



# Guidance on managing staff employment in schools

This guidance is intended for:  
Governors  
Head Teachers  
Local Authorities





# Contents

<b>Chapter 1: Introduction</b>	<b>06</b>
<b>Chapter 2: Delegation of authority by the governing body</b>	<b>08</b>
General	08
Schools that have had their delegated budget suspended	10
<i>Community, voluntary controlled, community special and maintained nursery schools</i>	10
<i>Foundation, voluntary aided and foundation special schools</i>	10
Schools that have an interim executive board (IEB)	10
<b>Chapter 3: Local and diocesan authorities' advice</b>	<b>11</b>
Local authority's entitlement to give advice	11
<i>Community, voluntary controlled, community special and maintained nursery schools</i>	11
<i>Foundation, voluntary aided and foundation special schools</i>	11
Diocesan authority advice	11
<b>Chapter 4: Appointing Staff</b>	<b>12</b>
General	12
Type of contract	12
Safeguarding checks	12
Safer recruitment training	13
<b>Chapter 5: Appointing a head teacher or deputy head teacher</b>	<b>14</b>
General	14
Notifying the local authority of the vacancy	15
Advertising the post of head teacher and deputy head teacher	15
Selection panel	15
Local authority representation	16
Action following recommendation by selection panel	16
Schools of Roman Catholic Religious Orders	17
Head teachers of departments	17

<b>Chapter 6: Appointment of teachers other than head teachers or deputy head teachers</b>	<b>18</b>
General	18
Newly Qualified Teachers (NQT)	19
<b>Chapter 7: Appointment of support staff</b>	<b>20</b>
General	20
School Meals Staff	21
<b>Chapter 8: Performance management and dealing with performance issues</b>	<b>23</b>
General	23
Conduct and discipline of staff	23
Head teacher and teacher performance management	23
<i>Teachers undertaking induction</i>	24
Local authority's concerns about the performance of a head teacher	24
Head teacher duties and entitlements and achieving work/life balance	24
Support staff performance management	25
Capability of staff	25
Suspension of staff	25
Dismissal of staff	26
<i>Community, voluntary controlled, community special and maintained nursery schools</i>	26
<i>Foundation, voluntary aided or foundation special schools</i>	26
Appeals against dismissal	26
Redundancies	26
Payments in respect of dismissal	26
General Teaching Council for England (GTCE) referrals	27
<b>Chapter 9: Staff at schools with a religious character</b>	<b>28</b>
Teachers and head teachers	28
Reserved teachers	28
Support staff	28

<b>Chapter 10: Collaborating Schools</b>	<b>30</b>
General	30
Local and diocesan authorities' advice	30
Appointing head and deputy head teachers	30
Appointing a teacher (other than the head or deputy head teacher) and support staff	30
Dismissal of staff	31
<b>Chapter 11: Staffing of new schools</b>	<b>32</b>
General	32
Proposed schools with a delegated budget	32
Proposed schools without a delegated budget	32
<i>Staffing of proposed community, voluntary controlled, community special     and maintained nursery schools</i>	32
<i>Staffing of proposed foundation, voluntary aided, or foundation special schools</i>	32
<b>Annex A</b>	<b>34</b>

## Chapter 1: Introduction

- 1.1 This guidance supersedes the 'Staffing guidance under sections 35(8) and 36(8) of the *Education Act 2002*' ("*the 2002 Act*") and comes into effect on 2 November 2009.
- 1.2 The primary purpose of this document is to give provide guidance on the *School Staffing (England) Regulations 2009* ("*the 2009 Regulations*") by explaining what is required of governing bodies, local authorities and head teachers by the Regulations. Where appropriate, it also gives some guidance on, or pointers to, other Acts and Regulations relevant to the employment of staff in maintained schools.
- 1.3 Unless specified otherwise, any reference in this document to a particular regulation is a reference to that regulation in the *2009 Regulations* and any reference to a particular chapter or paragraph is a reference to that chapter or paragraph in this document.
- 1.4 The term 'foundation schools' also applies to trust schools. A trust school is foundation school with a foundation and no distinction is made between the two arrangements within the *School Staffing (England) Regulations 2009* or this guidance.
- 1.5 Annex A includes useful links to relevant departments' websites, legislation and guidance.
- 1.6 The guidance applies to maintained schools in England and does not cover Wales.
- 1.7 Where legislation (which may be in an Act or in Regulations) imposes a duty on governing bodies, local authorities or head teachers to do something, they must perform that duty. These statutory duties can be identified in this document by the use of the word '**must**'.
- 1.8 Where legislation confers a power upon governing bodies, local authorities or head teachers they may choose whether or not to exercise that power. These powers can be identified in this document by the use of the word '**may**'.
- 1.9 Sections 35(8) and 36(8) of the *2002 Act* impose a duty on governing bodies, local authorities and head teachers to have 'regard to' any guidance issued by the Secretary of State in respect of the regulations made under these sections of the Act. Such guidance is statutory and can be identified in this document by the use of the word '**should**'. The *2009 Regulations* are made under sections 35 and 36.
- 1.10 The use of '**have regard to**' means governing bodies, local authorities and head teachers should follow the guidance unless they have good reason not to do so. **Any decision not to follow the guidance should be documented fully in case it is challenged.** The Guidance can be referred to by claimants in employment tribunals.
- 1.11 The guidance also provides some advice on certain issues that fall outside of sections 35(8) and 36(8) of the *2002 Act*. This advice is not comprehensive and is included primarily to draw attention to other legislation and guidance that needs to be considered, some of which may be statutory guidance. Following the guidance in this document will not relieve governing bodies and local authorities of any duties imposed upon them in their capacity as employers by other legislation.

1.12 Advice can be obtained from:

- Directgov;
- Department for Business, Innovation and Skills (BIS);
- Advisory, Conciliation and Arbitration Service (ACAS); and
- Business Link.

Additional advice can be found in '*A Guide to the Law for School Governors*'.

1.13 This guidance does not deal with the terms and conditions of school staff. Teachers' terms conditions are to be found in the current versions of the "School Teachers Pay and Conditions Document" and the "Conditions of Service for School Teachers in England and Wales" (the "Burgundy Book"). Support staff terms and conditions are to be found in the current version of the "National Agreement on Pay and Conditions of Service" (the "Green Book") and/or their contracts of employment.

1.14 A reference to a vacancy in any post includes a prospective vacancy in the post (*Regulation 3(2)*).

1.15 "Otherwise" than under a contract of employment" means staff employed under a contract for service. This covers those employed by a third party as part of a contracted-out service and those employed on a self-employed basis. With the exception of Chapter 7 (pre-appointment checks), these staff are not covered by this guidance.

## Chapter 2: Delegation of authority by the governing body

### General

2.1 Regulation 4 of the 2009 Regulations allows the governing body to delegate all its functions relating to staff employment in schools with the exception of:

- head teacher duties and entitlements (*Regulation 5*);
- performance of the head teacher (*Regulation 6*);
- establishing procedures for the regulation of conduct and discipline of staff (*Regulation 7*);
- ensuring the correct application of safer recruitment procedures (*Regulation 9*); and
- establishing a selection panel to appoint a head teacher or deputy head teacher (*Regulations 15(3) & 27(3)*).

to:

- the head teacher;
- one or more governors; or
- one or more governors and the head teacher.

2.2 The governing body may also delegate any decisions on whether the head teacher should cease to work at the school, or the power to appoint or dismiss the head teacher, to one or more governors (*Regulation 4(4)*).

2.3 For clarification, where the 2009 Regulations do not allow delegation of a function, a comment is included within the relevant section of the guidance.

2.4 The delegation of functions should be agreed by the whole governing body and reviewed at least annually. When considering whether to delegate to one governor, or to a small group, the governing body:

- should be mindful of the corporate responsibility of all governors for any act in the name of the governing body;
- should be mindful of the corporate responsibility of all governors for any act in the name of the governing body;
- should consider whether one member of the group is a professional; and
- should avoid placing staff governors in a position where they would effectively usurp, or undermine the role of the head teacher as professional adviser to the governors.



- 2.5 When considering whether to delegate to the head teacher, the governing body should consider:
- the regulatory position described in paragraph 2.1;
  - the person's level of experience;
  - whether the functions relate to senior management;
  - whether an appeals process might be compromised;
  - in schools with a religious character, any agreed staffing policies which provide for governor involvement in the interests of preserving the school's religious character;
  - the views of the head teacher; and
  - the desirability or otherwise of so delegating, and the advantages and disadvantages of doing so.
- 2.6 The governing body should also agree under what circumstances the delegated functions will be removed from the head teacher, how the removal will be implemented and who may assume responsibility for the functions that have been removed. Particular issues that should be considered are where:
- a head teacher is subject to suspension, disciplinary procedures, disciplinary sanctions or capability procedures;
  - the local authority has made representations to the chair of the governing body regarding serious concerns about the performance of the head teacher; and
  - the head teacher has failed to abide by the financial limits agreed by the governing body for any school purpose.
- 2.7 The head teacher should have the opportunity to make representations on any decisions to discontinue delegated functions.
- 2.8 The governing body should also agree if, and under what circumstances, delegated functions will be restored and how the restoration will be implemented.
- 2.9 The governing body should consider and agree whether the delegation of functions should continue in the event of an acting head teacher being used or if the deputy head teacher is asked to undertake the duties of the head teacher in the long term absence of the head teacher.
- 2.10 It is recommended that the governing body delegates functions relating to staff appointments outside of the leadership group and all dismissals to the head teacher, unless it thinks this would be inappropriate. Subsequent appeals procedures should be delegated to one or more governors not involved in the original determination in order to provide a greater degree of impartiality.
- 2.11 The governing body should document fully all decisions made, and may want to consider the use of standing orders.

- 2.12 Where functions have been delegated, the person, or persons, to whom the functions have been delegated cannot delegate the functions to another person or persons.
- 2.13 If the functions relating to appointments and dismissals of teachers (other than the head teacher or deputy head teacher) and support staff are not delegated to the head teacher, the head teacher has a right to attend and offer advice at all relevant proceedings. Any advice given must be considered by the governor, or governors to whom the delegation has been made (*Regulation 4(3)*).

### Schools that have had their delegated budget suspended

#### *Community, voluntary controlled, community special and maintained nursery schools*

- 2.14 If a school has had its delegated budget suspended, Part 1 of Schedule 2 to the 2002 Act applies (instead of the 2009 Regulations) for the duration of the suspension (*Section 35(7) of the 2002 Act*). Part 1 of Schedule 2 provides that the local authority must determine the arrangements for the staffing of the school.
- 2.15 The local authority may appoint, suspend and dismiss staff at the school as it thinks fit. If the local authority exercises any of these functions, it must consult with the governing body as it thinks fit.
- 2.16 In relation to reserved teachers at **voluntary controlled schools**, the local authority must apply the provisions set out in Chapter 10, paragraph 10.5.

#### *Foundation, voluntary aided and foundation special schools*

- 2.17 If a school has had its delegated budget suspended, the 2009 Regulations continue to apply, but subject to the provisions of Part 2 of Schedule 2 to the 2002 Act, for the duration of the suspension (*Section 36(7) of the 2002 Act*). Part 2 of Schedule 2 provides that the local authority must determine the arrangements for the staffing of the school.
- 2.18 The governing body must not appoint or dismiss any teacher without the consent of the local authority.
- 2.19 The local authority may give the governing body directions:
- after consulting with the governing body, as to the educational qualifications of the teachers to be appointed for giving secular education;
  - requiring the governing body to dismiss any teacher at the school.
- 2.20 The local authority may give the governing body or, where a trust deed relating to the school provides for someone other than the governing body to be entitled to control the occupation and use of the school premises, the person controlling the use of the premises directions as to the number and conditions of service of people employed at the school for the purposes of care and maintenance of the school premises.

### Schools that have an interim executive board (IEB)

- 2.21 An IEB takes on the responsibilities of the governing body. Therefore, in the case of an IEB, any reference to a governing body should be read as an IEB (*Section 66 of the Education and Inspections Act 2006*).

## Chapter 3: Local and diocesan authorities' advice

### Local authority's entitlement to give advice

*Community, voluntary controlled, community special and maintained nursery schools*

- 3.1 The local authority has a statutory entitlement to send a representative to all proceedings relating to the selection or dismissal of any teacher (including the head teacher and deputy head teacher) and offer advice. If the local authority decides to send a representative they must be allowed to attend (*Regulation 14*).
- 3.2 Any advice offered by the local authority at these proceedings must be considered by the governing body (or those to whom the function has been delegated) when reaching a decision.
- 3.3 All advice offered by the local authority, and decisions made by the governing body in the light of that advice should be fully documented.

*Foundation, voluntary aided and foundation special schools*

- 3.4 The local authority does not have any statutory entitlement to advise the governing body in relation to the appointment and dismissal of teachers (including head teachers and deputy head teachers). However, it may do so where, and to the extent that, an agreement between the governing body and the local authority provides for it to do so. Any agreement must be in writing and give details of what advisory entitlements the local authority has been given (*Regulation 26*).
- 3.5 The governing body may terminate the agreement by giving notice in writing.
- 3.6 Any advice offered by the local authority, in accordance with the agreement, must be considered by the governing body (or those to whom the function has been delegated) when reaching a decision.
- 3.7 All advice offered by the local authority and decisions made by the governing body in the light of that advice should be fully documented.

### Diocesan authority advice

- 3.8 The diocesan authority does not have any statutory entitlement to advise the governing body in relation to the appointment and dismissal of teachers. However, it is recommended that the governing bodies of foundation, voluntary controlled and voluntary aided schools which are Church of England or Roman Catholic Church schools agree, in writing, with the diocesan authority to give it the same advisory rights as the local authority in relation to the appointment or dismissal of teachers at the school.
- 3.9 If an agreement is in place, any advice offered should be considered by the governing body and/or committee or person to whom the functions have been delegated.
- 3.10 All advice offered by the diocesan authority, and decisions made by the governing body, in the light of that advice should be fully documented

## Chapter 4: Appointing Staff

### General

- 4.1 It is recommended that the process for selecting the best individual for the post is agreed at the start of the process and follows best employment practices. This should include the mechanism for choosing those for the short list and the successful candidate. The process should be documented fully and adhered to unless there is good reason not to. If the process is not adhered to, the details and reasons why should be documented fully. Safer recruitment procedures should be used in line with *Safeguarding Children and Safer Recruitment in Education* (see also paragraphs 4.5, 4.6 and 4.7). Governing bodies and those to whom responsibility for making appointments has been delegated may find it helpful to obtain external advice.
- 4.2 Advice on best employment practices can be obtained from ACAS, Directgov, the local authority and the diocese.
- 4.3 A **trust school** is a foundation school with a foundation, and the foundation (or trust) has the opportunity to make its views known through the governors it appoints to the governing body in the same way as the foundations of voluntary schools.

### Type of contract

- 4.4 In the case of **community, voluntary controlled, community special and maintained nursery schools**, where the governing body approves, identifies, selects or recommends a person for appointment, it must determine whether the person is to be appointed (*Regulation 12(1)*):
- under a contract of employment by the local authority;
  - otherwise than under a contract of employment by the local authority; or
  - by the governing body otherwise than under a contract of employment (a contract for service).
- 4.5 In the case of **foundation, voluntary aided and foundation special schools** where the governing body selects a person for appointment, it may appoint that person (*Regulation (24(1))*):
- under a contract of employment with the governing body; or
  - otherwise than under a contract of employment with the governing body (a contract of service).

### Safeguarding checks

- 4.6 Governing bodies must undertake the relevant safeguarding checks when appointing school staff (*Regulation 12 & 24*). Guidance on the checks and the records that must be kept are contained within '*Safeguarding Children and Safer Recruitment in Education*'. It is important that governing bodies refer to this document when recruiting staff. This applies to all schools and to everyone that comes into regular contact with children, including staff employed under contract of service and voluntary staff.

### Safer recruitment training

4.7 With effect from 1st January 2010, the governing body must ensure that (*Regulation 9*):

- any person who interviews an applicant for a post; or
- in the case where a selection panel is appointed for that purpose, at least one panel member, has completed safer recruitment training approved by the Secretary of State.

4.8 It is recommended that the governing body involves the person who has undergone safer recruitment training at all stages of the appointment process.

## Chapter 5: Appointing a head teacher or deputy head teacher

### General

- 5.1 The 2002 Act (*Sections 35(3) and 36(3)*) requires every school to have a head teacher and limits the number of head teachers at a school to one, although the post may be job shared. The head teacher must be paid under the terms and conditions specified in the “*School Teachers' Pay and Conditions Document*”.
- 5.2 The only exception to this is where a school has two, or more, head teachers of department, the individuals holding the posts of head teacher of department may continue in those posts until one of them ceases to hold the post. At that point, all head teacher of department posts cease to exist and must be replaced by a single post of head teacher of the school. Up to this point, each head teacher of department must exercise the functions of the head teacher of a school as if each department were a separate school (*Regulation 6 of the Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003*).
- 5.3 Where there is a vacancy for a head teacher someone must be appointed as acting head teacher, pending the appointment of a head teacher (*Section 35(3) and 36(3) of the 2002 Act*). The use of an acting head teacher is a temporary measure and does not relieve the duty on the governing body to appoint a new head teacher and the governing body should continue to be proactive in filling the vacancy as soon as is practicably possible. The deputy head teacher is not required to undertake the duties of the head teacher pending the appointment of a head teacher.
- 5.4 If the head teacher is absent from the school, the “*School Teachers Pay and Conditions Document*” requires the deputy head teacher to undertake the professional duties of the head teacher as required by the head teacher, the local authority (in the case of community, voluntary controlled, **community special and maintained nursery schools**) or the governing body (in the case of **foundation, foundation special or voluntary aided schools**). This arrangement should only be used short term. Where a headteacher is absent for a long period the governing body should appoint an acting head teacher rather than require the deputy head teacher to undertake the head teacher's duties.
- 5.5 There is no legal obligation for a school to have a deputy head teacher, or any limit on the number of deputies a school may have.
- 5.6 The appointment of head teachers and deputy head teachers in community, voluntary controlled, **community special and maintained nursery schools** is covered by regulation 15.
- 5.7 The appointment of head teachers and deputy head teachers in **foundation, foundation special or voluntary aided schools** is covered by regulation 26.
- 5.8 When making any appointments, due consideration must be given to the requirements of discrimination legislation and should also be given to best employment practices.
- 5.9 Reference should also be made to Chapter 3 in relation to any advice offered by local and diocesan authorities.

## Notifying the local authority of the vacancy

5.10 The governing body must notify the local authority in writing of (*Regulation 15(1) and 27(1)*):

- any vacancy for the head teacher; and
- where it identifies either a current or new post of deputy head teacher as one to be filled.

## Advertising the post of head teacher and deputy head teacher

5.11 The 2009 Regulations specify that the governing body must advertise the vacancy or post in such manner as it considers appropriate, unless it has good reason not to (*Regulations (15(2), 15(7), 27(2) and 27(7))*). It is recommended that the governing body seeks advice from their local authority and diocesan authority, before deciding not to advertise.

5.12 The appointment process should be conducted in a fair and open manner that does not contravene any discrimination legislation and includes safer recruitment measures (see paragraph 4.6 and 4.8). The governing body should consider the most appropriate way of advertising the post. It should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive. A decision not to advertise should only be taken if the governing body can demonstrate there is good reason not to and that it does not leave them open to challenge. All decisions should be documented fully, as the governing body will need to demonstrate that it has acted reasonably if it is challenged.

## Selection panel

5.13 The governing body must appoint a selection panel consisting of at least three of its members, excluding the head teacher. As three is the minimum number of panel members it is possible to have all the governing body on the selection panel. In deciding the size of the panel the governing body needs to be mindful of the possibility that an individual may lodge a grievance against the panel and the fact that in such circumstances the governing body would need to be able to give that person a fair hearing. The appointment of the panel cannot be delegated by the governing body (*Regulations 15(3) and 27(3)*).

5.14 It is the role of the panel to:

- select applicants for interview;
- notify the local authority, in writing, of the names of applicants selected for interview for the post of head teacher;
- interview the applicants selected; and
- where appropriate, recommend one of the interviewed applicants to the governing body for approval.



### Local authority representation

- 5.15 The governing body must send the names of the shortlisted candidates for the post of head teacher to the local authority (*Regulation 15(3)(a) and 27(3)(a)*). It is also recommended that the panel agrees with the local authority what additional information it needs in order to enable it to decide whether to make written representations about any of the candidates
- 5.16 The local authority may then make written representations to the selection panel where it believes an applicant selected for interview for the post of head teacher is unsuitable. If the representations are received within seven days of the authority receiving the notification referred to above the selection panel must:
- consider the representations; and
  - where it decides to recommend an applicant about whom representations have been received, notify the local authority, in writing, of its reasons (*Regulation 15(4) and 27(4)*).
- 5.17 In making representations, the local authority should apply the following principles:
- representations should only be made where the local authority has evidence to believe the candidate, if appointed, would have a detrimental effect on the performance, management or conduct of the school; and
  - where the local authority's representative has attended, and given advice at earlier stages of the appointment process, the local authority:
    - should raise any concerns as soon as possible;
    - should always warn the selection panel if its concerns about a candidate are serious enough for it to make written representations should the selection panel include that candidate on its shortlist for interview;
    - should only make representations to register further concerns later in the process if there are new concerns that have only just come to the authority's attention and so could not have been raised when the selection panel notified it of the candidates for interview.

### Action following recommendation by selection panel

- 5.18 In **community, voluntary controlled, community special and maintained nursery schools**, where the person recommended by the selection panel is approved by the governing body for appointment then, unless they fail the relevant checks, the local authority must appoint that person (*Regulation 15(5)*).
- 5.19 In **foundation, foundation special or voluntary aided schools** the governing body may appoint the person recommended by the selection panel, unless they fail the relevant checks (*Regulation 27(5)*).
- 5.20 If:
- the selection panel does not make a recommendation to the governing body, or



- the governing body does not approve the selection panel's recommendation; or
- in the case of community, voluntary controlled, community special and maintained nursery schools, the authority declines to appoint the person approved by the governing body because they have failed the relevant checks.

the selection panel may carry out the selection process again or, in the case of the last two bullets, recommend an existing applicant identified as being suitable through the current selection process (*Regulation 15(6) and 26(6)*).

### Schools of Roman Catholic Religious Orders

5.21 If the trustees under a trust deed relating to a voluntary aided school are also trustees of a Roman Catholic Religious Order, regulation 34 modifies the selection procedure to be used to fill the post of head teacher. This regulation does not apply to deputy head teacher posts.

5.22 The governing body must:

- notify the local authority of the vacancy in writing;
- notify the Major Superior of the vacancy in writing;
- interview those members of the Order who are proposed as candidates by the Major Superior; and
- appoint one of the persons interviewed, unless they fail the relevant checks or it has other good reason not to make such an appointment.

5.23 If, after interviewing the candidates proposed by the Major Superior of the Order, the governing body decides, for good reason, not to appoint any of them, the standard procedure for appointing a head teacher must be used to fill the post (see paragraphs 5.10 to 5.20).

### Head teachers of departments

5.24 Where a school has two or more head teachers of department, the people holding the posts of head teacher of department may continue in that post until one of them ceases to hold the post. At that point, all head teacher of department posts must cease to exist and must be replaced by a single post of head teacher of the school (*Regulation 6 of the Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003*). Up to this point, each head teacher of a department must exercise the functions of a head teacher of a school as if each department were a separate school.

## Chapter 6: Appointment of teachers other than head teachers or deputy head teachers

### General

- 6.1 Reference should also be made to Chapter 3 for the rights local and diocesan authorities have to give advice.
- 6.2 With the exception of paragraph 6.9, Chapter 6 applies to all maintained schools.
- 6.3 Under *Regulations 4(1) and 4(2)* the governing body may delegate any of its functions relating to the appointment of teachers, other than head teacher or deputy head teachers, to:
  - the head teacher; or
  - one or more governors; or
  - the head teacher and one or more governors.
- 6.4 If the delegation is made to governors only, the head teacher is entitled to attend all relevant procedures and offer advice which the governor or governors must consider (*Regulation 4(3)*).
- 6.5 When selecting a person for appointment, the governing body should be mindful of the requirements of discrimination legislation and should follow best employment practices.
- 6.6 Where the governing body decides to recruit a teacher to a post that is to be filled for a period of more than 4 months, it must send a specification of the post to the local authority (*Regulations 16(2) and 28*).
- 6.7 In the interest of fair and open recruitment, consideration should be given to advertising the post and how best to bring it to the attention of persons qualified to fill it, including making use of any the local authority's advertising publications.
- 6.8 All decisions made by the governing body should be documented fully.
- 6.9 For **community, voluntary controlled, community special and maintained nursery schools** the local authority must appoint the person selected by the governing body, unless they fail the relevant checks (*Regulation 16(3)*). If the local authority declines to appoint a person selected by the governing body, the governing body may select an existing candidate or repeat the selection process in full (*Regulation 16(4)*). For **foundation, voluntary aided and foundation special schools**, there are no similar requirements.

## Newly Qualified Teachers (NQT)

- 6.10 Failure to complete the induction period (which cannot be served in pupil referral units) satisfactorily means that the NQT is no longer eligible to be employed as a teacher in a maintained school, a maintained nursery school, a non-maintained special school or a pupil referral unit. If the teacher is appealing the decision, the school has discretion whether to terminate the teacher's contract within 10 days or await the outcome of the appeal. Individuals who have failed their induction cannot be employed as an unqualified teacher. Further guidance can be found in *'Statutory Guidance on Induction for Newly Qualified Teachers in England.'*

## Chapter 7: Appointment of support staff

### General

7.1 Under regulation 4, the governing body may delegate any of their functions relating to the appointment of support staff to:

- the head teacher; or
- one or more governors; or
- the head teacher and one or more governors.

When selecting a person for appointment the governing body should be mindful of the requirements of discrimination legislation and should follow best employment practices. In the interest of fair and open recruitment consideration should be given to advertising the post and how best to bring it to the attention of suitable candidates, including making use of any local authority's advertising publications. In addition to the gross per annum salary, it is advised that any advertisements also state the actual pro rata amount that will be paid.

7.2 *In **foundation, voluntary aided and foundation special schools**, the appointment of support staff is the responsibility of the governing body unless the governing body and the local authority have agreed that such appointments will be made by the authority (Regulation 29).*

7.3 The rest of this section applies only to **community, voluntary controlled, community special and maintained nursery schools**.

7.4 Governing bodies should be mindful of their obligations under equal pay legislation when making recommendations about support staff pay and grading. Any such recommendation may have implications for other staff working for the local authority.

7.5 In putting together the job specification for the post, the governing body should refer to the agreed local authority job profiles and associated guidance. When considering what grade to recommend for the post, the governing body may wish to seek advice from the local authority which has greater experience of determining the appropriate grades for individual posts.

7.6 Where the governing body wishes to employ support staff to take on a new kind of role that does not have a direct comparator within the local authority, it should consult the local authority at the point of determining the job specification. The governing body should consider any pay and grading issues the local authority may raise before putting forward a formal recommendation.

7.7 The governing body may recommend a person to the local authority for appointment. The recommendation must include a job specification which contains (*Regulations 17(1) & 17(2)*):

- the duties to be performed;
- the hours of work (where the post is part time);

- the duration of the appointment;
- the grade; and
- the remuneration.

The recommendations should include sufficient detail to allow the local authority to come to a view on the appropriateness of the recommendation and the grade recommended must be on the scale of grades used by the local authority (*Regulation 17(3)*). In making the recommendations on pay and grading, the governing body should have regard to the responsibilities of the post and to the pay scales, terms and grading applicable for similar roles or work throughout the Local Authority area.

7.8 Where the local authority has discretion with regard to remuneration, it must exercise that discretion in accordance with the governing body's recommendation (*Regulation 17(4)*).

7.9 Local authorities have discretion if any provisions regulating the rates of remuneration or allowances payable to their employees either (*Regulation 17(5)*):

- do not apply to that appointment; or
- leave to the authority any degree of discretion as to the rate of remuneration.

7.10 The local authority may, within seven days of receiving the job specification, make written representations to the governing body relating to the grade or remuneration to be paid. On receiving such representations, the governing body must (*Regulation 17(6)*):

- consider the representations; and
- where it decides not to change the grade or remuneration, notify the local authority in writing of the reasons.

7.11 The local authority must appoint the person recommended by the governing body, unless they fail the relevant checks. Contracts should be permanent unless there is good reason for them not to be, and governing bodies should be mindful of the Fixed-term (Prevention of Less Favourable Treatment) Regulations 2002 when considering the use of fixed-term contracts.

7.12 All decisions made by the local authority or governing body should be documented fully.

### School Meals Staff

7.13 This section applies to community, voluntary controlled, community special and maintained nursery schools only (*Regulation 21*).

7.14 Except as provided in paragraphs 7.15 and 7.16 the local authority is responsible for the appointment, discipline, suspension and dismissal of school meals staff but before exercising any of these functions it must consult the governing body of the school to such extent as it thinks fit.

7.15 Where the governing body is required by order under section 512A of the Education Act 1996 either to provide school lunches or to provide school lunches free of charge and it enters into an agreement with the local authority that the authority will provide the lunches at the school then, where the governing body determines that any member of the school meals staff should cease working at the school, it must notify the local authority in writing of its determination and the reasons for it. On receipt of the notification the local authority must require the person to cease working at the school.

7.16 Where there is no such agreement, the following apply:

- Appointments – paragraphs 7.1 to 7.12;
- Conduct and Discipline – paragraphs 8.2 to 8.3;
- Suspensions – paragraphs 8.19 to 8.26; and
- Dismissals – paragraphs 8.27 to 8.32.

# Chapter 8: Performance management and dealing with performance issues

## General

8.1 General advice can also be obtained from Directgov, BIS, ACAS and Business Link.

## Conduct and discipline of staff

8.2 The governing body must establish procedures (*Regulation 7(1)*):

- with regard to regulating the conduct and discipline of staff; and
- by which staff can seek redress for any grievance relating to their work at the school.

This function cannot be delegated by the governing body. When establishing and applying the procedures, the governing body should take into consideration the ACAS Code of Practice. Failure to follow the Code Practice does not, in itself, make the governing body liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases.

8.3 The local authority must take action at the request of the governing body if the implementation of any determination made by the governing body (*Regulation 7(2)*):

- is not within the functions exercisable by the governing body by, or under, the *Education Act 2002*; but
- is within the power of the local authority.

## Head teacher and teacher performance management

8.4 The *Education (School Teacher Performance Management) (England) Regulations 2006* ("the 2006 Regulations") apply to all teachers who are employed for one term or more with two exceptions (*Regulation 5(2)(a) and (b) of the 2006 Regulations*):

- any teacher who is undergoing but who has not satisfactorily completed an induction period in accordance with the *Education (Induction Arrangements for School Teachers) (England) Regulations 2008*; and
- any teacher who is the subject of capability procedures.

8.5 The 2006 Regulations set out arrangements for the management and review of school teachers in the maintained sector, in the context of the individual's job description and the provisions of the "School Teacher Pay and Conditions Document", and making plans for the individual's future development in the context of the school's improvement plan. The professional standards for teachers provide the backdrop to discussions about performance and future development. Further information can be found on Teachernet and the Training Development Agency website.

- 8.6 Arrangements for performance management in schools must be consistent with discrimination legislation and the legislative duties which apply to governing bodies and local authorities. Governing bodies need to ensure that their individual arrangements, as described in their performance management policy, are managed effectively, transparently and fairly, and applied consistently.

#### *Teachers undertaking induction*

- 8.7 Newly Qualified teachers (NQTs) undertaking induction are not subject to the 2006 Regulations. There is a programme of professional progress reviews and formal assessment which take place throughout induction. Full details of the statutory induction process can be found in the *Statutory Guidance on Induction for Newly Qualified Teachers*.

#### Local authority's concerns about the performance of a head teacher

- 8.8 If a local authority has serious concerns about the performance of a head teacher it must:

- send a written report of its concerns to the chair of the governing body of the school; and
- at the same time, send a copy of the report to the head teacher.

The chair of the governing body must notify the authority of any action the chair proposes to take in the light of the authority's report (*Regulation 6*).

- 8.9 Before submitting a formal written report, it would be good practice for the local authority to register its concerns informally with the chair of the governing body. If the appropriate action is not taken in the light of the concerns registered, the local authority must send a formal written report to the governing body of the school.

#### Head teacher duties and entitlements and achieving work/life balance

- 8.10 *Regulation 5(1)* places a duty on the governing body to ensure that the head teacher complies with the duties imposed and benefits from the entitlements conferred upon the head teacher by the "*School Teachers' Pay and Conditions Document*".
- 8.11 *Regulation 5(2)* says that in discharging this duty the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory work/life balance. The "*School Teachers' Pay and Conditions Document*" puts an equivalent duty on head teachers to have regard to the desirability of teachers at the school being able to achieve a satisfactory work/life balance.
- 8.12 The governing body cannot delegate its functions under regulation 5.
- 8.13 In order to help the head teacher achieve a satisfactory work/life balance the governing body should continually monitor the work pressures faced by the head teacher (head teachers should do the same in respect of their teachers).
- 8.14 Local authorities and governing bodies should also be mindful of their common law duty of care to their employees and their obligations as employers under the Health and Safety at Work etc Act 1974 and the Working Time Regulations 1998, as amended.



## Support staff performance management

- 8.15 There are currently no statutory performance management arrangements for support staff, but many governing bodies operate their own systems of performance review.
- 8.16 Support staff are subject to the disciplinary, grievance and capability procedures which the governing body must establish as a result of Regulations 7 and 8 (see paragraph 8.2 and 8.17).

## Capability of staff

- 8.17 The governing body must establish procedures for dealing with a lack of capability on the part of all staff at the school and make these known to staff (*Regulation 8*). Governing bodies must have regard to any guidance issued by the Secretary of State on 'capability'.
- 8.18 Ultimately, the application of 'capability procedures' may lead to the dismissal of a teacher or headteacher. In such cases referral to the GTC may be appropriate (see section 8.39 to 8.43).

## Suspension of staff

- 8.19 For school meals staff in community, voluntary controlled, **community special and maintained nursery schools** see paragraphs 7.13 to 7.16.
- 8.20 In the context of the 2009 *Regulations*, and this guidance, the term "suspend" means suspend without loss of pay.
- 8.21 The governing body or head teacher may suspend staff employed or engaged otherwise than under a contract of employment at the school, where, in their opinion suspension is required. (*Regulation 19(1) & (31(1))*).
- 8.22 When a member of staff has been suspended the governing body or head teacher must inform the head teacher or, as the case may be, the governing body (*Regulation 19(2) & (31(2))*).
- 8.23 Ending a suspension can only be done by the governing body (*Regulation 19(3) & 31(3)*). The governing body cannot delegate this function.
- 8.24 The governing body may decide, in certain circumstances, that it is content for the chair to undertake these functions on behalf of the governing body.
- 8.25 When ending a suspension, the governing body must immediately inform the head teacher. In the case of a **community, voluntary controlled, community special and maintained nursery schools**, the governing body must also immediately inform the local authority (*Regulation 19(4)*). It is good practice to inform staff that the suspension has been lifted.
- 8.26 Where a **foundation, voluntary aided or foundation special school** and the local authority have agreed that the authority will make support staff appointments (see paragraph 7.2) the governing body must also immediately inform the local authority when ending a suspension (*Regulation 32*).

## Dismissal of staff

8.27 Reference should also be made to Chapter 3 for the rights local and diocesan authorities have to give advice.

### *Community, voluntary controlled, community special and maintained nursery schools*

8.28 The governing body must notify the local authority, in writing, if it determines that any person employed or engaged by the authority to work at the school should cease to work there, and the reasons for that determination (*Regulation 20(1)*).

8.29 If the person is employed to work solely at the school, the local authority must either (*Regulation 20(2)*):

- terminate the person's contract, giving notice as required under the contract;
- terminate the contract without notice if the person's conduct is such that it is entitled to do so.

The local authority must take this action within 14 days of the date the notification was issued by the governing body.

8.30 Where the person concerned is not employed to work solely at the school, the authority must require the person to stop working at the school.

8.31 For school meals staff in **community, voluntary controlled, community special and maintained nursery schools**, see paragraphs 7.13 to 7.16.

### *Foundation, voluntary aided or foundation special schools*

8.32 Governing bodies of **foundation; voluntary aided or foundation special schools** are responsible for the dismissal of staff. Where a foundation, **voluntary aided or foundation special school** and the local authority have agreed under Regulation 29 that the authority will make support staff appointments, (see paragraph 7.2), paragraphs 8.29 to 8.31 apply (*Regulation 32*).

## Appeals against dismissal

8.33 The governing body must establish a procedure enabling staff to appeal against a decision to dismiss them (*Regulation 7(1)(b) grievance procedures*). When establishing the procedure the governing body should be mindful of their obligations under employment law.

## Redundancies

8.34 Redundancies are covered by specific employment legislation and governing bodies should consult ACAS for advice.

## Payments in respect of dismissal

8.35 It is for the governing body to determine whether and if so how much should be paid by the local authority in respect of dismissals or securing resignations (*Section 37 of the Education Act 2002*). This does not apply in relation to payments which the local authority is required to make:

- by virtue of any contract other than the one made in contemplation of the impending dismissal or resignation; or
  - under any statutory provision.
- 8.36 Costs incurred by the local authority in respect of premature retirement shall be met from the school's budget share unless there is a written agreement between the local authority and the governing body not to recover them.
- 8.37 Cost incurred by the local authority in respect of a dismissal or securing a resignation, shall not be met from the school's budget share unless the local authority has good reason to do so. Good reason would include the school paying a higher rate than the local authority would under its own policies.
- 8.38 When considering payments relating to this section, governing bodies and local authorities should refer to *the Schools Finance (England) Regulations 2008*.

### General Teaching Council for England (GTCE) referrals

- 8.39 The employer of a registered teacher (either the governing body of a school or the local authority, depending on the type of school) must report the facts of the case to the General Teaching Council for England (GTCE) where an employer (*Regulation 29 of the General Teaching Council for England (Disciplinary Functions) Regulations 2001 ("the 2001 Regulations") (as amended)*):
- has ceased to use a registered teacher's services on grounds relating to their professional incompetence; or
  - might have ceased to use a registered teacher's services on such a ground had the registered teacher not ceased to provide those services.
- 8.40 Cases of professional incompetence relating to misconduct that do not have a child protection element should be referred to the GTC rather than the Independent Safeguarding Authority (ISA).
- 8.41 In resignation cases governing bodies should assess the seriousness of the incompetence at the point the teacher resigns and refer the case where they consider dismissal for incompetence was a possible outcome.
- 8.42 Further information on when to refer a case can be found in the GTC leaflet '*Referrals to the GTC Information for employers of teachers*' (GTC briefing 17). To refer a case to the GTC, contact the Professional Standards team in the GTC's Birmingham office at: Victoria Square House, Victoria Square, Birmingham B2 4AJ; or telephone on 0870 001 0308; or e-mail at [info@gtce.org.uk](mailto:info@gtce.org.uk).
- 8.43 Governing bodies are also required to provide the GTC with all the information relating to the teacher listed in *Part 1 of the Schedule to the 2001 Regulations (as amended)*, where this is available.

## Chapter 9: Staff at schools with a religious character

### Teachers and head teachers

- 9.1 The governing bodies of **voluntary aided schools** may give preference, with regard to appointment, remuneration and promotion of teachers at the school, to persons (*Section 60 of the School Standards and Framework Act 1998*):
- whose religious opinions are in accordance with the tenets of the school; or
  - who attend religious worship in accordance with those tenets; or
  - who give, or are willing to give, religious education at the school in accordance with those tenets.
- 9.2 The governing bodies of **voluntary aided schools** may have regard, in connection with the termination of the employment of a teacher at the school, to any conduct by the teacher which is incompatible with the precepts of, or with the upholding of the tenets of the school.
- 9.3 Paragraphs 9.1 and 9.2 also apply to reserved teachers in **foundation and voluntary controlled schools** with a religious character.
- 9.4 When appointing a head teacher who is not to be a reserved teacher, the governing bodies of foundation and voluntary controlled schools with a religious character may have regard to that person's ability and fitness to preserve and develop the religious character of the school.

### Reserved teachers

- 9.5 Where the number of teachers at **foundation and voluntary controlled schools** with a religious character is more than two, the teachers shall include persons who are selected for their fitness and competence to teach religious education in accordance with the school's trust deed or with the tenets of the school and are specifically appointed to do so. These are known as 'reserved teachers'. The number of reserved teachers must not exceed one fifth of the total number of teachers including the head teacher. The head teacher can be selected on these grounds but must count towards the one fifth quota. (*Section 58 of the School Standards and Framework Act 1998*).

### Support staff

- 9.6 This section applies to **voluntary aided schools** with a religious character.
- 9.7 Employers may discriminate on religious grounds where being of a particular religion or religious denomination is a genuine occupational requirement (GOR) (*Employment Equality (Religion or Belief) Regulations 2003*).
- 9.8 It must not be assumed that a 'blanket' approach to GOR can be applied to all their support staff. The governing body must be able to demonstrate that it is reasonable and proportionate for an employee to be of a particular religion or belief for the job in question.

- 9.9 Governing bodies cannot apply religious criteria in connection with the employment of a member of the school's support staff who was in employment at the school on 1 September 2008, for as long as they continue to be employed at the school.
- 9.10 When considering whether a GOR might apply, governing bodies should consider the following issues:
- do the duties for which the GOR is claimed represent a substantial part of the post and would the objectives of the job be achieved without the application of the faith requirement?
  - does the school have sufficient employees who could carry out the duties without undue inconvenience?
- 9.11 A GOR cannot be used to maintain a balance or quota of employees of a particular religion or belief.
- 9.12 Governing bodies should periodically consider whether the requirement continues to apply, particularly when recruiting, as jobs may change over time.
- 9.13 Further information on GOR can be found on the BIS and ACAS websites.

## Chapter 10: Collaborating Schools

### General

10.1 This section of the guidance provides details of where the actions to be taken by collaborating schools differ from that of non-collaborating schools. Unless specified below, the governing bodies of the collaborating schools must follow the guidance as detailed in the other sections of the guidance.

### Local and diocesan authorities' advice

10.2 Chapter 3 applies to collaborations of schools. The advice offered may be to individual governing bodies within the collaboration (*Regulation 39*).

### Appointing head and deputy head teachers

10.3 In relation to the appointment of a head or deputy head teacher, the selection panel must (*Regulation 36*):

- consist of at least three governors taken from any of the collaborating governing bodies; and
- make its recommendation to the governing body of the school where the member of staff is, or is to be, appointed. If the post is across more than one school, the recommendation must be to all schools covered by the post.

10.4 If the recommendation is not approved by the governing body the selection process must be repeated by the panel unless the relevant governing body withdraws from the agreement to collaborate.

10.5 The relevant governing bodies may discuss informally the proposals for collaboration, arrangements for advertising (paragraphs 5.10 and 5.11 apply) and the membership of the panel (paragraph 5.13 applies). Any recommendations would need to be put forward to the relevant governing body for ratification.

### Appointing a teacher (other than the head or deputy head teacher) and support staff

10.6 Collaborating governing bodies may delegate the appointment of any teacher (other than the head or deputy head teacher) and support staff to (*Regulation 37*):

- the head teacher of one or more of the collaborating schools;
- one or more governors from any of the collaborating schools; or
- one or more head teachers acting together with one or more governors from any of the collaborating schools.

10.7 Where the governing bodies have delegated the appointment other than to the head teacher of the school with the vacancy, the head teacher of the relevant school may attend all relevant proceedings, offer advice and any advice given must be considered by those to whom the appointment has been delegated.

## Dismissal of staff

10.8 Collaborating governing bodies may delegate (*Regulation 38*):

- the determination that a member of staff (other than the head teacher) should cease to work at a relevant school; or
- the power to dismiss a member of staff (other than the head teacher) from a relevant school,

to:

- the head teacher of one or more collaborating schools;
- one or more governors from any of the collaborating schools; or
- one or more head teachers acting together with one or more governors from any of the collaborating schools.

10.9 The governing bodies may delegate:

- the determination that a head teacher should cease to work at a relevant school; or
- the power to dismiss the head teacher from a relevant school,

to one or more governors only.

## Chapter 11: Staffing of new schools

### General

- 11.1 Any provision of the Regulations or Schedule 2 to the 2002 Act which applies to a proposed school by virtue of regulations 40 to 43 has effect as if any reference to a 'governing body' or a 'governor' in that provision were a reference to a temporary governing body or a temporary governor respectively (*Regulation 40*).
- 11.2 Where a new school has been established following the closure of one or more schools either by holding a new school competition (including where exemption from holding a competition has been granted), or by publishing proposals outside of a competition, the new school would be staffed by the transfer of the staff from the closing schools.

### Proposed schools with a delegated budget

- 11.3 Where a proposed school has a delegated budget, this guidance applies as if the school was already established (*Regulation 41 and 42*).

### Proposed schools without a delegated budget

- 11.4 The 2009 Regulations do not apply to proposed schools without a delegated budget (*Regulation 43 and 44*).

#### *Staffing of proposed community, voluntary controlled, community special and maintained nursery schools*

- 11.5 The provisions of *Part 1 of Schedule 2 to the Education Act 2002* apply to proposed community, voluntary controlled, **community special and maintained nursery schools** without a delegated budget (*Regulation 43*). In such cases, the local authority must determine the staffing arrangements for such schools.
- 11.6 The local authority may also appoint, suspend and dismiss members of staff as it thinks fit, subject to the provisions of *section 58 of the Schools Standards Framework Act 1998* (appointment and dismissal of reserved teachers). See paragraph 9.5 of the guidance. In exercising these duties, the local authority must consult with the governing body to such extent as it thinks fit.

#### *Staffing of proposed foundation, voluntary aided, or foundation special schools*

- 11.7 The provisions of *Part 2 Schedule 2 to the Education Act 2002* apply to proposed foundation, voluntary aided, or foundation special schools without a delegated budget (*Regulation 44*). In such cases, the local authority must determine the staffing arrangements for such schools.
- 11.8 Subject to section 58 SSFA 98, without the consent of the local authority, the governing body must not:
- appoint any teacher to work at the school, or
  - dismiss any teacher at the school.



11.9 Subject to section 58 of the School Standards Framework Act 1998, the local authority may give the governing body directions:

- as to the educational qualifications of the teachers to be appointed for giving secular education, although the local authority must consult with the governing body first; or
- requiring them to dismiss any teacher at the school.

11.10 The local authority may give directions to the governing body as to the number, and conditions of service of persons employed at the school for the purposes of the care and maintenance of the school premises. Where the trust deed gives the control use of the premises to another person, that person is deemed to be the governing body for the purpose of this paragraph.

## Annex A

Name of Organisation/ Document	Link
Advisory, Conciliation and Arbitration Service (ACAS)	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
Business Link	<a href="http://www.businesslink.gov.uk">www.businesslink.gov.uk</a>
Capability procedures for teachers	<a href="http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&amp;PageMode=publications&amp;ProductId=DFEE+0125/2000">http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&amp;PageMode=publications&amp;ProductId=DFEE+0125/2000</a>
Department for Business, Innovation and Skills (BIS)	<a href="http://www.berr.gov.uk/whatwedo/employment/index.html">www.berr.gov.uk/whatwedo/employment/index.html</a>
Directgov	<a href="http://www.direct.gov.uk/en/Employment/index.htm">www.direct.gov.uk/en/Employment/index.htm</a>
Education (Induction Arrangements for School teachers) (England) Regulations 2008	<a href="http://www.opsi.gov.uk/si/si2008/uksi_20080657_en_1">www.opsi.gov.uk/si/si2008/uksi_20080657_en_1</a>
Education (School Teacher Performance Management) (England) Regulations 2006	<a href="http://www.opsi.gov.uk/si/si2006/20062661.htm">www.opsi.gov.uk/si/si2006/20062661.htm</a>
Education (Specified Work and Registration) (England) Regulations 2003	<a href="http://www.opsi.gov.uk/si/si2003/20031663.htm">www.opsi.gov.uk/si/si2003/20031663.htm</a>
Education Act 2002	<a href="http://www.opsi.gov.uk/Acts/acts2002/ukpga_20020032_en_1">www.opsi.gov.uk/Acts/acts2002/ukpga_20020032_en_1</a>
Education and Inspections Act 2006	<a href="http://www.opsi.gov.uk/acts/acts2006/ukpga_20060040_en_1">www.opsi.gov.uk/acts/acts2006/ukpga_20060040_en_1</a>
Establishing a New School	<a href="http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2">www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2</a>
Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2008	<a href="http://www.opsi.gov.uk/si/si2008/uksi_20082776_en_1">www.opsi.gov.uk/si/si2008/uksi_20082776_en_1</a>
General Teaching Council for England (Disciplinary Functions) Regulations 2001 (as amended) – Regulation 29	<a href="http://www.opsi.gov.uk/si/si2001/20011268.htm#sch">www.opsi.gov.uk/si/si2001/20011268.htm#sch</a>
GTC Briefing 17	<a href="http://www.gtce.org.uk/documents/publicationpdfs/referrals_employers_jan09.pdf">www.gtce.org.uk/documents/publicationpdfs/referrals_employers_jan09.pdf</a>
Health and Safety at Work Act 1974	<a href="http://www.hse.gov.uk/legislation/">www.hse.gov.uk/legislation/</a>
Performance Management Guidance	<a href="http://www.teachernet.gov.uk/management/payandperformance/performancemanagement/">www.teachernet.gov.uk/management/payandperformance/performancemanagement/</a> <a href="http://www.tda.gov.uk/teachers/performance_management.aspx">www.tda.gov.uk/teachers/performance_management.aspx</a> .
Police Act 1997 Part V	<a href="http://www.opsi.gov.uk/acts/acts1997/ukpga_19970050_en_8#pt5">www.opsi.gov.uk/acts/acts1997/ukpga_19970050_en_8#pt5</a>

Police Act 1997 Section 113B	<a href="http://www.opsi.gov.uk/acts/acts2005/ukpga_20050015_en_15#pt5-pb6-l1g163">www.opsi.gov.uk/acts/acts2005/ukpga_20050015_en_15#pt5-pb6-l1g163</a>
Safeguarding Children and Safer Recruitment	<a href="http://publications.teachernet.gov.uk/eOrderingDownload/Final%206836-SafeGuard.Chd%20bkmk.pdf">http://publications.teachernet.gov.uk/eOrderingDownload/Final%206836-SafeGuard.Chd%20bkmk.pdf</a>
Safer Recruitment Guidance	<a href="http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/goodpractice/saferrecruitment/">www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/goodpractice/saferrecruitment/</a>
Safer Recruitment Training	<a href="http://www.ncsl.org/safer-recruitment-index">www.ncsl.org/safer-recruitment-index</a>
School Governance (Collaboration) (England) Regulations 2003	<a href="http://www.opsi.gov.uk/SI/si2003/20031962.htm">www.opsi.gov.uk/SI/si2003/20031962.htm</a>
School Governance Guidance – Standing Orders and Terms of Reference – Overview.	<a href="http://www.governornet.co.uk/cropArticle.cfm?topicAreald=1&amp;contentId=744&amp;mode=bg">http://www.governornet.co.uk/cropArticle.cfm?topicAreald=1&amp;contentId=744&amp;mode=bg</a>
School Staffing (England) Regulations 2009	<a href="http://www.opsi.gov.uk/si/si200926">www.opsi.gov.uk/si/si200926</a>
Statutory Guidance on Induction for Newly Qualified Teachers	<a href="http://www.teachernet.gov.uk/professionaldevelopment/induction/guidance/">www.teachernet.gov.uk/professionaldevelopment/induction/guidance/</a>
Statutory Guidance on Induction for Newly Qualified Teachers in England	<a href="http://www.teachernet.gov.uk/_doc/12703/080623%20Induction%20Statutory%20Guidance.pdf">www.teachernet.gov.uk/_doc/12703/080623%20Induction%20Statutory%20Guidance.pdf</a>
Teaching and Higher Education Act 1998)	<a href="http://www.opsi.gov.uk/acts/acts1998/ukpga_19980030_en_1">www.opsi.gov.uk/acts/acts1998/ukpga_19980030_en_1</a>
Working Time Regulations 1998	<a href="http://www.opsi.gov.uk/si/si1998/19981833.htm">www.opsi.gov.uk/si/si1998/19981833.htm</a>