

# **RECRUITMENT & SELECTION TOOLKIT**



Human Resources,  
Children, Schools &  
Families

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# CHECKLIST FOR RECRUITMENT

1. PRE INTERVIEW PLANNING/PREPARATION	DONE?	COMMENTS
<i>JOB DESCRIPTION - CLEARLY STATES:</i>		
Main duties and responsibilities of post		
Extent of responsibility for safeguarding children coming into contact with		
<i>PERSON SPECIFICATION – EXPLAINS:</i>		
Qualifications/experience and other requirements needed for the role		
Competences/qualities the applicant should be able to demonstrate		
How above requirements will be tested/assessed during selection process		
<b>ADVERTISING</b>		
Includes explicit statement of commitment to safeguarding		
Highlights robust vetting process incl. CRB checks		
Post openly advertised or reasons recorded if not		
<b>3. INFORMATION PACK</b>		
<b>APPLICATION FORM</b>		
<b>INFORMATION PACK – INCLUDES DETAILS/STATEMENTS REGARDING:</b>		
Job description and person specification		
School's safeguarding policy statement		
Seeking references for short-listed applicants		
Requirement for CRB disclosure if successful* (always YES for school staff)		
*Enclose CRB leaflet which explains how to complete the form.		
Exploration at interview of candidate's suitability to work with children as well as for the post.		

Asking relevant employer about any child related disciplinary offences incl. time expired		
Asking relevant employer whether subject of any CP concerns incl. outcome		
Liability if false information provided		
Statements re recruitment process, equal opportunities policy etc		
<b>4. SCRUTINISING APPLICATIONS AND SHORT-LISTING</b>		
Candidates assessed equally against person specification		
Incomplete applications returned for completion if applicant is likely to be called for interview		
Notes made for exploration e.g. discrepancies, anomalies, gaps in employment, unusual or repeated career changes etc		
Short-listed applicants informed of documents needed at interview		
<b>5. REFERENCES</b>		
Obtained direct from referee		
Obtained prior to interview		Record reasons if not obtained prior to interview, but obtain and scrutinise before confirmation.
Minimum of two referees incl. current/most recent employer required		
Additional reference required if previously worked with children, but not for current employer		
<b>6. INFORMATION FOR REFEREES INCLUDE:</b>		
Job description and person specification		
Statement that reference must be accurate and contain no material misstatement or omission		
Statement that content may be discussed with applicant		
Reference pro-forma		

<b>7. ON RECEIPT OF REFERENCES:</b>		
Checked that questions answered satisfactorily		
Checked for discrepancies or issues of concern		
If answers not given or vague, referee phoned and asked for written answer or amplification		
Areas identified for further exploration at interview		
<b>8. INTERVIEWS</b>		
<b>INVITATION – INCLUDES:</b>		
Interview arrangements, time, place, panel membership etc		
How interview will be conducted		
Areas to be explored including suitability to work with children		
Statement re vigorous identity checks and requirement to complete CRB application if successful		
Instructions to bring current Driving Licence or passport including photograph or full birth certificate, plus utility bill or financial statement with current name and address, and any change of name documentation		
Instructions to bring original or certified copies of educational and professional certificates or diplomas or written confirmation from awarding body		
<b>9. INTERVIEW PANEL:</b>		
Has its membership documented		
Has authority to make decisions about appointment		
3 interviewers with at least 2 trained in Recruitment & Selection and at least 1 trained in Safer recruitment		

Agrees standards to be met		
Agrees assessment criteria in accordance with person specification		
Agrees issues to be explored, based on application and references, and who will ask about these		
Agrees set of questions relating to job requirements		
<b>10. THE INTERVIEW</b>		
Conducted by at least one person trained on safer recruitment		
Conducted face to face		
Explores attitude toward children/young people		
Explores ability to support organisation's agenda for safeguarding and promoting the welfare of children		
Explores gaps in employment history		
Explores discrepancies or concerns in info from candidate and/or referee		
Candidate is asked if he/she has anything to declare in light of: <ul style="list-style-type: none"> <li>• CRB check</li> <li>• Questions for referees (where prior reference not obtained)</li> </ul>		
<b>11. DOCUMENTATION RETAINED ON PERSONNEL FILE AND RECORDED ON CENTRAL RECORD INCLUDES:</b>		
Qualifications		
CRB status		
CRB reference		
CRB expiry date		
Reference 1 (must be from most recent employer)		
Reference 2		
Reference 1 followed up with referee?		
Reference 2 followed up with referee?		

Application form (MUST contain FULL employment history including dates and explanations of any gaps)		
Job description		
Person Specification		
Interview notes		
Photo ID – passport or drivers licence		
Signed contract		
Proof of eligibility to work in the UK		
Cert of Sponsorship (if applicable)		
<b>12. INDUCTION ARRANGEMENTS</b>		
<b>NEW EMPLOYEE PROVIDED WITH THE FOLLOWING (IN WRITING WHERE APPROPRIATE)</b>		
Child protection training appropriate to his/her role		
Details of relevant policies/procedures and identity of designated staff		
Support as appropriate		
Opportunities to discuss issues or concerns about role & responsibilities		
Means for line manager or mentor to recognise and address ability and suitability concerns		
Information re safer practice and expected standards of conduct		



# **JOB DESCRIPTION AND PERSON SPECIFICATION**

## **TEMPLATE & INFORMATION**

LONDON BOROUGH OF MERTON

----- School

**JOB DESCRIPTION**

**POST TITLE:**

**Grade:**

**Department:**

**Location:**

**Responsible to:**

**Responsible for:** *(include deputising role, numbers of staff, whether dispersed)*

**Post number:**

**Date:**

1. **MAIN PURPOSE**
  
2. **MAIN DUTIES AND RESPONSIBILITIES**

LONDON BOROUGH OF MERTON

----- SCHOOL

**PERSON SPECIFICATION**

**POST TITLE:**

**Grade:**

**Date:**

**1.     *Knowledge***

**2.     *Skills***

**3.     *Experience/Training/Qualifications***

***Please note any special requirements on the Person Specification***

## PREPARING THE JOB DESCRIPTION - Guidance Notes

Analyse the job to establish whether all the duties and responsibilities as described are still appropriate. It is important to review the skills, abilities, knowledge and experience that will be needed by the person doing the job. When undertaking the review it is helpful to ask a number of questions:

- Is the job the same as it was the last time an appointment was made?
- Does the job still need to be done in exactly the same way?
- Does the job do what it is intended to do?
- Should the job be changed to increase job satisfaction - through providing a greater variety of tasks, for example?

The job description must be clear and concise and accurately reflect the whole job. It is essential to the recruitment process, and acts as the pivot around which all other recruitment practices revolve, including:

- determination of remuneration
- preparation of the person specification;
- preparation of the advertisement;
- applicant information.

Layout of the job description should include a brief summary of the purpose of the job and an outline of the main duties to be performed.

Consideration of presentation of the duties is important. Presentation may be according to frequency of performance, relative importance, chronological order or a logical sequence relating to the main processes of management e.g. planning, financial.

Each activity should be described in one or two short sentences, which provide the reader with an understanding of what is done, how it is done and why it is done.

Tasks actually performed by the jobholder and those carried out by other employees for whom the jobholder is accountable should be readily distinguishable.

*The prescription of each task should be meaningful and phrases such as "liaison" and "deal with" should be avoided or qualified. Similarly words that can be widely interpreted e.g. co-ordinate, negotiate, should be clearly defined within the prescription of the duty. It may be helpful to provide examples of work undertaken to illustrate a particular duty.*

*The job description should reflect the jobholder's responsibilities for the organisation's policies e.g. Equal Opportunity, Customer Care and Health and Safety.*

The job description is not an exhaustive list of all duties to be performed but must address all key activities.

When drawing up a job description make sure that preconceived ideas about the gender of the successful applicant does not influence the way the job description is written. The contents should be examined carefully to eliminate any stereotyped gender, race or disability biased phraseology, and requirements that would unfairly discriminate against particular groups of people. Any particular requirements such as climbing, lifting loads, using equipment and visiting sites, etc; should be made clear in the job description.

Where changes are proposed to the job description consideration must be given to the overall structure and other jobs on which the change may impact.

Once the job description has been written the remuneration can be determined.

## **GUIDANCE NOTES FOR MANAGERS ON WRITING PERSON SPECIFICATIONS**

Please also refer to separate template

### **PREAMBLE**

- The person specification outlines the key skills, expertise, knowledge and experience required for the person to be able to undertake the duties of the job. Aspects which could be developed once in the job can be dealt with as part of the induction process (performance objectives) and Personal Development Plan.
- These may only be derived from an interpretation of the duties of the post, describing whether the individual must have:
  - Knowledge
  - Skill
  - Experience/Training in a given area of the work.
- The specification requirements should be set out using the requirements above as headings – it may not be necessary to use all of the headings, particularly for basic skill roles, and the distinction between each factor needs to be clear and justified. For example, a clerical post may require basic understanding or knowledge of a policy/law, whereas a senior management role may require the skills and knowledge to implement the policy/law.
- It may also be necessary to add any **special requirements** if these are relevant to a particular post e.g. availability to work at weekends for shift workers, ability to attend evening meetings, ability to visit different locations around the borough, ability to carry heavy equipment, etc

Care should be exercised to avoid adding any potentially **discriminatory elements** which do not directly relate to the job. For example, the job may require someone to be able to travel independently around the borough, but this does not necessarily require him/her to be a car driver unless transporting goods or there is a genuine safety need to have personal transport.

- Training should not be used as a criterion unless there is a statutory or professional requirement to have a particular qualification either for appointment or as part of a career progression structure.
- Time serving criteria should not be used (e.g. must have x years experience) as this is potentially discriminatory. However, reference to timescales may be justifiable if related to carrying out a task to a specific standard or where the post is career graded and specific experience is required prior to consideration for progression.

- Academic qualifications should only be used where there is a clear justification within the role for such requirements as access to study may not be open to all. When used, such qualifications should not be expressed solely in terms of U.K. based academic study as this may eliminate those whose schooling, etc. was outside of the UK.
- Care should be taken not to overstate requirement. Instead determine what may be learnt once in the job and how other experience or understanding may be transferred to eliminate unnecessarily restrictive requirements.
- The criteria should not be too numerous and these should be designed with regard to what can be assessed during a standard interview. 10-12 criteria should be sufficient for the interview assessment for all but the senior roles (less for basic skill roles).
- The way in which Criteria will be assessed must be defined on the person specification against each criteria:

<b><i>Application form</i></b>	<b><i>Interview</i></b>	<b><i>Other ,e.g. test(s)</i></b>

- Shortlisting must only be on the basis of those criteria identified on the specification for assessment against the application form. Only those candidates who meet all of the minimum person specification requirements should be shortlisted. If the number of candidates for interview is too high to be managed by the panel then reference must be made to the shortlisting method contained within the Managers' Recruitment pack to eliminate candidates who do not score the highest level (e.g. meets criteria, comprehensively or more than meets criteria, outstanding answer, etc)
- Where testing is used, the methodology should be determined at the time the specification is prepared. Candidates should be notified in advance about the testing methods to be used, whether feedback will be available, etc.

## **USE OF ESSENTIAL/DESIRABLE CRITERIA**

- The use of 'Essential' and 'Desirable' is no longer permitted. Only those minimum criteria may be included which are essential to undertake the duties of the role

## **USE OF COMPETENCY ASSESSMENTS**

- The Council has still to determine whether a competency based framework for Person specifications will be applied across the whole organisation. This is under discussion as part of the Council's HR strategy (single status and pay and benefits strategy). It is advised that, in meantime, managers avoid reference to

competency based assessment unless this relates to a career graded scheme and details of the scheme and how the assessment works are supplied to the candidate together with a description of how they will be applied in the recruitment process.

## **Methods of Recruitment**

Consideration should be given to all possible recruitment sources such as:

- Internet
- Newspapers (local, national and minority press)
- Journals
- Job News (the internal vacancy list)
- Radio/TV
- Job Centres
- Careers offices (for school leavers, trainees, returners to work)
- Libraries
- Community Groups
- Job fairs
- Poster campaign

By advertising as widely as possible, there is more chance of attracting a wider pool of suitable applicants from all areas of the community.

## **Drafting the Advertisement**

The content of the advertisement must be drawn directly from the Job Description and Person Specification. It is important to ensure that terminology is free of bias and discrimination. Jargon must be avoided.

An advertisement should give key information in clear terms and will include the following:

- Job Title
- Description of the organisation and/or/department/and or team
- Pay and additional allowances
- Main purpose of the job and key elements of the Job Description
- Most important requirements from the Person Specification
- Job location
- Explanation of the application procedure
- Contact person who can give further details (Factual information only can be given by a nominated person who is not on the Panel)
- Closing, test and interview dates



## **The Interview**

The purpose of an interview is to appoint the 'best person for the job', based on a careful evaluation of all the available information. Where an interview is the only basis for making selection decisions, the amount of evidence is limited, but the process of identifying the best candidate is relatively straightforward. Where additional evidence is available e.g. test results, these should be integrated into the evaluation process.

As comprehensive a set of notes as possible should be taken because they may be required for inspection or for evidence at an Employment Tribunal. Notes should demonstrate why a criterion was or was not met.

Assumptions must not be made about a person's ability to do a job based on disability, gender or personal circumstances.

If Panel Members are unclear how an applicant's disability affects them doing the job, job-related questions may be asked but care must be taken in doing so. Interviewers must demonstrate their willingness to make reasonable adjustments which could enable the job to be performed. It is important that the candidate is able to demonstrate their capabilities before addressing the issue of their disability.

In such a case, it would be discriminatory to reject their application on this basis. Panel Members will also need to assess what reasonable adjustments are required to help the person do the job. Since this is a very complex and sensitive area, managers are advised to talk to their Departmental Human Resources Section to ensure they are not discriminating on grounds of disability. It should never be assumed that a disabled person would have a worse sickness record than anybody else. Indeed, statistics show that employees with disabilities take less sick leave than other employees.

You should remember that at an interview, the candidate is assessing the potential employer as well as the employer assessing the candidate.

# **TEMPLATE LETTERS FOR RECRUITMENT**

Private and confidential  
[title] [first name] [surname]  
[address 1]  
[address 2]  
[address 3]  
[postcode]

Dear [title] [surname]

Interview for [ref number] [job title]

Thank you for your application for the above post. I am very pleased to advise you that you have been short listed for interview.

The interview will take place on [insert full date] at [location]. Please arrive for [time] at [reporting instruction] and ask for [name].

The interview process will consist of [interview instruction].

Please confirm whether you will be attending the interview by telephoning [name] on [telephone number].

If you have a disability and need any assistance at interview, please contact me on the above number so that we can make the appropriate arrangements for you.

Please be advised that should you be successful at interview and offered a post with the [School], we will check your identity thoroughly and will require you to undergo a criminal records (CRB) check. A copy of the CRB's code of practice and our CRB policy is available on request by contacting me on the above number.

It is our usual practice to seek references prior to interview. Please let me know immediately if you do not wish me to do so.

We look forward to meeting you.

Yours sincerely

[name of author]

## REASONS FOR NON-SELECTION

Dear [first name]

### **Interview for [ref number] [job title]**

Thank you for attending the interview for the above position.

I regret to inform you that on this occasion you were unsuccessful. If you would like some feedback, please do not hesitate to contact [line manager's name] on [telephone number].

I would like to take this opportunity to thank you for the interest that you have shown in the School and wish you well in your future career.

Yours sincerely

[name of author]

Dear [first name]

**Interview for [ref number] [job title]**

Thank you for attending the interview for the above position.

Unfortunately on this occasion you were not successful at interview. However the panel were very impressed with you, and would like to ask you to be a reserve candidate for this post. If we are unable to obtain satisfactory clearances for the successful candidate, we may contact you at a later date to enquire whether you would still be interested in the post.

Please contact me to let me know whether you are willing to be considered as a reserve candidate.

I would like to take this opportunity to thank you for the interest that you have shown in XX School and wish you well in your future career.

Yours sincerely

[name of author]

Dear [first name]

**Application for [ref number] [job title]**

Thank you for your application for the above position.

I regret to inform you that on this occasion you have not been short listed. If you would like some feedback, please feel free to contact [line manager's name] on [telephone number].

I would like to take this opportunity to thank you for the interest that you have shown in the XX school and wish you well in your future career.

Yours sincerely

[name of author]

## INTERVIEW NOTES

This form must be completed by each panel member for each candidate.

<b>Post title:</b>	<b>Vacancy Ref:</b>
<b>Name of Interviewer:</b>	<b>Date:</b>
<b>Name of Candidate:</b>	

### Section 1 - Welcome

Action	Please initial when actioned
Welcome the candidate and introduce the panel, explaining each person's role	
Explain: - the purpose of interview - the duration - the format - the panel will be taking notes	

### Section 2 – Interview Questions

#### Scoring criteria:

5 = more than meets the criterion; has included all relevant information and given an outstanding answer

4 = meets criterion comprehensively; has included all relevant information and given a good detailed answer

3 = partly meets criterion; has included some information but does not wholly meet criterion and has given a satisfactory answer

2 = there are doubts that a criterion has been met and has not given a very good answer

1 = fails to meet criterion and has given a weak answer

Interview Questions – please fill in as appropriate, using the criteria number as defined in the person specification, e.g. 1.1)

<b>Q1.</b>	PS Criteria:
Answer:	Score:
<b>Q2.</b>	PS Criteria:
Answer:	Score:
<b>Q3.</b>	PS Criteria:
Answer:	Score:

<b>Q4.</b>	PS Criteria:
Answer:	Score:
<b>Q5.</b>	PS Criteria:
Answer:	Score:
<b>Q6.</b>	PS Criteria:
Answer:	Score:
<b>Q7.</b>	PS Criteria:
Answer:	Score:
<b>Q8.</b>	PS Criteria:
Answer:	Score:
<b>Q9.</b>	PS Criteria:
Answer:	Score:
<b>Q10.</b>	PS Criteria:
Answer:	Score:



### Section 3 – End of interview

Ask the candidate to explain any gaps in their education / employment history:

- Explain that you have finished asking your questions
- Invite questions from the candidate
- Explain when and how the candidate will receive the outcome of interview and how they can get feedback, if applicable
- If requested, provide the candidate with an expense form, and explain how to claim

Tick when  
actioned

# INTERVIEW SCORE SHEET

Please complete this form immediately after the interviews have taken place.

<b>Post title:</b>	<b>Vacancy Ref:</b>
<b>Department:</b>	<b>Date:</b>

NB. Please inform Recruitment Team if any change to panel from application shortlisting

## Panel Members

<b>Chair:</b>	<b>2)</b>	<b>3)</b>
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## INTERVIEW SCORING:

5 = more than meets the criterion; has included all relevant information and given an outstanding answer  
 4 = meets criterion comprehensively; has included all relevant information and given a good detailed answer  
 3 = partly meets criterion; has included some information but does not wholly meet criterion and has given a satisfactory answer  
 2 = there are doubts that a criterion has been met and has not given a very good answer  
 1 = fails to meet criterion and has given a weak answer

Applicant Name	Q.1	Q.2	Q.3	Q.4	Q.5	Q.6	Q.7	Q.8	Q.9	Q.10	Total	Test

## NON-APPOINTMENT:

Name	Full reason for non-appointment	Has candidate been notified? How? (eg. telephone, email, letter)

<b>Successful candidate:</b>	<b>Reserve candidate:</b>
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## SHORTLIST FOR INTERVIEW

To be completed using all applications received for the vacancy.

<b>Post title:</b>	<b>Vacancy Ref:</b>
<b>Department:</b>	<b>Section:</b>

Panel Members	Panel to declare that they have no reasons for personal interference or conflicts of interest with the applicant All panel members to sign:	Please indicate whether panellist has received training in Recruitment and Selection
<b>Chair:</b>		
<b>2.</b>		
<b>3.</b>		

### AGREED SHORTLIST CRITERIA against person specification:

Please fill out in full or refer to numbers as per person specification for the post.

	Shortlist Criteria
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

**Please note that any applicant who has a disability MUST be invited for interview if they meet the minimum criteria.**

#### APPLICATION SHORTLISTING:

**Please insert the appropriate score code:**

- 5 = more than meets criterion; has included all relevant information (outstanding answer)
- 4 = meets criterion comprehensively; has included all relevant information
- 3 = partly meets criterion; has included some information but does not wholly meet criterion
- 2 = there are doubts that a criterion has been met
- 1 = fails to meet criterion



## **REASONS FOR NON-SELECTION**

### **Principal reason for not shortlisting**

- 1 Insufficient knowledge (as set out on the person specification)
- 2 Insufficient skills (as set out on person specification)
- 3 Insufficient/inappropriate level of qualification (academic/vocational) as set out on the person specification
- 4 Insufficient experience (as set out on the person specification)
- 5 Candidate withdrew their application
- 6 Any other specific reason (to be stated on the application form)
- 7 Failed completely to meet even a minimum level on the person specification

### **Principal reason for not appointing**

- 8 Insufficient knowledge (as set out on the person specification)
- 9 Insufficient skills (as set out on person specification)
- 10 Lack of personal qualities required for the post (as set out on person specification)
- 11 Insufficient experience (as set out on person specification)
- 12 Met most of person specification requirements, but other candidate more proficient
- 13 Unsatisfactory references
- 14 Unable to meet Rehabilitation of Offenders/Access to Children requirements
- 15 Any other specific reason (to be stated on application form)
- 16 Candidate withdrew application prior to interview or after post offered to them

**Note on the shortlisting and appointing paperwork the reason for not shortlisting/appointing each candidate (official use only box)**

## Example of a covering letter requesting a reference

Dear

CANDIDATE'S NAME

The above named person has given your name as a referee in applying for the post of [title] at our school.

I should be grateful if you would let me have your assessment of this candidate's suitability for the post I enclose a job description and person specification for your information.

I also enclose a pro-forma which asks some specific questions. I should be grateful if you would answer all of these questions, and continue on a separate sheet if there is not enough space for your full response. Please return the form to me, endorsed with either your company's official stamp, or attach a compliment slip or sheet of headed paper with a signature.

The school operates an open file policy and employees have the right of access to personal information held about them. This includes references for employment purposes, which will be made available to employees on request. I would be grateful for a swift response, which could either be faxed to the school on [number] or returned in the enclosed pre-paid envelope by [date].

If this candidate is appointed, the candidate's fitness (health) for the job will be assessed separately, and I will therefore write again for details of the candidate's attendance record.

Yours sincerely

Headteacher / Line Manager

If you have any queries regarding this reference request please contact:

<b>Name:</b>	
<b>Position:</b>	
Address:	
Fax Number:	
<b>Tel Number:</b>	

Private and Confidential

LONDON BOROUGH OF MERTON (School Name)

## REFERENCE REQUEST

### Confidentiality

The school operates an 'open file' policy, and employees have the right of access to personal information held about them. This includes references for employment purposes, which will be made available to employees on request.

### Reference Request

<b>Name:</b>	
<b>Post being offered:</b>	
Dates in your employment:	
If applicable, reason for leaving:	
If Local Authority, please confirm date of continuous local government service:	
Capacity in which employed/job title:	
How long have you known this person?	
In what capacity?	
Salary on leaving?	

### Disciplinary Record

Does the applicant currently have any formal warnings recorded against them under your policies for and indicate if the warning is current:

		Current?
Performance (capability)	*Yes/No	
Disciplinary	*Yes/No	
Any other policy?	*Yes/No	

(\*delete which does not apply)

If **YES**, please state reasons and dates.

Is any management action pending or is the applicant currently the subject of a management investigation? **\*Delete which does not apply** \*YES / NO

If the applicant no longer works for you, was any management action pending or was the applicant the subject of a management investigation At the time s/he left your employment? **\*Delete which does not apply** \*YES / NO

If **\*YES to either** please give details



**SUITABILITY TO WORK WITH CHILDREN**

Do you know of any reason why this applicant may not be suitable to work with children?

\*Yes/No If **YES** please give details below.

Please ensure you include information if there has been disciplinary procedures involving issues relating to the safety and welfare of children or young people even if the sanction has expired, and the outcome of those.

Please give details of any allegations or concerns that have been raised about the candidate that relate to the safety and welfare of children and young people or behaviour towards children and young people, and the outcome of those concerns. E.g. whether the allegations or concern was investigated, the conclusion reached and how the matter was resolved.

The post the applicant has applied for is covered by the provisions of the Rehabilitation of Offenders Act 1974, (Exemptions)(Amendment) Order 2001. Therefore it is not contrary to the Act for you to reveal any information about convictions (OPTIONAL)

Would you recommend the candidate as suitable for the post applied for **\*YES / NO**  
**\*delete which does not apply**

**If no**, please give details

Would you re-employ the applicant? **\*YES / NO**  
**\*delete which does not apply**

**If “no”**, please comment on the reasons why you would not re-employ?

Could you please comment on the applicant's suitability to undertake the post applied for, using the criteria outlined on the attached person specification and highlighting any particular strengths or weaknesses?

### Details of Referee

Signature:	
Name:	
Job Title:	
Date:	
Telephone Number:	
Name & Address of Organisation	
Company Stamp	

# **MODEL APPOINTMENT LETTER**

## MODEL APPOINTMENT LETTER

Dear \_\_\_\_\_,

### APPOINTMENT OF \_\_\_\_\_

I write with reference to your recent interview for the post of \_\_\_\_\_ and am pleased to confirm the offer of appointment. Congratulations on being the successful candidate.

The appointment is offered on **state type of appointment (teacher, AST, AHT DHT qualified unqualified etc, salary starting point, salary range and other relevant details eg Leadership scale, ISR range LXX-LXX. Your starting salary is LXX £XXXXXX. Details of whether post is part/full time, percentage or number of hours if part time. State number of weeks required if term time only.**

**The offer of appointment is subject to satisfactory recruitment and vetting checks.**

There is also a requirement for the school to keep a single central record evidencing the range of checks carried out on all staff. You are therefore asked to undergo certain checks and provide a range of documents for these purposes (see below).

Even though these checks may have been undertaken previously in Merton, we want to ensure we are complying with the requirements introduced in January 2007. The school will therefore require (state which docs are needed and put this paragraph in if appropriate):

- Receipt of two satisfactory references **(you can say if you already have these or state who you are approaching for these.)**
- The receipt of a satisfactory medical report from the council's Occupational Health Physician of your fitness to undertake the duties of this post, and in this connection I enclose a medical questionnaire for your completion.
- Provision of a document containing your National Insurance Number. (For example a previous employer payslip, P45, P60, HM Revenue & Customs Form/Letter, document from the Benefits Agency, Contributions Agency, Employment Service). If for any reason you are unable to provide any one of the documents specified, please contact the school in the first instance, who will advise you of alternative documentation which will satisfy this requirement. Employment cannot commence until the required documentation has been produced. **(Schools will need to check with HR if in doubt)**
- Documentation to check your identity. We need confirmation of your name, address and date of birth, as well as photographic identity. (For example a passport combined with evidence of your address). The documentation required for a CRB check will normally cover this requirement.
- Permission to work in the UK. **(UK nationals and those from EEA do not need permission to take employment – check with HR if unsure)**

- A satisfactory Criminal Records Bureau check. A CRB form is enclosed for completion. This requirement is because your duties would involve your having substantial access to children. If a contrary report is received, further action will be taken which may result in our not confirming your appointment. However, this will depend on the information we receive. (If employee is Merton employee already and there are no breaks in service, another check may not be necessary – but seek HR advice about expiry of current CRB check).
- Verification of your educational and professional status and qualifications (the original or a certified copy of a certificate or diploma, (e.g. PGCE certificate) or a letter of confirmation from the awarding body, provision of your DfES reference number, confirmation that induction/probation has been completed successfully, confirmation of Qualified Teacher Status, NPQH qualification certificate; and GTC registration), Other qualifications may be Nursery Nurse qualifications, NVQs etc as required for the post. HLTA status award. Only verify those qualifications needed for the job.

These checks will need to be completed satisfactorily prior to your commencement at the school, and I should be grateful if you could make an appointment with (Appropriate Person/School Admin Officer) telephone number xxxxxxxx so that you can arrange to bring in the documents for verification.

**For teachers:** Teachers are included in the Teachers' Pension scheme unless they expressly opt out but please complete the teacher pension form. Your salary will be paid directly into your bank account and I enclose a form for completion. **For officers:** Officers of the Council are admitted to the Local Government Pension scheme unless they express a wish to opt out. Your salary will be paid directly into your bank account. Please complete the enclosed form giving your bank details.

I will contact you again on completion of the above requirements to arrange a mutually acceptable starting date. You are advised not to resign from your current post until then. In the meantime I shall be grateful if you will confirm your acceptance of the post on the salary shown above.

If you require any further information please do not hesitate to contact me. I look forward to welcoming you to the school.

Yours sincerely

(Chair of Selection Panel )

# **CRB DISCLOSURES**

**Short guidance on how to obtain  
CRB disclosures  
for staff and volunteers in schools**

***September 2010***

## Who needs a CRB Disclosure?

All Staff employed in schools:- including regular volunteers, work placement people, work experience students, student teachers and all agency staff.

It is a Merton requirement that Governors also need to be checked. Governors' support (020 8545 3923) will give you more details on this.

You should satisfy yourself that all work placements, work experience, student teachers and agency staff on school premises have a relevant clearance from their organisation or employing agency.

If a work placement person, work experience student or student teacher does not hold a clearance and you wish to allow them on school premises they must be treated as a visitor.

All agency staff must hold a clearance and cannot be employed without such a clearance.

## When is a CRB disclosure not needed?

A Head Teacher may make a decision to allow someone on school premises as a visitor, but you are advised to assess the risk of whether or not that person must be accompanied at all times. A visitor should never be left in sole charge of children at any time.

## Who should have an Enhanced CRB disclosure?

All school staff and all individuals whether employed, or used on a voluntary basis, who are used in the classroom and have contact with children as defined below:

*Schools are allowed to make a check on these staff in accordance with*

## *Exceptions to the Rehabilitation of Offenders Act*

The category for exemption is described as:

'All people used in posts involving regularly caring for training, supervision or being in sole charge of persons aged under eighteen or vulnerable adults'

This criteria will be used to define the use of enhanced clearances.

## At what stage can someone actually be used in a school?

You should **not normally** allow the member of staff to start employment until such time as the Disclosure has been received. If there are **exceptional circumstances** you must carry out a risk assessment and obtain written agreement/email from Head of Education **prior to** allowing a member of staff to start employment.

The risk assessment should address all relevant factors including the following points:

How much direct contact with children is involved in the duties?

Can you ensure that another (cleared) member of staff can always accompany this staff member?

What is the risk outside of the classroom?

What action can be taken to minimise the risk to children?

Take account of the fact that that schools staff are respected and trusted by children so there may be a risk outside of the workplace.

A note of the risk assessment should be kept on an individual's file and a copy sent to HR.

In all cases you should provide your named HR Assistant with the surname



and date of birth of all individuals to be used in the school and ask the team to check that the person does not appear on List 99. List 99 is a list of people barred or banned from working in schools

If an individual is used in a school prior to the receipt of a satisfactory disclosure the Head teacher MUST :-

- ◆ ensure that all other recruitment checks have been carried out satisfactorily e.g. references, qualifications health clearance, identify, permission to work in the UK
- ◆ ensure the member of staff is aware of the schools policies on behaviour around and contact with children

A new CRB disclosure is not required when someone moves from a school within the Borough of Merton, as long as there is no break, or the break in service is no longer than 3 months.

If the person is transferring from another Borough without a break in service, again providing you receive satisfactory references and all other recruitment procedures have been carried out and are satisfactory, you may start them in advance of receipt of the new disclosure. Although Safeguarding Children and Safer Recruitment guidance suggests another check is not necessary, Merton requires a CRB disclosure, to be obtained in these cases even if they produce evidence of an earlier disclosure.

## References

Please refer to the advice in Merton's Recruitment and Selection Guidance for schools. All references for people used in schools should contain the following paragraph:

'You will be aware that the nature of this post means that it is subject to the Joint Circular "Protection of Children: Disclosure of Criminal Background of those with Access to Children" and is an Exception to the Rehabilitation of Offenders Act. As such I must ask you to include in your response any issues which may preclude this person from being employed by this Authority/School under those documents.'

## Individuals from Overseas

Criminal records information should be sought from countries where individuals have worked or lived. The CRB has agreements with 21 countries to provide criminal records information. If the country is not one of these 21, the HR CRB Team advise you how to obtain criminal records information and/or certificates of good conduct. Headteachers should be aware that the level of information contained in these certificates varies from country to country; some are complete extracts from the criminal record, others are partial.

## For How Long is a CRB Disclosure Valid?

A CRB check is a snapshot record at that moment in time and as such does not have a validity period. The CRB has withdrawn the 'passporting' of CRB disclosure checks, and therefore you must ensure you undertake a new check

## Can I accept a disclosure from an individual which has been obtained in connection with a school in another authority?

*No. We have decided that it is safest to check all staff who start work in Merton ourselves.*

## How to fill in a CRB disclosure form

All individuals must be given :-

- 📄 The Disclosure Application Form
- 📄 The leaflet 'An Applicant's Guide To Completing The Disclosure Application Form'
- 📄 The Policy Statement On The Recruitment Of Ex – Offenders

**Please read the leaflet 'An Applicant's Guide To Completing The Disclosure Application Form' so you can give assistance to applicants in the completion of the CRB Disclosure form. The form is scanned by the CRB and any deviations mean the form cannot be used.**

- ❖ The CRB Disclosure forms are valuable and should be kept under lock and key.  
You should keep a record of all forms issued to you and return the receipt issued with each batch of forms  
You should record against each form number, the name of the person completing the form.
- ❖ The individual must use BLACK INK (any other colour and the form will have to be destroyed and a new form completed)
- ❖ **Please make it clear if the form is for a volunteer by entering the word 'VOLUNTEER' in line 61 (Section X) of the form and the title of their role. Also tick line 68 'Yes'.**
- ❖ Ensure that the individual reads all the Do's and Don'ts on the front page of the leaflet and completes the form strictly in accordance with the information in the leaflet.
- ❖ All confirmation of identity documents must be entered on the form by the individual  
The whole point of the documentation is to ensure that the person proves their identity. The checker then puts a cross in the box titled 'Registered body use only'.
- ❖ The leaflet 'An Applicant's Guide To Completing The Disclosure Application Form' contains the latest documentation requirements and how to confirm the documentation seen. Nothing else will be accepted. The CRB regularly updates its information for employers and applicants on its website: <http://www.crb.gov.uk/>
- ❖ Any form sent by post should be sent recorded delivery but you may use the Council's internal post system and the special CRB striped envelopes.
- ❖ **DO NOT** keep a copy of the Disclosure form on the personal file

- ❖ **DO NOT** keep a copy of any Disclosure Certificate form given to you although you can keep a record of the basic information from the form (name, confirmation that it is clear and disclosure reference number)
- ❖ There is no lower age limit for completion of the form but forms should only be used for prospective appointees.
- ❖ Although there is currently no requirement to undertake three yearly re-checks Merton has taken the decision to check school staff every three years, in line with staff working in Social Care settings.

*If it is not possible to obtain information necessary to get a satisfactory CRB Disclosure that individual will not be allowed to work with children.*

**INCORRECT OR INCOMPLETE FORMS WILL BE RETURNED TO THE SCHOOL FOR CORRECTION AND COMPLETION, WHICH WILL RESULT IN DELAYS IN OBTAINING SATISFACTORY DISCLOSURES.**

## Managers checklist confirming recruitment decision

Name	
Job title	
Section	
Department	

Applicant's name	
Post applied for	
Disclosure number	
Issue date	

*I can confirm that I have seen the above disclosure certificate in relation to the above appointment. In considering the information shown on the certificate, I have considered the following factors:*

✓

	An examination of the circumstances leading up to the offence e.g. the influence of financial or domestic circumstances
	Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely
	The degree of intent on behalf of the offender
	The damage caused
	Repeat offences i.e. was the offence a one-off or part of a history of offending
	The length of time since the offence took place
	The nature of the job i.e. does the nature of the job present any opportunities for the postholder to re-offend in the course of their work
	The degree of risk that the offence suggests that the individual represents
	The extent of job supervision i.e. does the job involve one-to-one contact with children or other vulnerable groups and what level of supervision will the postholder receive
	An individual's attempt to "go straight"
	The degree of remorse, or otherwise, expressed by the applicant and their motivation to change
	Whether the offence has subsequently been decriminalised by Parliament
	Whether the conviction has previously been considered by the organisation and the individual has been cleared for employment, and this is already noted on the individual's personal file
	Whether the offence was disclosed on the application form and if not, whether the reason given by the individual is acceptable to the line manager

On the basis of these factors I have made the following decision:

Confirm Appointment / Withdraw Appointment

Signed \_\_\_\_\_

Date \_\_\_\_\_

## CHECKING PROCESS - EXTRACT FROM CRB WEBSITE:

<http://www.crb.gov.uk/Default.aspx?page=582>

### Please note that:

- You must only accept **valid**, **current** and **original** documentation.
- You must **not** accept photocopies.
- You must **not** accept documentation printed from the internet e.g. internet bank statements.
- You should where possible, ask for **photographic identity** (e.g. passport, new style driving licence, etc. and for this to be compared against the applicant's likeness).
- All documents must be in the applicant's **current name** as recorded in Section A (see below for guidance on recent changes of name).
- One document **must** confirm the applicant's **date of birth** as recorded in Section A.
- You must see at least two documents to confirm the applicant's **current address** as recorded in Section B. Only place a cross (x) in the 'Registered body use' box if you have seen two documents.
- You must provide a **full and continuous** address history covering the last 5 years.
- You should cross match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their CV. This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last 5 years but the application form only shows London addresses, you may wish to question the applicant further about this.
- Only one document from each of the subgroups in Group 2 should be included in the document count e.g. do not accept two bank statements as two of the required documents, if they are from the same bank.
- You cannot **accept** the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.
- If an identity document is provided in a **foreign language**, you must obtain a translation of that document, certified by a Notary Public.

## What identity documents can be used?

The CRB has produced guidance on the type and range of identity documents that must be used by the Countersignatory or approved person, to validate the applicant's identity. These documents are divided into two groups: Group 1 and Group 2. The number of

documents from each group the Countersignatory or approved person needs to see is set out in the following flow diagram.

If you have insufficient identity documents, please contact the CRB Information Line on **0870 90 90 811** for further guidance.

## How many documents do I need to see?

### Can applicant produce any documents from Group 1?

**Yes - 3 documents must be seen.** One document from Group 1 plus any two from Groups 1 or 2.

**No - 5 documents to be seen.** Five documents from Group 2

## List of Valid Identity Documents

### Group 1

Passport	EU National Identity Card
Driving Licence (UK) (Full or provisional) -England/ Wales/ Scotland/ Northern Ireland/ Isle of Man ; either photocard or paper ( a photo card is only valid if the individual presents it with the counterpart licence)	Birth Certificate (UK) - issued within 12 months of date of birth – full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
HM Forces ID Card (UK)	Firearms Licence (UK)
Adoption Certificate (UK)	

### Group 2

Marriage/Civil Partnership Certificate	Financial Statement ** - e.g. pension, endowment, ISA
Birth Certificate	Vehicle Registration Document (Document V5 old style and V5C new style only)
P45/P60 Statement (UK) **	Mail Order Catalogue Statement *
Bank/Building Society Statement *	Court Claim Form (UK) ** - Documentation issued by Court Services
Utility Bill* - electricity, gas, water, telephone – including mobile phone contract/bill	Exam Certificate e.g. GCSE, NVQ, O Levels, Degree
TV Licence **	Addressed Payslip *
Credit Card Statement *	National Insurance Card (UK)
Store Card Statement *	NHS Card (UK)
Mortgage Statement **	Benefit Statement* - e.g. Child Allowance, Pension
Insurance Certificate **	Certificate of British Nationality (UK)
Council Tax Statement (UK) **	Work Permit/Visa (UK) **
A document from Central/ Local	<b>One of the following documents from the</b>

Government/ Government Agency/ Local Authority giving entitlement (UK)*: e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security	<b>United Kingdom Borders Agency (UKBA) (formerly the Immigration and Nationality Directorate – IND) (UK):</b> <b><i>Do not use more than one of the following documents</i></b> Convention Travel Document (CTD) - Blue Stateless Person's Document (SPD) - Red Certificate of Identity (CID) - Brown  Application Registration Card (ARC) Immigration Status Document (ISD)
CRB Disclosure Certificate **	Letter from a Head Teacher *
Connexions Card (UK)	

\*documentation should be less than three months old

\*\*issued within past 12 months

At least one document must confirm the applicant's current address and at least one document must confirm the applicant's date of birth.

This list is subject to amendment.

## How can I check Driving Licences?

Do not accept licenses, other than those stated in the list of valid identity documents.

**English, Welsh and Scottish** driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A-C.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth must be deciphered from the driving licence number and entered in the relevant field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

**ROBIN 7570 25 CJ99901  
NNNNN YMMDDY IICCCCC**

**N** = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).

**Y** = YEAR of birth.

**M** = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes) or if born in February (i.e. 02) would display '52').

**D** = DAY of month of birth.

**I** = Initial letter of the first two forenames - if only one, then 9 will replace the second

letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.

**C** = Computer generated.

Please note, for Northern Ireland driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

**Do not accept** licences from British dependencies (e.g. Gibraltar, Channel Islands and Falkland Islands).

### **What if the applicant has been adopted?**

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in Section C of the Disclosure application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

### **What if the applicant has changed their name recently and cannot provide ID documents in this new name?**

Documents in a previous name can be accepted **ONLY** where the applicant can provide documentation supporting a recent change because of:

- Marriage/civil partnership {marriage/civil partnership certificate
- divorce/civil partnership dissolution {decree absolute/civil partnership dissolution certificate}
- deed poll {Deed Poll certificate}

In these instances, you must:

1. Return a 'Continuation Sheet' with the application form clearly stating

- current and previous names
- date of the change
- reason for the change
- the document you have seen to support this change

2. Ensure that all 'Previous names' and 'Dates used' are recorded in Section B (Other Names)

### **How do I check for indicators of fraud?**

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. The following table of



guidelines should help you look out for any suspicious signs when authenticating documents.

### **Passport**

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph. Check there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

### **Photo driving licence**

Examine the licence for evidence of photo tampering or any amendment of the printed details.

### **Old style driving licence (no photograph)**

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

### **Birth certificate**

Birth certificates are not wholly reliable for confirming identity, since copies are easily obtained. However, certificates issued at the time of birth are more reliable than recently issued duplicates.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

### **EU Photo Identity Card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **HM Forces ID Card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Firearms licence**

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address

and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief of police for the area in which they live, or normally a person to whom his authority has been delegated.

**Other forms of identification**

Ensure all letters and statements are recent, i.e. within a 3 month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section A.

## **Guidance for Schools on Points Based System of Entry to the UK**

### **INTRODUCTION**

The work permit arrangements are changing.

A Points-based system is being established for anyone wanting to come or remain in the UK from Countries outside of the EEA or Countries where there is an entitlement to work in the UK (known as 'settled workers' by the United Kingdom Borders Agency - UKBA). There are a number of objective criteria any applicant will have to meet and, if the applicant obtains enough points, a certificate of sponsorship (as it will be known) will be issued.

The system consists of five Tiers. It is likely that most prospective employees (if not all) who apply for posts in schools will need to apply under Tier 2. This guidance therefore concentrates on the processes for a Tier 2 application.

The only applicants who do not need sponsorship are those applying under the Highly Skilled Tier known as Tier 1. Staff who are employed in schools will not qualify as Highly Skilled workers.

Tiers:

T1: Highly skilled individuals able to contribute to growth and productivity

T2: Skilled workers with a job offer to fill a gap in the UK labour force

T3: Low skilled workers to fill temporary labour shortage

T4: Students

T5: Youth mobility and temp workers (limited period of entry to the UK – primarily non economic objectives) (inc. creative and sporting category)

There are sub categories in each tier. Points are awarded according to the tier and sub category in each tier. Migrants will need to obtain sufficient points to obtain entry clearance or leave to remain in the UK within a particular category or sub-category.

Tiers 2-5 will need a certificate of sponsorship before they can apply for entry clearance or leave to remain.

Migrant workers will be required to provide their fingerprints before getting entry clearance, and all migrant workers who are allowed to enter the country will need to obtain a biometric identity card which will contain information on their entitlement to work.

Merton Council as a sponsor will need to comply with certain duties to keep their licence to issue UKBA approved certificates of sponsorship and ensure the system is not abused. In schools, most of the employment responsibility and function rests with managers and headteachers, and therefore HR will need your assistance to ensure it complies with the duties placed on it by UKBA. If schools wish to take on migrant workers you must help us to ensure they are eligible to work in the UK.

### **Responsibilities of the School**

You must:

- Seek to give us information on your prospective employee at least 20 working days before you intend the prospective employee to start work

## Guidance

- Supply the appropriate documentation as requested by HR
- Make an initial judgement about the likely success of any application
- Tell us, so that we can inform UKBA, if the migrant does not turn up for work or is absent without permission for a significant period.
- Keep up to date records of absences.
- Keep a history of the prospective employee's contact details (UK residential address, telephone number, mobile number,) This must be updated regularly

## Documentation

The documents you will **always** be required to provide us are those showing identity (see advice issued in the guidance called Preventing Illegal Working). These documents are listed in the guidance as List A and List B.

- a detailed job description outlining the duties of the post and includes the skills, qualifications and experience required for the post (some of this might be part of the person specification, in which case both the job description and person specification must be submitted);
- certified copy of UK Biometric Card
- certified copy of document proving the NI number

Currently (August 2010) Teachers are not listed on the shortage occupation list and therefore you need to comply with the resident labour market test. The list is updated regularly and currently Secondary Maths, Science and some Special Needs teachers are on the shortage occupation list – see UKBA website.

<http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/residentlabourmarketttest/>. Please check the website for the most up to date details.  
<http://www.ind.homeoffice.gov.uk/>

## Certificates of Sponsorship

Once all relevant paperwork is forwarded to HR, we complete an online application, using UKBA's sponsorship management system.

When the application is completed and processed online, the system issues a unique reference number (the certificate of sponsorship is not an actual certificate or paper document like a work permit). This number is then given to the prospective employee to enable him/her to apply for entry clearance (if outside the UK) or leave to remain (if inside the UK) to work with the sponsor.

The certificate of sponsorship is valid for 3 months from the date of issue. If it is not used by the prospective employee to gain entry, or leave to remain, it automatically becomes invalid. During that time the migrant cannot be issued with another certificate from another sponsor. The migrant will have to contact the original sponsor to cancel the first certificate.

# **POLICY AND PROCEDURE FOR THE PREVENTION OF ILLEGAL WORKING IN SCHOOLS**

## **POLICY AND PROCEDURE FOR THE PREVENTION OF ILLEGAL WORKING IN SCHOOLS**

### **Introduction**

As an employer there is a responsibility to prevent illegal migrant working in the UK.

Schools carry out the recruitment function for staff working in their establishments and therefore must carry out basic checks on every person they intend to employ. By making these checks, employers can be sure they will not break the law by employing illegal workers.

When undertaking the checks, schools must ensure they comply with the law without discriminating unlawfully against individuals on the basis of their race. Therefore all potential employees are required to undergo checks and provide documentation to confirm their identity and eligibility to work in the UK. By following the correct procedure the School and Council can establish a statutory excuse ('the excuse') against payment of a civil penalty if it is found that an employee is not legally entitled to work in the UK.

### **The penalty for employing an illegal worker**

The Council (as the employer for community schools) or Governors (as the employer for VA schools) may commit a criminal offence if it knowingly employs an illegal worker. In such situations the line manager responsible for the recruitment or management of that individual may be subject to disciplinary action being taken against them, up to and including dismissal.

The maximum penalty the Council/Governing Bodies may be given is a fine of up to £10,000 (as at September 2008) and/or imprisonment for up to 6 months

These steps should be taken **before** you confirm the employment and allow the prospective employee to start work.

### **Specified Steps**

The following steps should be followed for every new prospective employee who you intend to employ.

Steps 1-3 should be carried out prior to the employee starting work with the School. No potential employee must be appointed until the Council has established that the individual is eligible to work in the UK by checking and copying certain documentation.

## Step 1

All prospective employees must provide:

**One** of the original documents alone, or **two** of the original documents in the specified combinations given in List A attached as Appendix A

OR

**One** of the original documents alone, or **two** original documents of the specified combinations given in List B attached as Appendix B

NB: Documents provided from List B only must be subject to a re-check after 12 months

Schools will need to ensure they have systems in place to remind them to make the appropriate re-checks.

## Step 2

To establish the excuse (or retain the excuse of List B statutory documents have been presented) you are required to check the validity of the document and satisfy yourself that your prospective or existing employee is the person named in the documents they present to you. These documents should allow them to do the work in question.

The following specified steps must be carried out when checking all of the documents presented to you by your prospective or current employee:

- Check any photographs, where available, contained in the documentation are consistent with the appearance of the prospective or current employee;
- Check the dates of birth listed, where available to ensure that they are consistent across documents and that the School can be satisfied that they correspond with the appearance of the prospective or current employee;
- check the expiry dates of any limited leave to enter or remain in the UK have not passed
- check any UK Government endorsements (stamps visas etc) to see if the prospective or current employee is able to carry out the type of work being offered;
- be satisfied that the documents are genuine and have not been tampered with and belong to the holder;

- If the prospective employee gives you two documents which have different names, ask them for a further document to explain the reason for this. The further document could be a marriage certificate, a divorce decree, a deed poll document or a statutory declaration.

### Step 3

Make a photocopy of the relevant page or pages of the document. In the case of a passport or other travel document, the following parts must be photocopied:

1. the front cover and any page containing the holder's personal details. In particular, the page that provides details of the nationality, his or her photograph, date of birth, signature, date of expiry or biometric details; and
2. any page containing a UK Government endorsement, noting the date of expiry and any relevant UK immigration endorsement which allows the potential employee to carry out the type of work being offered.

Other documents should be copied in their entirety.

You should then keep a record of every document you have copied. The person who has checked and copied the documents should sign and date the copies to confirm they have checked the original document. These copies should be kept securely in the employee's file at school for the duration of employment and for a further two years after the employment has ceased. **By doing this the Border and Immigration Agency will be able to examine your right to the excuse if they detect anyone working illegally for you.**

If the prospective employee provides documentation from List A this will establish an excuse for the duration of the employment. A document or documents from List B that indicate the prospective employee only has limited leave to be in the UK must be subject to a re-check at least once every twelve months, until they can provide specified document or documents to indicate that they can remain permanently in the UK from List A, or they leave the Council's employment. HR will keep a record of those employees with List B documents and will remind schools when employees are required to provide further documentation.

If, after carrying out these checks, it is established that the prospective employee is not permitted to work then the Council/School is entitled to refuse employment to that person. Please seek advice from HR before informing the employee that they will not be appointed.

You will need to record these checks as part of the schools single central record of recruitment and vetting checks. You should also make a copy of these documents and send them with the recruitment information to Human Resources for the Council's file and records.



## LIST A – Documents which provide an ongoing excuse

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the Border and Immigration Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office or the Border and Immigration Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the Border and Immigration Agency to the holder, which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

12. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

13. A letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

## **LIST B – Documents which provide an excuse for up to 12 months**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office or the Border and Immigration Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.
5. A residence card or document issued by the Home Office or the Border and Immigration Agency to a family member of a national of a European Economic Area country or Switzerland.
6. An Application Registration Card issued by the Home Office or the Border and Immigration Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

## **Documents that do not provide the Council or School with an excuse under the Immigration Asylum and Nationality Act 2006 Section 15**

The following documents **will not** provide a statutory excuse under section 15 of the 2006 Act:

- a Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK. If you are presented with these documents then you should advise the applicant to call the Border and Immigration Agency on **0151 237 6375** for information about how they can apply for an Application Registration Card;
- a temporary National Insurance Number beginning with TN, or any number which ends with the letters from E to Z inclusive;
- a permanent National Insurance number when presented in isolation;
- a driving licence issued by the Driver and Vehicle Licensing Agency;
- a bill issued by a financial institution or a utility company;
- a passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;
- a short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents;
- a licence provided by the Security Industry Authority;
- a document check by the Criminal Records Bureau;
- a card or certificate issued by the Inland Revenue under the Construction Industry Scheme.

# **ADVICE ON EMPLOYING NATIONALS FROM THE EUROPEAN ECONOMIC AREA**



## Employing nationals from the European Economic Area

Nationals from European Economic Area (EEA) countries and Switzerland can enter the UK without any restrictions. You should not, however, employ any individual on the basis of his or her claim to be a national from an EEA country, as not all EEA nationals can work in the UK without restrictions. These are dealt with in more detail below.

You should ask nationals from all EEA countries and Switzerland to produce a document showing their nationality. This will usually be either a national passport or national identity card. Some nationals from EEA countries and Switzerland may also be able to produce a residence permit issued by the Border and Immigration Agency which confirms their right to reside and work here.

All of these documents are included in **List A** and may provide you with the excuse against a civil penalty if checked and copied.

### Which EEA nationals can work in the UK without restriction?

Austria *	Italy *
Belgium *	Liechtenstein
Cyprus*	Luxembourg *
Denmark*	Malta*
Finland*	Netherlands *
France*	Norway
Germany *	Portugal*
Greece *	Spain *
Iceland	Sweden *
Ireland *	UK*

Nationals from these EEA countries can enter and work freely in the UK without restriction. Their immediate family members are also able to work freely in the UK while their adult EEA family member is legally residing and working here.

However, you should still check their documents to demonstrate this entitlement. Those countries marked with a star are also members of the European Union.

Since 1 June 2002, nationals from **Switzerland** and their family members have also had the same free movement and employment rights as EEA nationals.

### What about Accession State Workers?

On 1 May 2004, ten new countries joined the European Union and became part of the EEA. Nationals from these countries are also free to come to the UK to live and seek work here.

In 2004, the Government established a Worker Registration Scheme to monitor the participation of workers from eight of these countries in the UK labour market, as follows:

Czech Republic  
Estonia  
Hungary  
Latvia  
Lithuania  
Poland  
Slovakia

Workers from these countries are often referred to as 'Accession State workers.' These countries are referred to as 'A8 countries' throughout the remainder of this guidance and workers from these countries are referred to as 'A8 workers'.

Although employers are not legally required to conduct these checks, we recommend that you make sure that a person from one of the A8 countries who starts working for you registers with the Border and Immigration Agency within one month of starting work, unless they are exempt from the requirement to do so. Exemptions from the scheme are set out in the *Comprehensive guidance for employers* which can be found at the UKBA website.

## **Newer members of the European Union and the EEA**

On 1 January 2007, Bulgaria and Romania joined the European Union, and also became part of the EEA. These countries will be referred to as 'A2 countries' throughout the remainder of this guidance and workers from these countries will be referred to as 'A2 workers'.

A2 workers are free to come to the UK, but may be subject to worker authorisation. This means that they are only able to work in the UK if they hold a valid accession worker authorisation document or if they are exempt from authorisation.

If a prospective employee claims exemption from the scheme please check with HR before proceeding.

## **What should I do if I want to employ an A8 or A2 worker?**

When you take on a **new worker** from one of the ten countries above, you should:

### **1. Establish an excuse**

You should check that the worker is a national from one of these ten countries, so you do not risk payment of a civil penalty under section 15 of the 2006 Act. You can do this by asking them to produce a national passport or national identity card and then follow the steps above.

### **2. Ensure that your prospective A2 employee is authorised**

An A2 worker will require authorisation **before** they begin working for you, unless they are exempt. A worker authorisation document for an A2 worker provides you with evidence of authorisation from the Border and Immigration Agency that the holder is entitled to work in the UK. The authorisation will be in the form of a card or a certificate, which will set out any conditions on their employment. Where the A2 worker is not subject to the worker authorisation, they may be issued with a registration certificate that states they have unconditional access to the UK labour market, or may be able to demonstrate their exempt status by other means. To establish a defence against prosecution under the Accession (Immigration and Worker Authorisation) Regulations 2006, you should take a copy of the relevant worker authorisation document **before** the A2 worker starts working for you. You should otherwise take copies of documents that establish that the person is exempt from authorisation.

### **3. Advise your A8 employee to register and retain your copy of the application form and registration certificate**

Unlike an A2 worker, an A8 may start work for you without registering first, but your A8 employee should apply to register with the Border and Immigration Agency within one month of starting their



employment. To do this, you will need to provide evidence of their employment (a contract or letter). You should then take a copy of the completed application form before your worker sends this to the Border and Immigration Agency. You should keep this copy until you receive notification from the Border and Immigration Agency that your worker has been registered. Once the worker has successfully registered, the Border and Immigration Agency will send you a copy of the registration certificate confirming this. You should retain the copy sent to you.

### **What happens if I employ an unauthorised or unregistered EEA worker?**

If you have failed to follow this guidance properly, the school will be liable to any fine imposed on the Council.

### IAN ACT Checklist for Schools (July 2010)

Under the Immigration, Asylum and Nationality Act 2006, to establish that an individual has the right to work in the UK, an employer must check and copy or record one of a number of specified documents (or two documents in a specified combination) from **list A** or **list B**.

The documents in **list A** indicate that the holder is entitled to live and work in the UK indefinitely. These documents provide an ongoing excuse against payment of a civil penalty. (Please see over for further clarification of documents required)

The documents in **list B** indicate that the holder has a limited right to live and work in the UK. These documents provide an excuse against payment of a civil penalty for up to 12 months. Therefore Merton as the employer is required carry out repeat document checks every 12 months.

*Please remember to check documents in relation to all recruits, regardless of their apparent immigration status or racial or ethnic background.*

#### Personal Details

[Please complete this form in block capitals.]

School Name: \_\_\_\_\_

<b>Full Name</b> Include all names as stated on document provided			
<b>Date of Birth</b> Format (dd/mm/yyyy)		<b>Nationality</b>	
<b>Have you informed the individual of the following statement?</b>	Potential recruits are not permitted to commence employment for this authority <b>under any circumstances</b> before original documentary evidence of their right to work in the UK has been produced and checked. Yes <input type="checkbox"/>		

<b>Documents produced</b>	1. _____ 2. _____	Verified Photocopies <b>must</b> accompany the checklist. Evidence seen by: _____ Date seen & countersigned copy: _____	
<b>Expiry date on documentation</b>	1. _____ 2. _____	<b>Issue date:</b>	1. _____ 2. _____
<b>Document provided are from which list?</b> Tick relevant box	<b>List A</b> <input type="checkbox"/> <b>List B</b> <input type="checkbox"/>	<b>Home Office Reference No.</b> (If applicable and known)	

**Please pass all countersigned photocopies along with this form to the HR Central Operations Team, Civic Centre.**

**For COT Use Only:** Please complete this form in block capitals

<b>Follow up action required</b>	N/A <input type="checkbox"/> Yearly checks required <input type="checkbox"/> Other <input type="checkbox"/> Please state _____
<b>Is the individual subject to TUPE rules</b>	No <input type="checkbox"/> Yes <input type="checkbox"/> Carry out documentary checks within 28 days of the date of any transfer of an undertaking

#### PAHRIS Updated:

Date HR screen Updated	
H.R.A. Name	

#### COT - List B Checks:

**Name of HRO/SHRO performing re-check: -**

Information obtained from monthly report	No <input type="checkbox"/> Yes <input type="checkbox"/>	Date recheck letter dispatched	
New photocopies required?	No <input type="checkbox"/> Yes <input type="checkbox"/>	Date evidence provided & countersigned copy:	
Document produced	1. _____ 2. _____	Expiry date of document	1. _____ 2. _____

With the exception of Bulgarian and Romanian citizens, citizens of any country in the European Economic Area (EEA) are entitled to work in the UK without special permission and without a work permit. The EEA consists of the following countries:

<b>Austria</b>	<b>Czech Republic</b>	<b>France</b>	<b>Iceland</b>	<b>Latvia</b>	<b>Malta</b>	<b>Portugal</b>	<b>Spain</b>
<b>Belgium</b>	<b>Denmark</b>	<b>Germany</b>	<b>Ireland</b>	<b>Liechtenstein</b>	<b>Netherlands</b>	<b>Romania</b>	<b>Sweden</b>
<b>Bulgaria</b>	<b>Estonia</b>	<b>Greece</b>	<b>Italy</b>	<b>Lithuania</b>	<b>Norway</b>	<b>Slovakia</b>	<b>UK</b>
<b>Cyprus</b>	<b>Finland</b>	<b>Hungary</b>		<b>Luxembourg</b>	<b>Poland</b>	<b>Slovenia</b>	

Please note: Migrants from 8 of the 10 countries that joined the EU on 1 May 2004 - the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia - are required to register with the Home Office under the Accession State Worker Registration Scheme if they plan to work for a UK employer for more than one month.

## Documentation acceptable as proof of right to work in the UK - acceptable combinations of documents

Documents that are acceptable on their own from List A include:

- UK passports;
- European Economic Area (EEA) passports;
- EEA national identity cards;
- UK residence permits;
- a passport or other travel document endorsed to show that the holder is exempt from immigration control and is allowed to stay in the UK indefinitely; and
- a Biometric Immigration Document issued by the UK Border Agency indicating that the holder is allowed to stay in the UK indefinitely.

Documents that are acceptable in defined combinations from list A include an official document bearing the individual's name and **permanent national insurance number**, plus:

<b>First combination - a document complying with the description in the left-hand column plus any one from the right-hand column</b>	
A document issued by a previous employer, HM Revenue & Customs, the Department for Work and Pensions' Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, and which contains the national insurance number of the person named in the document	A full birth certificate issued in the UK that specifies the names of the holder's parents;
	A full adoption certificate issued in the UK that specifies the name of at least one of the holder's adoptive parents.
	A birth certificate issued in the Channel Islands, the Isle of Man or Ireland
	A certificate of registration or naturalisation as a British citizen
	A letter issued by the Home Office to the holder that indicates that the person named in it has been granted indefinite leave to enter or remain in the UK
	An Immigration Status Document issued by the Home Office to the holder, endorsed with a UK Residence Permit, that indicates that the holder has been granted indefinite leave to enter or remain in the UK
	A letter issued by the Home Office to the holder that indicates that the person named in it has subsisting leave to enter or remain in the UK and is entitled to take up the employment in question in the UK
	An Immigration Status Document issued by the Home Office to the holder, endorsed with a UK Residence Permit, that indicates that the holder has been granted limited leave to enter or remain in the UK and is entitled to take the employment in question in the UK
<b>Second combination - a document complying with the description in the left-hand column plus any one from the right-hand column</b>	
A work permit or other approval to take employment issued by Work Permits UK	A passport or other travel document endorsed to show that the holder has current leave to enter or remain in the UK (for a limited period) and is permitted to take the work permit employment in question
	A letter issued by the Home Office to the holder confirming that he or she has current leave to enter or remain in the UK and is permitted to take the work permit employment in question

Documents that are acceptable on their own from List B include:

- A Biometric Immigration Document issued by the UK Border Agency indicating that the holder is allowed to stay in the UK (but not indefinitely).

Documents that are acceptable in defined combinations from list B include:

- Certain other documents when produced in combination with an official document giving the person's name and permanent national insurance number.

# OVERSEAS TRAINED TEACHERS

## **Overseas Trained Teachers – What you need to know**

*This leaflet is for overseas trained teachers (OTTs), i.e. those who have qualified as teachers in countries outside the European Economic Area (EEA) and Switzerland. It applies to those who teach in state maintained schools or non-maintained special schools in England. We will call them “**relevant schools**” in England. **It is intended to make the legal position clear for you and we hope that by schools, local authorities, employment agencies and other bodies will make it available to all newly appointed OTTs immediately on taking up teaching posts. It should also be made available to OTTs who are already teaching.***

Teachers from overseas make a valued contribution to our schools and we hope you enjoy a long and successful teaching career in England. It is important you understand there is a legal limit on how long you can teach in a relevant school in England unless you have obtained qualified teacher status (QTS) in England.

### **What are the rules for OTTs teaching in England?**

The law allows you to work in a relevant school in England for up to four calendar years if you have successfully completed teacher training which is recognised by the authorities in your own country. This is often called ‘the four year rule’. It is very important to be aware that you must have obtained QTS in order to continue teaching after four years.

### **How does the “four year rule” operate?**

The four year period during which you are allowed to work without QTS starts on the day you first worked as a teacher in a relevant school in England and will expire exactly four years later even if you have not taught continuously throughout the four year period or if you were overseas.

### **How do I obtain QTS?**

The best and quickest way is to undertake an employment based training programme, usually the Overseas Trained Teacher Programme, which allows you to work as a teacher and study for QTS simultaneously. It is sometimes possible to be awarded QTS without undertaking extra training by assessment only but the type and length of training depends on your qualifications and previous experience as a teacher.

### **What action should I take if I am an overseas trained teacher?**

In order to avoid problems in the future, it is strongly recommended that you carry out the following either before or shortly after arrival in the UK:

- (i) arrange a check on whether your home qualifications are equivalent to a UK first degree. This check should be made with UK NARIC - tel. 0871 330 7033 or email: [info@naric.org.uk](mailto:info@naric.org.uk) If your qualifications are assessed as below first degree standard, you may need extra study to obtain a first degree before you can start a course leading to QTS. You will need to complete the extra study to reach first degree standard and also obtain QTS within four years of the first

- day you taught in a relevant school. Extra time is not permitted to top up qualifications to degree standard; and
- (ii) arrange to take part in an employment based training course leading to QTS at or near the beginning of your four year period.

Although it is your responsibility to arrange training, it is hoped that you will receive the necessary co-operation and support of your school during the training process.

### **Where can I obtain more advice and information on training courses**

You can obtain further information on training programmes for OTTs by contacting the Training and Development Agency for Schools' Overseas Trained Teacher helpline on 0845 6000 998 or from their website at: <http://www.tda.gov.uk/Recruit/thetrainingprocess/typesofcourse/ottp.aspx>

### **What happens if I have not obtained QTS after four years?**

It is unlawful to continue working in a relevant school although extra time is available if you have taken maternity, paternity, parental or adoption leave allowed under employment law (see the section 'Can I have extra time to obtain QTS'). It may be possible for you to be employed as an instructor but only for the time there is no qualified or trainee teacher available to fill the post. Otherwise, you should stop teaching and if you want to teach again study for QTS via a non employment based route such as the Postgraduate Certificate in Education. Under Tier 2 of the Points-Based System which replaced the work permit scheme, sponsors must ensure their teachers are legally entitled to carry out the job in question. Consequently, if you have not obtained QTS within four years and are not eligible for extra time to obtain QTS, you are not allowed to teach in relevant schools.

### **Can I have extra time to obtain QTS?**

Extra time is only available if you have been absent from teaching during your four years because you have taken statutory maternity (or maternity leave allowed under your contract of employment), paternity, adoption or parental leave. In such cases, your four year period may be extended by the amount of statutory leave entitlement that you have taken during your four year period. You may also have extra time for pregnancy related absences which occurred during your four years.

### **Do these rules apply to me if I was born in the UK or I do not need a work permit?**

The rules apply if you qualified as a teacher in a country outside the EEA or Switzerland regardless of where you were born or your terms of entry to the UK.

### **Can I appeal against these rules?**

The rules on OTTs have been approved by Parliament with no provision for discretion or exemptions under any circumstances.

### **Where can I obtain more information on the rules?**

You can find more detailed help and guidance through the link on the Department for Children, Schools and Families website teachernet page at:  
<http://www.teachernet.gov.uk/wholeschool/overseastrainedteachers>

# **Appointing qualified teachers (extract from teachernet website)**



## **Appointing Qualified Teachers**

Note: You can also [download this guide in PDF format](#). From teachernet.

This is a brief guide for employers of teachers on who is allowed to teach in maintained schools or non-maintained special schools in England. (Revised September 2008)

Any teacher you plan to appoint, even a newly-qualified one, should be expected to have Qualified Teacher Status (QTS). To work lawfully as a qualified teacher in a maintained school or non-maintained special school, they need to have QTS, save for certain exceptions which are explained in paragraph 6 and onwards below.

### **1. What is QTS?**

QTS is a status, granted to teachers who have demonstrated that they have met the required professional standards to be able to teach in maintained schools, non-maintained special schools or pupil referral units in England. Without QTS a teacher cannot register with the General Teaching Council for England (GTCE) and, therefore, cannot be employed as a qualified teacher in state schools. The GTCE is the awarding body for QTS.

### **2. How is QTS awarded?**

Trainee teachers undertake a training course that has been accredited by the Training and Development Agency for Schools (TDA). The GTCE awards QTS when it is informed by an accredited teacher training provider that a trainee has met all the standards for QTS. The GTCE will then process the result and issue the teacher with a QTS certificate or, in some cases, a letter confirming that the teacher holds QTS.

Note: Teacher Reference Numbers (TRNs) are issued to trainee teachers during their training. A TRN is not proof that a person holds QTS.

Teachers who qualified in Scotland, Wales, Northern Ireland or the European Economic Area (EEA) and Switzerland are entitled to request that the GTCE recognises their qualifications and awards them QTS in England without further training.

### **3. Is a PGCE or BEd qualification the same as QTS?**

No. The academic award, such as a PGCE or teaching degree, is separate and a trainee may meet the academic requirements but still fail to meet the standards laid down for QTS. The skills tests are one of these standards and trainees will not be awarded QTS until they have passed them. Also the academic award may be aimed at the post-16 sector. Qualifications for the post-16 sector do not lead to the award of QTS.

#### **4. QTS and the skills tests**

The standards for QTS require that a trainee teacher passes the relevant skills tests before QTS can be awarded. Those who were awarded QTS between 1 May 2001 and 20 April 2002 were required to pass the numeracy and literacy skills tests. Those who completed initial teacher training on 1 May 2002 and later are required to have passed the numeracy, literacy and ICT skills tests.

\*Different arrangements apply for trainees who completed their training prior to May 2002 and these are outlined below:

those awarded QTS in England before 1 May 2000 do not need to take any of the skills tests

those awarded QTS in England between 1 May 2000 and 30 April 2001 need to pass the numeracy test as part of the induction standards.

Those who have not yet passed all of the skills tests and wish to teach in a maintained school or non-maintained special school, need to contact the General Teaching Council for England on 0870 001 0308 or the QTS Skills Tests Team at the TDA on 020 7023 8146 for further information.

A teacher cannot begin induction until they have been awarded QTS. Any period of induction undertaken before QTS is awarded is invalid.

From 1 September 2008, those who have completed initial teacher training but have not been awarded QTS because they have not passed all of the skills tests cannot be lawfully employed as teachers. They could teach as an instructor providing the instructor requirements set out in paragraph 7 are satisfied. If they pass the skills tests at a later date and are awarded QTS, they can teach lawfully as qualified teachers.

#### **5. Induction**

Once QTS has been awarded, the teacher becomes an NQT and is required to begin the induction period. Until they have successfully completed this they remain an NQT. If they fail their induction, they are barred from working as a qualified teacher, although their QTS award is not removed. Appropriate bodies (LAs and the ISC) inform the GTCE of induction results and the GTCE issues induction certificates to successful teachers.

#### **6. Who does the law allow to teach?**

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

- teachers with QTS
- trainee teachers on mainstream or employment based routes to QTS

- OTTs who have worked here for less than four years since the first date they did so
- instructors (as defined in section 7 below)
- staff employed to assist or support the work of anyone falling within one of the categories above (subject to their having the necessary skills and being supervised and directed by a qualified teacher).

All new FE teachers appointed after 1 September 2007 (and many existing FE teachers) will now be following the new FE QTLS (Qualified Teacher: Learning and Skills) qualifications pathway. Teachers in schools who hold QTS will be required to undertake appropriate CPD to teach in FE. This will enable them to achieve the FE QTLS award. The FE sector is introducing a requirement that FE teachers must evidence their core skills. Further information is available on the following websites:

[Lifelong Learning UK](#)  
[Standards for Verification UK](#)  
[Institute for Learning](#)

## **7. Instructors**

Instructors are 'unqualified teachers' who the law allows to carry out the same duties as qualified teachers. Instructors can be employed:

to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training), where special qualifications or experience or both are required, in order to give such instruction

if the school or local authority is satisfied that he/she has the necessary special qualifications or experience or both to do the job

if there is no suitable qualified teacher, graduate teacher, registered teacher or teacher on the employment-based teacher training scheme available for such appointment or to give such instruction

only for such period that no suitable qualified teacher, graduate teacher, registered or teacher on an employment based teacher training scheme is available.

This is by no means an exhaustive list but examples of instructors might include:

- a linguist or an interpreter as an instructor to teach one or more foreign languages
- an artist to teach art
- a musician to teach music
- a carpenter to teach woodwork
- an actor to teach drama.

Instructor posts should only be offered for as long as there is no qualified teacher or person on an employment based route to QTS available to supply those skills or qualifications.

## **8. Overseas Trained Teachers (OTTs)**

Overseas trained teachers (i.e. those who qualified as teachers in countries outside of the EEA and Switzerland) are allowed to work as unqualified teachers for a maximum of four years without the need to gain QTS. This four-year period begins on the first day that a teacher takes up their post in a maintained school or non-maintained special school and expires four calendar years later.

If an overseas trained teacher (OTT) wishes to be awarded QTS, they will need to have had the award made before their four year exemption period ends. Any enquiry that they have concerning QTS should be directed to the TDA on 0845 6000 991.

Note: Although OTTs are qualified in their own countries you will need to satisfy yourself that their competence and experience satisfies the needs of your school.

Full guidance on employing OTTs, including details of new Home Office arrangements which replace the work permit system November 2008 is available.

## **9. Other teachers without QTS**

Headteachers also can appoint other teachers without QTS to carry out specified work but only under the direction and supervision of a nominated qualified teacher. These are usually but not exclusively Teaching Assistants and Higher Level Teaching Assistants. They must have skills, qualifications and experience relevant to the subject they teach. There is no limit to the length of time they can teach. However, overseas trained teachers without QTS after four years and people who completed initial teacher training but were not awarded QTS because they have not passed all of the skills tests are not allowed to teach under this category.

## **10. Safeguarding pupils and students**

Finally, remember that all new staff must have suitable CRB checks. Details of what is required are given in guidance we issued in November 2006: Safeguarding Children and Safer Recruitment in Education, and you can find it [here](#). If you have enquires about these matters call the DCSF on 0870 000 2288.

Beyond the exceptions given above, you should expect that anyone you plan to appoint does have QTS and the only way to be certain, regardless of any other qualifications they may offer you, is to check with the GTCE on 0121 345 0140.