides to reject those representations it must notify the LA in writing of its reasons. Therefore the Governing Body/Headteacher must not make an offer of employment until the end of this 7 day period.
- LA must appoint a person chosen by the Governing Body to fill a support staff post, unless that person does not meet the relevant legal requirements.
- No support staff should be appointed (in a non-teaching post) unless they meet all staff qualification requirements relative to the post.
- Contracts should be 'open-ended' unless there is a justifiable reason.

### **12.Support Staff where the Governing Body is the Employer (Foundation, Voluntary Aided, and Foundation Special Schools)**

Appointments are as per the procedure for the appointment of support staff where the LA is the employer other than there being no advisory rights for the Executive Director/LA representative, unless the Governors are prepared to grant them.

## **Need arises for volunteers for a role in the school**

The Governing Body elect a selection panel to manage the Recruitment Process – this responsibility can be delegated to the Headteacher.

### **If the school is seeking volunteers from the community**

- Draft advertisement (if required)
- Agree a job description and person specification
- Plan the selection process
- Shortlist candidates
- Interview and assess candidates
- Consider references
- Undertake pre-recruitment checks incl. DBS check
- Select

### **If the school approaches a parent already known to the school**

- Consider References
- Conduct Informal Interview
- Ensure others in the school community know of no concerns and can make a positive recommendation
- Undertake DBS check

### **If an individual is volunteering for a one-off event**

Such measures are not required provided that person is not to be left alone and unsupervised in charge of children

### **Where volunteers from another organisation work in the school**

The school is responsible for ensuring that the organisation the volunteer works for has properly vetted their staff, written confirmation of this is required.

### **13. Use of Supply Staff, Employment Agency Staff, Volunteers and Contract Workers (All Maintained Schools)**

- The Governing Body has the legal right to make temporary or short-term appointments to a post. It also has the legal right to engage someone to fill a vacancy. Engaging usually involves hiring the services of a person provided by an employment agency.
- The Keeping children safe in education guidance states that schools and LAs using supply staff via their own supply lists or employment agencies must check with the relevant supply agency and obtain written confirmation that all the appropriate checks have been undertaken.
- The governing body should also ensure that volunteers and contract workers with regular contact with pupils have not been barred from working with young people. For clarification please refer to the guidance in the Schoolpoint Recruitment Consultancy pages .

### **Addendum: Guidance for Governors and Heads of Residential and Special Schools in respect of the Appointment and Employment of Staff**

The Recruitment and Selection Policy and Guidance Document is based on the City Council's Recruitment and Selection Code of Practice, the Education Act 2002, the School Staffing (England) Regulations 2003, 2009 as amended, the DfES Code of Practice on LEA-School Relations, the Teaching and Higher Education Act 1998, other relevant education legislation, the DCSF Guidance on Safeguarding Children and Safer Recruitment in Education, DfE Keeping children safe in education, Bichard recommendations, other relevant DfES/DCSF circulars, employment law and best recruitment practice.

The Guidance also incorporates recommendations arising from the Warner and Bullock Reports, 'Choosing with Care'. It is advised that the Recruitment and Selection Policy and Guidance should be followed for all appointments. For Governors involved in the recruitment and selection process for residential and special schools your attention is drawn to specific areas.

### **References**

References are one of the vital recruitment and vetting checks as detailed in the Keeping children safe in education guidance.

The Policy and Guidance Document gives detail of the reference process.

Key points:

- Always obtain 2 references for each candidate.
- Never make an offer of appointment until 2 satisfactory references have been received. References should always be obtained from the referee, never



accept testimonials, open references (i.e. 'to whom it may concern' format) or references supplied by the candidate.

- One reference must be from the applicant's current or most recent employer. If this information is not provided the applicant should be asked to provide the details. It is strongly advised not to use a personal referee for the second reference but to obtain a further work reference who can comment on the candidates suitability to work with children. Personal references for the second reference should only be requested if no work history exists.
- It is the responsibility of the school/recruiting manager to ensure references are requested and scrutinised.
- Inform applicants that you reserve the right to approach any previous employer about their character and performance before interview.
- Request following shortlisting and prior to interview process. This permits questions to be asked at interview about the content of any references.
- If you feel a reference is not satisfactory, has not addressed the questions, is vague or is incomplete then the referee should be telephoned and asked to provide written answers or to expand as appropriate. The information given about the candidate should be compared with the application form to ensure the information provided is consistent. Any discrepancy in the information should be queried. Keep a record of any additional conversations with referees.

## **Informal Visits**

Advice for posts in Children's Homes/Secure Units and Residential Schools.

All shortlisted candidates are required to visit the home and meet staff and children in advance of the interview. Information about the interaction on visits between candidates and staff and children should be made available to those involved in deciding the appointment of candidates by a person involved in the appointment process.

## **Making Offers of Appointment:**

Under no circumstances should conditional offers of appointment be made unless the references have been received and are satisfactory. Any reservations or further information required must be checked out before making a conditional offer. Any gaps in employment must have been checked out.

The Policy and Guidance Document gives detail of all necessary pre-recruitment checks.

## **Probationary Period**

Employees who have direct access to children as defined in the Warner Report are subject to a minimum 12 months probationary period of employment. This applies to

both employees joining Local Government Service and internal candidates transferring to such posts.

Heads/Managers should ensure that the performance of individuals is rigorously monitored and documented by the immediate line manager during the probationary period. Confirmation of completion of the probationary period should also be forwarded to your HR provider.

## **Induction**

The Recruitment and Selection Policy and Guidance Document outlines the principles and benefits of good induction. In addition for individuals taking up posts within residential or special schools it is vital that the following areas are included in the induction period.

- Policies, Procedure and Legislative base for work i.e. Children's Act 1989 and legislation relevant to the worksite, statement of purpose, Child Protection Procedures, Complaints Procedures, Whistle Blowing, Disciplinary and Grievance etc.

Practice Issues i.e. knowledge of routine, care plans etc