

Safe Recruitment and Selection Policy



2025-2028

Overview

POLICY	Safe Recruitment and Selection Policy
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Revision History

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V2	01/10/2021	Sian Croston	New Appendix on Probation procedure for school support staff
V3	01/09/2025	Steve Gow	Update of legal terminology safeguarding implications and Headteacher/ DHT recruitment process

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Consultation

Version	Who	Date
V1	Consultation with teaching and support staff trade unions and professional bodies	2019
V2	Consultation with teaching and support staff trade unions and professional bodies	2021
V3	No consultation – Required legal and safeguarding procedural matters, terminology amends plus impact following the cessation of GwE	2025

Contents

1.0	Recruitment and Selection Policy and Procedure	5
1.1	Purpose	5
1.2	Scope	5
1.3	Principles	5
1.4	Associated Policies	6
2.0	Roles & Responsibilities	6
2.1	Governing Body	6
2.2	Headteacher	7
2.3	Human Resources (HR)	7
3.0	Diversity and Equality	7
4.0	Recruitment Procedure – Before selection	8
4.1	Vacancy Management	8
4.2	Redeployment and Prior Consideration	8
4.3	Job Description & Person Specification	8
4.4	Advert (instead of advertising)	9
4.5	Application form	9
5.0	Recruitment Procedure – Selection	10
5.1	Selection – Shortlisting	10
5.2	Interview	11
5.3	Tests	12
6.0	Conditional Offer – Safe Recruitment & Pre-Employment Checks	13
6.1	References	13
6.2	Clearance	14
6.3	Requests for References	14
6.4	The rehabilitation of Offenders Act 1974	14
6.5	Dealing with convictions	15
7.0	Recruitment and Appointment for Headteacher and Deputy Headteacher Vacancies – Statutory Requirements	15
8.0	Data Protection (changed from record keeping)	15
9.0	Probationary Periods	16
9.1	Newly Qualified Teachers	16
9.2	Support Staff	16
9.3	Volunteers	16
10.	References	17
11.	Appendices	18

Appendix 1 – Headteacher and Deputy Headteacher Recruitment.....	19
Appointment of a Headteacher	19
Selection Panel.....	20
Appointment of a Deputy Headteacher	22
Appendix 2 – Probationary Period Guidance for School Support Staff.....	23
Aims of the probation procedure	23
Roles and Responsibilities.....	23
Managers	23
Employees.....	24
Representation	24
Terms of employment during a probationary period	24
The Probationary Procedure.....	25
Managing the Probationary Period.....	25
Confirmation of Appointment	26
Difficulties during probation	26
Extending the Probationary Period.....	27
Non-confirmation of Appointment.....	28
Right of Appeal.....	29

1.0 Recruitment and Selection Policy and Procedure

1.1 Purpose

People are our principal asset and it is through their individual and collective performance that our schools are able to achieve their overall aim of providing a high quality, cost effective education service to the local community. Good quality recruitment and selection is therefore essential.

The recruitment and staffing of school staff in Flintshire are guided by a combination of regulations from the School Staffing (Wales) Regulations 2006, the Education (Wales) Act 2014, and more recent pay and condition frameworks. The Council, governing bodies, and schools are responsible for ensuring fair and transparent recruitment processes, adhering to safeguarding requirements, and maintaining professional standards.

All jobs will be recruited on merit and the selection criteria used will be relevant to the job and promote equality of opportunity. The principles of safe, fair recruitment and selection apply equally to all posts, including permanent opportunities, secondments, temporary, fixed-term and engagement of supply/casual workers.

In Wales, 'Keeping Learners Safe' places a statutory duty on educational establishments to maintain the safety and welfare of children and young people. As part of embedding a safeguarding culture within schools, it is essential that Governing bodies adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools.

1.2 Scope

This policy applies to all appointments made by the Governing Body.

Where there is any requirement that would only apply to one group of staff (for example a Headteacher), the specific requirements are highlighted and referred to separately (see Appendix 1).

1.3 Principles

The recruitment and selection policy will:

- Provide for an open, fair and transparent process.
- Ensure that those appointed to work in schools are subject to a high level of scrutiny prior to appointment.
- Support working towards a diverse workforce that reflects the local community.
- Attract high quality candidates for positions.

- Provide equality of opportunity.
- Enable the selection of candidates objectively based on merit using appropriate assessment measures.
- Ensure the appointment of candidates at the right time.
- Ensure all safe recruitment practices and pre-employment checks are concluded in a robust and timely manner

1.4 Associated Policies

This policy should be read in accordance with the school's:

- Safeguarding policy
- DBS policy
- Data Protection policy
- Whistleblowing policy
- Diversity and Equality policy.

2.0 Roles & Responsibilities

2.1 Governing Body

The role and responsibility of the Governing body is to:

- Agree the schools staffing structure
- Adoption of a policy and procedure to meet its responsibilities with regards to recruitment and selection.
- Compliance with the Staffing of Maintained Schools (Wales) Regulations 2006 and subsequent legal requirements.
- All staffing matters at the school and should ensure that the school operates safe recruitment procedures and makes sure that all appropriate pre-employment and other checks are carried out on staff and volunteers who work with children in line with Keeping Learners Safe Statutory Guidance.
- Ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training.
- Ensure that all vacancies are advertised, internally and/ or externally as appropriate, except in specific circumstances when Headteacher/Governing Body determine restrictions are necessary or legal requirements are applied (i.e. appointment of Headteacher/ Deputy Headteacher).
- Ensure value for money in expenditure on recruitment.

2.2 Headteacher

The role and responsibility of the Headteacher is to:

- Ensure that any decisions to recruit are in accordance with the agreed staffing structure.
- Ensure that the right people are employed at the right time with the right skills.
- Consider whether it is possible for the position to be filled effectively on a part-time, job share or other flexible working pattern basis where this meets the needs of the curriculum and the school.
- Confirm that new employees have met all the pre-employment checks and are fit to carry out their roles (see section 5) prior to them undertaking any work.
- Provide feedback to candidates who have attended interview (if requested).
- Maintain all relevant recruitment and selection records in line with data protection regulations.

2.3 Human Resources (HR)

The role and responsibility of Human Resources is to:

- Provide advice and guidance to the Governing Body and Headteacher on procedural and policy matters on the application of the schools' policy.
- Provide advice to ensure the Recruitment & Selection policy is applied fairly and consistently.
- Where appropriate, assisting with the format of the recruitment process, including types of selection techniques and model questions.
- Support and advise Governor Selection panels where sufficient notice is provided.
- Provide advertisement and recruitment services.
- Undertake relevant pre-employment checks, informing the school when this is completed.

3.0 Diversity and Equality

The schools are committed to ensuring that all recruitment is free from any form of discrimination against protected characteristics which fall within the Equality Act 2010.

Any of the protected characteristics identified in the Equality Act 2010 will not be used as the basis for shortlisting, appointment or promotion. All employees will be appointed, trained

and promoted on the basis of ability and the requirements of the role. Any exception will be by virtue of legislation or an occupational requirement.

Reasonable adjustments will be made for candidates who have a disability e.g. visual or hearing impairment; or for whom English/Welsh is not their first language. The Headteacher/recruiting manager will ascertain if special arrangements or adjustments are appropriate at any stage of the recruitment process. The Headteacher/Recruiting Manager should be aware of the Access to Work funding which may be available. All applicants will be advised in advance of any tests or assessments to ensure time for adjustments can be requested.

4.0 Recruitment Procedure – Before selection

4.1 Vacancy Management

On each occasion a vacancy arises, the Headteacher should consider the existing staff structure and service delivery needs and seek approval from the Governing Body, where necessary, to amend the staffing structure.

Time should be taken to consider whether it is appropriate to recruit to the post. Alternatively it should be looked upon as an opportunity to review current work practices and the fundamental design of the job or a number of jobs.

Consideration could also be given to alternative ways of filling the vacancy within current working arrangements.

4.2 Redeployment and Prior Consideration

Employees who are selected for redundancy, or who are redeployed on medical grounds, in accordance with the schools' Redundancy Policy will be given prior consideration for a position in the first instance in the school, provided there is a skills match. Prior consideration enables these individuals to be considered before advertising more widely. There will still be a requirement to submit an application or expression of interest and attend an interview to ensure employees have the required skills and experience for the position.

4.3 Job Description & Person Specification

The job description and person specification are essential pre-requisites for effective recruitment and selection. It is important that these statements show what the job entails, how and where it fits into the organisation and the personal requirements for it to be performed to a satisfactory standard.

Headteachers/Managers are responsible for using an approved Job Description and Person Specification, at the start of the recruitment process. With the advice from HR representatives, Headteachers and Managers must ensure the Job Description and Person Specification are up to date and any changes made must go through the Job Evaluation process (for school support staff jobs).

It should also include the following main duty/responsibility for posts that involve working with children.

The school is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.

The job description should also clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled.

4.4 Advert

The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in the most cost effective way. The contents of adverts should be factual and non-discriminatory.

The advert will be designed to attract the right candidates for the job, ensuring safe recruitment requirements are adhered to where appropriate.

The advert should include:

- the school commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974.

Other advertising media should be considered as appropriate to the vacancy, and where applicable, in line with legislation. Recruitment advertisements could be placed via the Councils website, Educator Wales website, Eteach website, TES, Guardian etc.

4.5 Application form

The application form should require applicants to provide the following information:

- personal details, current and former names, current address and national insurance number
- details of their present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment
- qualifications, the awarding body and date of award
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

Where a role involves engaging in regulated activity relevant to children, schools should include a statement in the application form or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The school should also signpost to its safeguarding policy and the safe recruitment and selection policy in the application pack by referring to a link on its website for example.

If a school is intending to search various social media platforms as part of its due diligence checks, it should be clearly stated in the application process.

5.0 Recruitment Procedure – Selection

5.1 Selection – Shortlisting

The Headteacher/Manager/Governors Panel (as appropriate) are responsible for shortlisting and interviewing candidates in a consistent, objective and non-discriminatory manner. Candidates will be shortlisted based on the essential criteria for the post.

The school should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach)
- consider any inconsistencies and look for gaps in employment and reasons given for them, and,
- explore all potential concerns.

The Headteacher should ensure that the employment history outlined on the application form does not contain any gaps in employment. If there are gaps identified, this must be clarified with the applicant in writing and recorded on interview records

Where possible pre-employment checks outlined in section 5 should also be confirmed and checked at the interview stage or prior to appointment. By seeking references before interview, the interview panel will be able scrutinise and clarify any areas of concern.

The school should only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information.

5.2 Interview

All recruitment will involve interviewing shortlisted candidates who have met all of the essential criteria as outlined in the Job Description and Person Specification, either formally or informally. A Headteacher/Member of the Senior Leadership team will usually be part of the interview panel. An interview panel should select a Chair. With the exception of Headteacher and Deputy Headteacher recruitment there is no requirement for governors to form part of the interview panel.

Panel members should confirm that it is appropriate for them to take part in the interview process and that there is nothing that might give rise to the perception of a conflict of interest, or any personal relationships with the applicant. The interview panels should ensure that questions are open and non-discriminatory, information seeking and probing and seek evidence to illustrate how the applicant measures against the essential and desirable criteria.

The Governing body should ensure that at least one of the panel who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the safeguarding partners in doing so. Training should be updated every 2 years but not exceeding 3 years on both safeguarding and employment legislation and guidance.

The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children and young people.

Panel members should meet before the interview to:

- Agree the assessment criteria in the person specification.
- Agree the questions and key responses that are expected in advance, based on the criteria in the person specification.
- Agree the issues to be explored with each candidate at interview, based on information provided, especially any gaps in employment history and any concerns/discrepancies arising from the information provided by the candidate and their referee.
- Agree which panel member will ask each question and that notes will be taken by all panel members to act as a record.
- Agree the scoring criteria which the candidates will be assessed against.

Every element of the applicants recruitment journey should be considered from the application form, through to a face to face interview (including micro teach / pupil meetings) and consideration of references. In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- The candidate's attitude towards children and young people.
- The candidate's ability to support the schools' agency for safeguarding and promoting the welfare of learners.
- Gaps in the candidate's employment history.
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

The panel should also ask the candidate if they wish to declare anything in light of the requirement for a DBS disclosure (as permitted by the Rehabilitation of Offenders Act, given school appointments are 'exempted posts'). The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received. For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- if they are known to the police and children's local authority social care
- if they have been disqualified from providing childcare and,
- any relevant overseas information.

5.3 Tests

Testing can inform decision making. Psychometric testing, personality profiling and assessment centres can be used as part of the recruitment process but only on request and in liaison with the school's HR Representative, if their support is required. Any test used must have been validated in relation to the job, be free of bias and be administered and validated by a suitably trained person. Advice is available from Human Resources regarding provision and costs.

6.0 Conditional Offer – Safe Recruitment & Pre-Employment Checks

The Governing Body is responsible for the recruitment process and subsequent appointments, and will ensure that all **safe recruitment** and routine pre-employment checks have been taken up and are evidenced. Safe practice in recruitment means considering and understanding issues relating to child protection safeguarding and promoting the welfare of children at every stage of the process for all people being recruited, including Headteachers and Deputy Headteachers.

The main elements of the process include:

Advertisement & Selection

- Ensuring that all recruitment advertisements include the Schools' commitment to safeguarding and that a Disclosure Barring Service (DBS) check is required.
- Checking that the job description and person specification makes reference to the post holder's reasonability for safeguarding and promoting the welfare of children.
- Ensuring the person specification includes specific reference to suitability to work with children.
- A face to face interview, exploring a candidate's suitability for the post.

6.1 References

The school should:

- not accept open references e.g. to whom it may concern
- not allow applicants to obtain their reference
- ensure any references are directly from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school based, the reference should be confirmed by the headteacher as accurate in respect of any disciplinary investigations)
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer
- always verify any information with the person who provided the reference
- ensure electronic references originate from a legitimate source
- contact referees to clarify content where information is vague or insufficient information is provided
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate
- establish the reason for the candidate leaving their current or most recent post, and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

6.2 Clearance

The Headteacher is responsible for ensuring the checks below are completed and are satisfactory prior to the employee commencing work:

- Obtaining professional and character references which include specific questions relating to a candidate's suitability to work with children, e.g. allegations relating to children and/or any disciplinary action taken in relation to their work or contact with children as a result of which penalties or sanctions have either expired or remain in force.
- Verifying the successful applicant's identity, Proof of Right to Work in the UK and necessary qualifications. Evidence needs to be kept on file either within the school or Employment Services for audit purposes.
- Undertaking the appropriate Disclosure and Barring Service (DBS) checks. (Evidence needs to be kept on file).
- Exploring gaps in employment with candidates through the recruitment process.
- Ensuring a teacher or qualifying support staff are EWC registered (Education Workforce Council).
- Ensuring the induction status of NQTs is checked with the EWC and the school is required to notify the EWC of NQTs still in their induction period.
- An Occupational Health Assessment needs to be completed and any documentation retained.
- Application forms should be kept on file.

Estyn, WAO and the Council's Audit team would normally review that records and evidence of checks are retained in accordance with all appropriate standards as part of their routine monitoring.

6.3 Requests for References

When asked to provide references, the school should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold. The school should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious.

6.4 The rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at the school.

6.5 Dealing with convictions

Schools operate a formal procedure if a DBS certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- The nature, seriousness and relevance of the offence.
- How long ago the offence occurred.
- One-off or history of offences.
- Changes in circumstances.
- Decriminalisation and remorse.

A formal meeting will take place face to face with the appropriate bodies to establish the facts and a decision will be made following this meeting, a record of the meeting and decision will be recorded in writing and signed by all parties. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Headteacher will evaluate all the risk factors before a position is offered or confirmed. Advice would normally be sought from the Council (Human Resources or Education & Youth).

7.0 Recruitment and Appointment for Headteacher and Deputy Headteacher Vacancies – Statutory Requirements

The Governors are required by regulation to adhere to arrangements set out in the Staffing of Maintained Schools (Wales) Regulations 2006 when a vacancy for a permanent Headteacher or Deputy Headteacher becomes vacant.

Please refer to Appendix 1 for further information.

8.0 Data Protection

Accurate and relevant record keeping is very important and Panel members should ensure adequate notes are made at each stage and retained for reference in the event of a later enquiry e.g. subject access request (SAR) and therefore need to be signed, dated and appropriately stored.

Recruitment information relating to appointments should be kept for 6 months. This should include all notes made at the initial interview stage, all of which should be kept secure and

confidential in line with UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

9.0 Probationary Periods

9.1 Newly Qualified Teachers

Newly qualified teachers are required to undergo an induction period of supported development where performance against the Teaching Standards are assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed. NQTs who are not employed on a full time basis must complete 380 school sessions.

9.2 Support Staff

Headteachers/Managers have responsibility to ensure a newly appointed National Joint Council employee's (i.e. support staff) probationary period is properly managed. This should ensure that the performance of a new employee is monitored on a regular basis. Employees are subject to a probationary period of six months from the date of appointment, with reviews taking place at twelve, sixteen and twenty-two weeks. Please refer to Appendix 2 for further guidance.

9.3 Volunteers

Schools will request an enhanced DBS disclosure on all volunteers undertaking regulated activity with pupils at or on behalf of the school in line with the School's Safeguarding Policy.

Under no circumstances should a school permit an unchecked volunteer to have unsupervised contact with pupils.

It is the schools' policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with a school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the school will seek to obtain further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited) to the following:

- Formal or informal information provided by staff, parents or other volunteers.
- Character references from the volunteer's place of work or any other relevant source.
- An informal safer recruitment interview.

10. References

Welsh Government: The Staffing of Maintained Schools (Wales) Regulations 2006

<https://www.legislation.gov.uk/wsi/2006/873/contents/made>

Welsh Government: The School Teachers' Qualifications (Wales) Regulations 2012

<https://www.legislation.gov.uk/wsi/2012/724/contents/made>

Welsh Government: Staffing of Maintained Schools (Wales) (Amendment) Regulations 2014

<https://www.legislation.gov.uk/wsi/2014/1609/made>

Welsh Government: Keeping Learners Safe Guidance (2022) Guidance document no: 283/2022

<https://www.gov.wales/sites/default/files/publications/2022-04/220401-keeping-learners-safe.pdf>

Welsh Government: Federation process of maintained schools: guidance for governing bodies and local authorities (June 2023)

<https://www.gov.wales/federation-process-maintained-schools-guidance-governing-bodies-and-local-authorities-html>

Welsh Government: National Professional Qualification for Headship (NPQH): Learning to be a Headteacher for Wales (updated February 2025)

<https://hwb.gov.wales/professional-learning/developing-as-a-professional/national-professional-qualification-for-headship/>

Education Workforce Council

<https://www.ewc.wales/site/index.php/en/>

Department for Education: Keeping children safe in education (2025) Statutory guidance for schools and colleges

https://assets.publishing.service.gov.uk/media/686b94eefe1a249e937cbd2d/Keeping_children_safe_in_education_2025.pdf

11. Appendices

Appendix 1 – Headteacher and Deputy Headteacher Recruitment

Appendix 2 – Probationary Period Guidance for School Support Staff

Appendix 1 – Headteacher and Deputy Headteacher Recruitment

The quality of leadership provided by Headteachers and Deputy Headteachers is crucial, both within the school, and in the context of a school's relationship with Governors, parents and the wider community. Appropriate selection of Headteachers and Deputy Headteachers is a critical element of effective school development and improvement.

Appointment of a Headteacher

The Governing Body must as a first step notify the Chief Officer, Education & Youth at Flintshire County Council in writing whenever a vacancy or prospective vacancy occurs in the post of Headteacher before commencing the appointment process.

Regulation 33 of the Staffing Regulations, requires that the Governing Body of a Voluntary Aided School, where the trustees under a trust deed relating to the school are also trustees of a Roman Catholic religious order, must notify the Major Superior of the vacancy in writing.

The Governing Body must advertise any such vacancy in publications, circulating throughout England and Wales, which it considers appropriate. This includes newspapers, periodicals, journals or by internet advertisement.

However, under the Staffing Regulations, Governing Bodies may choose whether to advertise a Headteacher or Deputy Headteacher if it arises in the following circumstances:

- The vacancy is in a school (new school), which is named in statutory proposals published under Part 2 of the Schools Standards and Framework Act 1998, as one which pupils may attend following the closure of their existing school (amalgamation); and
- A person employed at the new school or the school which is to be discontinued, pursuant to statutory proposals, has expressed the wish in writing to the Governing Body to apply for that post.

If there are other statutory proposals that will come into effect at the same time or similar times, creating or amalgamating other schools maintained by the same Council, a Governing Body, which has no eligible candidates of its own may consider applicants, without national advertisement who are eligible for such posts in other newly formed or amalgamated schools.

In order to safeguard consistency across the region, a protocol was agreed by all six north Wales Councils to support the appointment procedures (for Primary, Secondary and Special Schools). With the cessation of GwE the responsibilities outlined below now rest with the respective individual Local Authorities through their School Improvement Services teams.

1. The Council School Improvement Service will liaise with the School to arrange appropriate support for the appointment procedure.

2. The School Improvement Service nominee (Senior Manager, Core Lead or SIA) will attend all professional interviews/assessment centres and offer advice to the Governing Body regarding appointments.
3. If there is no professional interview/assessment centre, then the Senior Manager, Core Lead or SIA will attend the formal interview to offer advice to the Governing Body regarding the appointment.

Welsh Government Guidance on Requirement for Headteachers to hold National Professional Qualification for Headship (NPQH)

The effect of the 2005 Regulations is that to be appointed a Headteacher in Wales candidates need to satisfy the following requirements:

- Have the NPQH qualification or an equivalent under the Mutual Recognition of Qualification regulations 2015
- Be a qualified teacher
- Register with the EWC

Those Headteachers in post prior to 01.09.05 do not have to comply with the requirements. The effect of the regulations is that if a Headteacher, in post prior to 01.09.05 in England, without the NPQH wants to be a Headteacher in Wales, they do not need to comply with the requirements and they can apply as they are specifically referenced in the regulations.

However, if a Headteacher was not in post before 01.09.05 in England, and now wants to be a Headteacher in Wales the position is that they will have to satisfy the requirements and hold NPQH or an equivalent.

Consequently, the Person Specification and selection criteria should include the mandatory requirements for applicants to hold NPQH and Education Workforce Council (EWC) registration.

Selection Panel

The full Governing Body must establish a selection panel (normally three to seven persons). The selection panel may include persons who are not Governors and it is for the Governing Body to determine whether those panel members may vote. Voluntary Aided schools may choose to have the whole Governing Body as the selection panel for Headteachers and Deputy Headteacher appointments.

Governors who form the selection panel and take part in the selection of candidates for interview must also form the interview panel.

The selection panel is required to:

- Agree a Chairperson from amongst the Panel members. This person cannot be paid to work at the school or with a pupil. The Governing Body can remove the Chair to any selection panel from office at any time.
- Select applicants for interview (Shortlist).
- Notify the Council in writing of the details of the candidates selected for interview.
- Interview applicants.
- Recommend one of the applicants interviewed to the Governing Body for appointment.

Any decision of the selection panel must be taken by vote representing an absolute majority of all members of the panel. Where there is an equal decision on votes, the Chair (or the person acting as Chair for the purposes of the meeting), has a second or casting vote.

If the Council writes to the Selection Panel about the unsuitability of any candidate within fourteen days from the date it received the notification of the names of the short listed candidates, the Selection Panel must consider the Council's views. If that candidate is still interviewed and recommended for appointment by the Panel to the Governing Body, the Selection Panel must respond to the Council in writing and make the Council's correspondence and the Panel's reply available to the Governing Body.

If the Governing Body endorses the recommendation of the Selection Panel it will recommend that person to the Council for appointment.

In the case of Voluntary Aided, Foundation or Foundation Special schools, where the person recommended by the Selection Panel is approved by the Governing Body for appointment and the person meets all relevant staff qualification requirements, the Council must appoint that person.

If the Selection Panel makes no recommendation, or the Governing Body does not approve a recommendation, or the Council declines to appoint the recommended candidate, the Governing Body may re-advertise the vacancy.

At Foundation and Voluntary Controlled schools with a religious character, the Governing Body may take into account any candidate's suitability and ability, to preserve and develop the religious character of the school.

At Voluntary Aided schools with religious character, the Governing Body may give preference to any candidate whose religious opinions and worship are in accordance with the tenets of the religious denomination of the school. At Voluntary Aided schools whose trustees are of a Roman Catholic religious order, the Governing Body may appoint as Headteacher a candidate proposed by the Major Superior of the order without going through the usual procedures for appointing a Headteacher, including setting up a Selection Panel. The Governing Body may not appoint a candidate who fails to meet the qualification requirements.

A Headteacher is barred by the regulations from participating in the appointment of their successor. However, the Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice. If the Headteacher post is not filled, or cannot be filled, prior to the date it becomes vacant, the Governing Body must recommend to the Council a person to act in that position.

Appointment of a Deputy Headteacher

There is no legal obligation for schools either to have Deputy Headteachers, or be limited to just one, and therefore no automatic obligation for a Governing Body to take steps to replace a serving Deputy who leaves his or her post, or announces an intention to do so.

The Governing Body may wish to consider alternatives, such as reorganising management responsibilities within the school or meet any continuing staff resource needs by some other means.

The procedure for appointing Deputy Headteachers is the same as that for Headteachers with the exception of the Local Authorities' right to make representations about unsuitable candidates.

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 Council also has this right. The Council must appoint the candidate recommended by the Governing Body unless they fail to meet staff qualification requirements.

Where any Deputy Headteacher post will not be filled before the date on which it falls vacant, the Governing Body may recommend to the Council for appointment a person as acting Deputy Headteacher.

Appendix 2 – Probationary Period Guidance for School Support Staff

Aims of the probation procedure

The procedure aims:

- To ensure that the probation process for all new colleagues is undertaken and applied in a fair and consistent manner, within a supportive framework and in line with employment legislation requirements.
- To ensure that the school is provided with opportunity to assess skills, capability, conduct and attendance of new colleagues before deciding whether or not to confirm their employment.

The school aims to secure equality of opportunity in all its objectives and in this respect, the probation procedure must be objective, clear, transparent and free from discrimination.

The probation procedure should work alongside induction to help create a positive and supportive working environment, allowing new colleagues to settle into the school and learn the key elements of the job within reasonable and realistic timescale.

Roles and Responsibilities

Managers

- Create an appropriate induction programme and ensure the new employee completes the required elements.
- Set objective/standards of performance at the earliest possible opportunity and monitor these through the probation process. This includes conducting and recording mid-point and end of probation reviews, and more regular one-to-one meetings.
- Liaise with and gain pro-active feedback from appropriate colleagues in respect of the new employee.
- Encourage open dialogue with the new employee throughout the process, placing emphasis on supporting the new employee to achieve their required standards.
- Provide clear, specific and constructive feedback on performance, conduct and attendance, praising good standards and identifying where instances fall below required standards.
- Identify issues in relation to performance, conduct and/or attendance and meet with the employee at the earliest opportunity to discuss this. The line manager must be clear about the required improvement, the relevant timescales and discuss and agree appropriate support or intervention to assist improvement. A record of the meeting will be provided in writing to the employee.
- Take advice from the HR team where appropriate.

Employees

- Carry out their job to the standard that is expected and required for the role that they have been appointed to.
- Understand the impact of their work performance, conduct, attendance on colleagues, children and the school as a whole.
- Clarify expectations, standards, tasks, objectives and behaviours with their line manager if they are unclear about them.
- Engage fully in their induction, the setting of their objectives and the monitoring of their performance, conduct and attendance through this procedure.
- Develop their skills and knowledge to carry out their role to the highest possible standard.
- Bring all relevant issues which may affect their work performance, conduct and attendance to the attention of their line manager.
- Attend meetings to discuss any aspects of their performance, conduct or attendance which are considered unsatisfactory as requested to do so and respond constructively to any feedback given.
- Cooperate with their line manager, undertake any agreed development activity and strive to help improve any aspects of their work, performance, conduct, attendance which are considered to be unsatisfactory.

Representation

Employees have the right to be accompanied by a colleague or trade union representative at formal meetings where dismissal (due to not confirmed into role) is a possible outcome, and at appeal hearings, following a decision to dismiss.

Terms of employment during a probationary period

- During the probationary period, employees will be subject to all the terms and condition of their contract of employment.
- Where an employee decides to resign during a probation period, their contractual notice period will apply.
- Any employee within a probationary period who is experiencing difficulties with their performance will be dealt with via this probation procedure rather than the schools capability procedure.
- In cases of misconduct, any employee within a probationary period will be dealt with under this probation procedure and not under the schools Disciplinary policy and procedure. The school reserves the right to invoke the statutory dismissal process in cases of gross misconduct.

The Probationary Procedure

Managing the Probationary Period

Management of the probationary period will normally be undertaken by the line manager. However, there may be circumstances where it is appropriate for an alternative manager to be nominated. Therefore any reference within this procedure to 'line manager' would also apply to the nominated manager.

The length of the probationary period is 26 weeks.

Appointments to fixed term contracts will be subject to a probationary period. If the duration of the fixed term contract is less than the duration of the probationary period, the whole period of the fixed term appointment counts towards the overall probationary period. This is particularly important as fixed term contracts are often extended; in such instances the length of the probation will extend in line with the appropriate probationary period.

Normally there will be three recorded probationary meetings during the probationary period:

- 1) **Initial meeting** – This should be held as soon as possible after the commencement of employment to clarify duties (in line with the job description) and responsibilities of the new employee and to discuss the expectations regarding standards of work, conduct and attendance. Training, support and development needs should be addressed, as should induction requirements.
- 2) **Mid-Point probation review** (usually around the 3 month mark) – This should operate as a constructive and positive process to further discuss the new employee's progress. A review of the job description should take place to ensure that the probationer is delivering against the role recruited to and objectives should be reviewed. The line manager should determine whether mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work performance, conduct and attendance are being met or not. Support, guidance and development needs should be discussed and agreed as necessary.
- 3) **End of Probation review** (usually around the 5 month mark) – This should operate as a constructive and positive process to further discuss the employees progress. A review of the job description should take place to ensure the employee is delivering against the role recruited to and the objectives should be reviewed. The line manager should determine whether the mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work, performance, conduct and attendance are being met or not. A decision will be made as to whether the appointment will be confirmed or not. It is important that this review is held in advance of the end of the probationary period in order to ensure that a decision regarding confirmation of appointment, extension or non-confirmation of appointment can be made within the probationary period.

A new employee's performance, conduct and attendance should be subject to assessment by the line manager within a supportive and developmental context. Therefore in addition to the three probationary meetings listed above, regular one to one meetings should be held to review progress, offer praise and discuss any concerns as they arise.

Clear and accurate written records of probation review meetings must be completed and maintained by the line manager. Responses/comments from the employee should also be recorded. A standard form is available from HR for this purpose.

Confirmation of Appointment

If at the end of the probation period, the new employee's progress has been satisfactory and has met all the requirements of the post, the line manager write to the employee and send a copy to Employment Services for their employment file (Employment.services@flintshire.gov.uk). Template letters can be provided from Human Resources.

Difficulties during probation

The school expects the majority of its new colleagues to progress effectively and in a timely manner through its probation procedure to the full achievement of their role. However, we recognise that there will be situations where new employees are not able to achieve the standards expected and required. In these circumstances, it may be appropriate to give the employee an opportunity to make the necessary improvements within a defined time period.

Where appropriate, the line manager should meet with the probationer with a view to establishing the cause of the difficulties and how it can be resolved. This meeting should take place promptly after the concerns have been identified and the line manager is not required to wait for the mid-point or end of probation review meetings, although they may use these meetings if it is timely.

Any discussions in relation to probation concerns will typically cover the following:

- Clarify what the difficulties are in detail – specifying where and how the employee's performance, conduct and/or attendance are falling below what is acceptable (provide evidence, where available).
- Allow the employee the opportunity to raise and respond to any concerns.
- Discuss the action required to address the problem – set objectives specifying in detail what standards of performance, conduct and/or attendance are required to reach an acceptable level.
- Set dates of when the objectives should be met.
- Identify any training needs which may need to be met in order for the employee to achieve the objectives.

- Explain what the consequences may be if the standards are not met – that it may be necessary to extend the probation period or not confirm the appointment.
- Discuss any actions required by the line manager and agree timescales for completing these where necessary.

The line manager should keep a written record of the details referred to in the meeting.

It is hoped that employees will react positively in overcoming any difficulties, however if the performance/conduct/attendance does not improve following initial discussions, within a reasonable and realistic timescale, it may be necessary to consider extending the probationary period or non-confirmation of appointment. Where either of these actions is being considered, advice can be sought from Human Resources.

Extending the Probationary Period

In circumstances where it is felt that an employee has not yet met the required standards, but are likely to do so within a reasonable amount of time, the probationary period may be extended. This is to allow the employee further time to demonstrate the required standards of performance/ conduct/ attendance.

It is acknowledged that there may be some circumstances that may require an extension to the probationary period for reasons other than not meeting the required standards. For example, due to the timing of the appointment for example if the employee has an extended holiday planned. In these situations, an extension to the probationary period can be implemented.

Extensions should normally be for no longer than 3 months (for those on a 6 month probation) and in any event not longer than the original probationary period.

Where the probationary period is to be extended, the employee should be invited to attend a meeting to discuss this.

In addition to the general discussions relating to the concerns (see above), the following will also typically be discussed:

- reasons for the proposed extension (provide evidence, where available)
- length of the extension period
- any support/ guidance/ training to be given during the extension
- areas of improvement that are required and how these will be monitored (if appropriate)
- explain the consequences should the employee not reach the required standards - that they may not be confirmed in post and have their employment with the Council terminated

- due consideration should be given to issues of inclusion and any other issues pertinent to the individual case

The line manager should ensure notes are taken of the meeting and the appropriate forms should be completed and returned to Employment Services. The extension to probation will be confirmed in writing.

In the event that the employee fails to take reasonable steps to attend the scheduled meeting, the employee will be notified in writing of any decision to extend the probationary period.

Monitoring should continue through the extended probationary period, and the employee and their line manager should meet regularly to review progress.

If sufficient improvements are made and the required standards met, the appropriate form should be completed and sent to Employment Services who will write to them to confirm that they have successfully completed their extended probationary period.

Where the employee has not reached the required standards of performance/ conduct/ attendance during their extended probation, despite efforts to address this, then the procedure described in the section on Non-confirmation of Appointment should be followed.

Non-confirmation of Appointment

Where an employee has failed to achieve the required standards of performance, conduct or attendance required for their position, they will be invited to a meeting with the staff dismissal committee where their continued employment will be discussed.

The employee should be invited in writing to the meeting. The letter should detail the concerns, detail any previous meetings held and should advise them that a possible outcome could be the decision not to confirm them in post.

The employee should take all reasonable steps to attend the meeting. Where the employee or their representative are unable to attend the meeting, they will be given the opportunity to reschedule the meeting within 7 calendar days. If there is a failure to attend the second meeting, a decision will be taken as to whether to hold the meeting in the absence of the employee. The employee will be notified immediately in writing of any decision to hold the meeting in their absence.

In the event that the employee is absent due to sickness and unable to attend the meeting, they may be asked to have a consultation with Occupational Health to assess whether they are fit to attend the meeting.

In addition to the general discussions relating to the concerns, the line manager will typically:

- give reasons for considering non confirmation in post – these should be explained clearly (provide evidence, where applicable)

- allow the employee and/or their representative to respond to the concerns and to ask any questions
- ensure that due consideration has been given to issues of inclusion and any other issues pertinent to the individual case.

Notice of termination of employment during the probation period will be 2 weeks.

Right of Appeal

Where an employee's employment has been terminated during their probationary period they have a right to appeal against the decision. This right will be confirmed in the termination letter and will give the employee 7 calendar days from receipt of written confirmation of the letter or at the earliest practical opportunity.

Appeals will be considered by the staffing appeals committee who has not previously been involved in the case.

At the appeal hearing, the employee will present their grounds for appeal and the chair of the committee who made the decision to dismiss will have the opportunity to respond.

The decision taken at the appeal hearing will be communicated in writing and will be the final decision.