



Managing staff appointments: supplementary advice for schools

The Department for Education has published this advice as a supplement to the 'Managing staff employment in schools' statutory guidance to help schools manage the staff appointment process. It also provides an update for schools about amendments made to the School Staffing (England) Regulations 2009, which allow for information to be obtained about a teacher's capability and place a requirement for governing bodies to check whether a prohibition order exists in respect of any person who is to be appointed into a teaching position.

Role of the governing body

When appointing staff, governing bodies must undertake and record relevant employment checks (see Regulations 12 and 24 of the School Staffing (England) Regulations 2009). These checks are used to establish:

- the appointee's identity;
- that they meet all relevant staff qualifications; and
- their right to work in the United Kingdom.

Governing bodies must obtain a certificate for an enhanced criminal records check from the [Disclosure and Barring Service](#) with barred list information for appointees engaged to work in regulated activity.

Amendments to the School Staffing (England) Regulations 2009, made in 2013, also require a governing body to check that any person to be appointed to work as a teacher is not subject to a prohibition order issued by the Secretary of State for Education, using the [Employer Access online service](#).

Choosing the successful applicant

It is important that those considering applications for teaching posts, including headteacher and deputy headteacher posts, take into account the range of tools at their disposal when making appointments. For example, governing bodies should consider the appropriateness of including the observation of trial lessons as part of an extended interview process and should ask interviewees whether they have been the subject of capability procedures in the last two years.

Employment references and capability checks

Once there is a preferred candidate, and before any appointment is made, governing bodies should:

- Take up references from the applicant's current or former employer, following up with the author of the references if there is anything that appears to be contradictory or incomplete.
- Use the provisions set out in a 2012 amendment made to the School Staffing (England) Regulations 2009 to request from the applicant's current or previous employer details of any capability history that may have occurred in the previous two years, and the reasons for this. Where a such a request is received from a governing body of any maintained school or the trust of an academy school to which an application for a teaching post has been made, confirmation in writing must be provided to confirm whether or not that person has been the subject of capability procedures within that period and, if so, the details of the concerns which gave rise to this, along with the duration of the proceedings and their outcome.
- Consider whether the candidate has the necessary physical and mental fitness to teach, including whether any reasonable adjustments are required to enable the individual to provide effective and efficient teaching (as required by the Education (Health Standards) (England) Regulations 2003). Governing bodies should ensure that their recruitment policies and practices comply with section 60 of the Equality Act 2010 as well as the Education (Health Standards) (England) Regulations 2003.
- Consider the flexibilities that exist to make appointments subject to the successful completion of a probationary period in order to provide the opportunity to assess an applicant's suitability for the post over a period of time.

When making any appointments, due consideration must be given to the requirements of equalities legislation and should also be given to best employment practices.

Sharing information

When sharing information governing bodies should ensure that they act in accordance with the Data Protection Act 1998 and data protection principles, making sure that the information provided to prospective employers is fair and transparent. It is good practice to make teachers aware in the school's policies that information about performance and capability will be provided to potential employers when requested. Similarly, when requesting information, governing bodies should explain why information is being sought, what it will be used for and how long it will be retained.