

## Changes to HR policies – Mar 24

Parkside school name change to Parkside Community Foundation Primary School in all the policies listed below.

### 1. Changes to Capability Policy and Procedure – (March 2024) – significant changes

- **Section 2 Scope** – last paragraph added:

Where Employees have transferred to a school under TUPE legislation they will continue to benefit from the terms applicable pre-transfer whilst they remain in their current post. The School may consult with staff to change these terms at a later date as long as the reason for making the change is not attributed to the transfer itself.

- **Section 3 Adoption Arrangements and Date** – first paragraph needs amending to include new date:

This policy was adopted by the Governing Body of Garlinge Primary School and Nursery and Parkside Community Primary School on **XXX** and supersedes any previous Capability Policy and Procedure.

- **Section 7 Right to Representation** – section replaced with:

~~An Employee has the right to be accompanied during meetings held under the capability procedure by either a workplace colleague or trade union representative.~~

An Employee has the right to be accompanied by either a workplace colleague or trade union representative during meetings where a formal warning may be issued and to hearings / appeals held under the Formal Capability procedure. They may also accompany the Employee at review meetings held under this procedure.

Due and careful consideration will also be given to any request from an Employee to be accompanied by a workplace colleague or trade union representative at informal meetings held prior to commencing the formal procedure. However it should be noted that the presence of a representative does not make the meeting formal.

- **Section 8 Timescales & Procedural Stages** – third paragraph added:

The review period will depend on the concerns raised with the Employee, the improvements in performance which are expected and the nature of any support or training required.

Seventh paragraph replaced with:

~~In exceptional circumstances in cases of gross incompetence the School reserves this right to move immediately to consider the termination of employment without recourse to the full procedure and a dismissal hearing may be convened immediately.~~

In very exceptional circumstances, where the failure to perform is sufficiently serious, the School reserves this right to move immediately to consider the termination of employment on the grounds of gross incompetence without recourse to the full procedure or previous warnings. In these circumstances a dismissal hearing may be convened immediately.

Eighth paragraph amended to:

Where an Employee has been subject to the formal stages of the procedure and **within the preceding 6 months and/or** within a 6 month period of a warning expiring is unable to sustain the expected levels of

performance the School reserves the right to restart the capability procedure at the stage that it was suspended or any stage prior to this.

- **Section 9 Informal Action Prior to Commencing the Capability Procedure** – sixth paragraph removed:

~~The School reserves the right to commence the Capability process with an informal standards setting meeting in exceptional circumstances.~~

- **Section 10 Formal Capability Meeting** – seventh paragraph added:

An Employee may appeal the decision to issue a first or final written warning.

Twelfth paragraph amended to:

Following the meeting, the employee will receive written confirmation within 5 working days, **which will include details** of:

- The **level of** warning issued, duration and the arrangements for appeal
- The performance expectations, targets and any agreed supports
- The duration of the formal monitoring period arrangements for any monitoring including the date of the review meeting

- **Section 11 Formal Review Meeting** – seventh paragraph added:

An Employee may appeal the decision to issue a final written warning.

- **Section 12 Decision Meeting** – final paragraph added:

The outcome will be confirmed in writing within 5 working days of the Decision Meeting.

- **Section 13 Capability Dismissal Hearing** – first paragraph amended to:

The Employee will be given written notification of the date, time and venue of the hearing which will usually be not less than 10 working days' notice, **however this may be varied by mutual agreement or should the circumstances dictate.**

Second paragraph replaced with:

~~The notification will advise the Employee of the case to be considered and possible outcomes of the hearing, including that dismissal may be an outcome.~~

The notification should specify:

- The details of the case to be considered
- The time, date and venue of the hearing
- The names of any witnesses to be called
- The possible consequences should the case be upheld, including that dismissal be an outcome
- The procedure to be followed
- That the Employee may be accompanied by their workplace colleague or trade union representative
- The name of the Executive Headteacher / Head of School / panel hearing the case

Fourth paragraph amended to:

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative and is required to provide no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague; and
- The names of any witnesses they are calling
- Any relevant documents they wish to be considered at the hearing

Fifth paragraph added:

If a late submission is received, the panel has discretion as to whether to accept this and make provision for an adjournment during the hearing to consider this. The panel reserves the right to disregard this information.

Seventh paragraph amended to:

During the hearing a representative of the School will present the case for dismissal and the Employee will be given the opportunity to respond present their case in response. Questions may be asked by all parties of either side and / or witnesses.

Tenth paragraph amended to:

The outcome of the hearing may be to:

- Dismiss the Employee on the grounds of capability
- To continue a further period of formal monitoring
- Stop the process all together

Eleventh paragraph amended to:

The Executive Headteacher / panel should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter and / or email. If by letter it will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address will be sought and verified with the Employee.

Twelfth paragraph amended to:

The Employee may appeal in writing against a dismissal decision or any formal sanction within 5 working days of receipt of the notification of the outcome.

Fourteenth paragraph removed:

~~It will be deemed sufficient for the School to issue written confirmation of the outcome of the hearing to the Employee's last known address.~~

- **Section 14 Appeal** – first paragraph amended to:

An Employee may appeal in writing against a formal sanction or dismissal decision if they believe the sanction to be wrong or unjust. Appeals should be made within 5 working days of receipt of the written outcome to the Clerk to the Governing Body or nominated person with clear reasons as to why the appeal should be considered.

Second paragraph amended to:

Grounds for Appeal may include, **but are not limited to:**

- Unfairness of the decision
- That the sanction imposed was unreasonable
- That new evidence has come to light
- Procedural irregularities.

Third paragraph amended to:

~~The letter of appeal must state which of the above grounds the employee wishes to appeal against and the reasons for this. Failure to do this will~~ **Failure to provide the detailed reason(s) for appeal may** result in the appeal being delayed or in the case of continued failure to provide the grounds of appeal may result in the appeal being declined on the grounds that it has not been submitted in an appropriate and timely manner.

Fourth paragraph amended to:

Any supporting information for the appeal hearing must be submitted by the Employee **with the appeal letter and** no later than the deadline for the receipt of an appeal. **If a late submission is received the panel has discretion as to whether to accept this and make provision for an adjournment during the hearing to consider this. The panel reserves the right to disregard this information.**

Sixth paragraph added:

Witnesses may be called by either party but only where they are strictly relevant to the grounds of appeal. The names of the witnesses should be provided by the Employee with their letter of appeal and by the School no later than 5 working days before the appeal hearing.

Seventh paragraph amended to:

Appeals will be heard by a panel of one or more members of the Governing Body. The panel would not usually include Staff Governors. An appeal hearing will be convened at the earliest opportunity, usually within ~~10 working days of receipt of the request~~ **20 working days of the Employee's full written appeal.**

Ninth paragraph amended to:

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the original decision in full
- To uphold the original decision in part ~~but reduce~~ **(this may include reducing** the level of the sanction imposed **and /** or amend other elements of the decision)
- To uphold the Employee's appeal in full ~~and withdraw any sanction~~ **(this may include reducing the sanction, replacing the sanction with an alternative including possible redeployment or withdraw any sanction).**

Twelfth paragraph amended to:

**The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter or email. If by letter it will be deemed sufficient for the School to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address will be sought and verified with the Employee.**

- **Section 16 Ill health and sickness absence during the process** – fifth paragraph amended to:

The advice of an Occupational Health practitioner will be sought at the earliest opportunity and it is anticipated **expected** that the Employee will consent to a referral being made in such circumstances. Where consent is declined employment decisions will be made based on the information available to the School.

The School will also consider requests for reasonable adjustments which the Employee may make under the provisions of the Equality Act 2010.

The Occupational Health Advisor will make the Employee aware of their rights under the Access to Medical Reports Act 1988 which includes being able to view any written report and requesting corrections are made prior to this being shared with the School.

Following the receipt of Occupational Health advice consideration will also be given to any measures that can be put in place to further support the Employee during the capability process.

- **Section 17 Provision of information in employment references** – first paragraph amended to:

Should, **within the preceding 2 years**, an Employee be within the **formal** capability procedure details of this, including any ~~live' formal warnings~~ **formal capability warnings** will be disclosed, upon request, in any reference provided to a prospective employer. A reference may contain factual details about the support and development an Employee has received, outside of the capability procedure.

Second paragraph amended to:

**In the case of teachers and Leadership teachers the School will provide references** in accordance with the **requirements of the** School Staffing Regulations (2012). **This requires that** where a teacher / Leadership teacher in a maintained school applies for a teaching post in another maintained school or academy, the Governing Body must on request advise the prospective new school in writing whether, within the past 2 years, the Employee has been subject to capability procedures, the duration of proceedings and their outcome. *(Please note this requirement relates to performance capability concerns only and not ill health related capability)*

- **Section 19 Role of the professional advisor** – first paragraph amended to:

Other members of the Leadership Team or suitably qualified Local Authority / educational advisors may be invited to advise the Executive Headteacher during the management capability concerns. This may include but is not limited to undertaking lesson observations, ~~and~~ assisting with the review / assessment of progress against targets **and attending meetings held under this procedure**.

Third paragraph added:

A HR Advisor may also be in attendance at meetings held under this procedure.

- **Section 20 Newly Qualified Teachers** – title replaced with **20 Early Career Stage Teachers**

First paragraph amended to:

The performance of ~~Newly Qualified Teachers~~ **Early Career Stage Teachers** undertaking statutory induction will be managed in accordance with the Statutory Guidance for Induction ~~for Newly Qualified Teachers~~:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/458233/Statutory\\_induction\\_guidance\\_for\\_newly\\_qualified\\_teachers.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458233/Statutory_induction_guidance_for_newly_qualified_teachers.pdf);

[Induction for early career teachers \(England\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458233/Statutory_induction_guidance_for_newly_qualified_teachers.pdf)

Third paragraph added:

The School may liaise with the Induction Provider in the management of performance concerns and a representative from the provider may also attend meetings held under this procedure.

- **Section 21 Other concurrent processes** – third paragraph amended to:

However, each case will be considered on its own merits ~~to ensure the School is acting reasonably~~ with regards to the circumstances of the case.

- **Section 23 Minuting meetings and Record Keeping** – fourth paragraph amended to:

Minutes will be shared with the Employee ~~as soon as practicable and in any event~~ at the earliest opportunity and, in the case of minutes from a hearing, before any appeal hearing takes place. The Employee will have the opportunity to check the accuracy of the minutes / notes taken of their evidence and submissions. It should be noted that this is a factual check only and not an opportunity for additional comments to be added which were not discussed at the hearing but which the Employee now wishes to add retrospectively. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record. Where an audio recording is made this will be shared with the Employee if requested.

## **2. Changes to Discipline and Conduct Policy and Procedure – (March 2024)**

- **No material changes to the content of the policy.**
- **Section 3 Adoption Arrangements and Date** – first paragraph needs amending to include new date:

This procedure was adopted by the Governing Body of Garlinge Primary School and Nursery and Parkside Community Primary School on **XXX** and supersedes any previous Discipline and Conduct Policy and Procedure.

## **3. Changes to Employment of Ex-Offenders Policy – (March 2024)**

- **Section 3 Adoption Arrangements and Date** – first paragraph needs amending to include new date:

This policy was adopted by the Governing Body of Garlinge Primary School and Nursery and Parkside Community Primary School on **XXX** and supersedes any previous Employment of Ex-Offenders Policy.

- **Section 4 Background** – first paragraph amended to:

The [Rehabilitation of Offenders Act 1974](#) and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs.

Second paragraph amended to:

All positions that involve working with children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered “spent” except those received for an offence committed in the United Kingdom if it has been **which have been** filtered in accordance with the DBS filtering rules.

Third paragraph amended to:

Candidates shortlisted for interview will be asked to complete a Criminal Record Self-Disclosure form on which they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant’s suitability to work with children. **Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose: [DBS filtering guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db filtering-guidance)**

#### **4. Changes to Recruitment Policy – (March 2024)**

- **Section 1 Policy Statement** – third paragraph amended to:

The Governing Body will ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), **the current edition of** Keeping Children Safe in Education (KCSIE), Disqualification under the Childcare Act (DUCA) 2006 and related updates, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

Fifth paragraph amended to:

All staff, governors and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow ‘Safer Recruitment’ guidance in line with **the current edition of** Keeping Children Safe in Education – statutory guidance for schools and colleges.

- **Section 2 Scope – second paragraph added:**

Existing employees should be aware that not all the pre-employment checks described for external candidates will be applicable when an internal appointment is made.

- **Section 3 Adoption Arrangements and Date** – first paragraph needs amending to:

This policy was adopted by the Governing Body of Garlinge Primary School and Nursery and Parkside Community Primary School on **XXX and supersedes any previous Recruitment Policy.**

- **Section 4 Equal Opportunities Statement** – first paragraph amended to:

The School is committed to ensuring that each stage of the recruitment and selection process is accessible to all. ~~The Recruitment Policy and Procedure will be reviewed regularly to ensure that it takes account of the Equality Act 2010 and does not discriminate against applicants on the grounds of race, religion or belief, disability, age, pregnancy and maternity, gender reassignment, marriage and civil partnership, sex or sexual orientation.~~ All stages of the recruitment process will be undertaken without regard to an applicant’s sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, disability, age, pregnancy or maternity leave or trade union membership.

Second paragraph added:

The School will review its Recruitment Policy and practices regularly to ensure that it takes into account best practice and the Equality Act 2010.

- **Section 6 Prior to Advertising** – first paragraph amended to:

When a vacancy occurs the line manager will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit the job description and person specification ~~should~~ **will** be reviewed in line with the School workforce plan prior to seeking the approval of the Executive Headteacher to commence recruitment.

- **Section 7 Job Description** – third paragraph amended to:

Managers will refer to the Professional Standards for Teachers and to the School Teachers' Pay and Conditions Document (which sets out the expected attributes of ~~Main Scale, Post Threshold, Advanced Skills and Excellent Teachers~~ **Main Pay Range, Upper Pay Range and Leading Practitioners**) when creating job descriptions for teaching posts.

Fourth paragraph added:

Support staff Job Descriptions will be drafted, assessed and graded against the relevant grading and job evaluation framework followed by the School.

- **Section 8 Person Specification** – third paragraph replaced with:

~~All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.~~ **Applicants will be objectively assessed against the required attributes.**

- **Section 9 Advertising** – second paragraph amended to:

The advert ~~should~~ **will** include the safeguarding responsibilities of the post as set out in the job description and person specification and state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. This means that when applying for certain jobs and activities, some spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

Third paragraph amended to:

To demonstrate to potential job applicants our commitment to Safeguarding and the welfare of children, the following statement ~~should~~ **will** be included on any relevant advertisements and documentation sent out to applicants:

Final paragraph added:

The advert will also advise that the School will undertake an online check of shortlisted applicants in accordance with the requirements of the current edition of Keeping Children Safe in Education.

- **Section 10 Applications** – first paragraph amended to:

All applicants must be asked to complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. ~~Applicants will no longer be asked to complete a separate Criminal~~



Convictions Self Disclosure form as part of their application. Due to changes in Keeping Children Safe in Education, this will be done at the shortlisting stage to ensure that processing of criminal data is targeted and proportionate. Please see 11. Shortlisting for more information.

Second paragraph amended to:

The School may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. ~~As now stated in Keeping Children Safe in Education applications by CV should~~ **will** not be considered. All applicants are required to sign and date a copy of their application form.

Third paragraph amended to:

The School should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children. ~~Schools should also provide a copy of the school's child protection policy and practices, and policy on employment of ex-offenders~~ **will be shared** in the application pack ~~or refer to a link on its website.~~

- **Section 11 Shortlisting** – fifth paragraph removed in entirety:

~~A new addition to Keeping Children Safe in Education 2022 is for shortlisted candidates to be subject to an 'online' search. Applicants should have been made aware of this requirement prior to or at the time of application. Such checks can be carried out via online search engines and social media platforms; however, this is only with regards to information that is within the public domain. The aim of the search is to ensure there is no information held in the public domain relating to the candidate that would make the school question their suitability to work with children and/or could harm the reputation of the school should the candidate become part of the school's workforce. The search can be carried out by a member of staff who is not part of the recruitment process, with any information collated being recorded and passed to the recruitment panel. The candidate should be asked to explain any findings by the recruitment panel either prior to (if deemed appropriate), or during the interview process. The recruitment panel will then carry out a risk assessment as required. This process will be carried out for all shortlisted staff regardless of the job role being applied for.~~

Seventh paragraph amended to:

It is recommended that **Wherever possible** at least two people will be involved in the shortlisting process, one of whom should be the line manager.

- **Section 12 References** – second paragraph amended to:

It is School practice, with the consent of the applicant, to take up references before an interview. If applicants have indicated that they do not consent to references being sought prior to interview, ~~further information should be sought, and agreement obtained where possible~~ **the reasons for this will be explored with the applicant and agreement to proceed with the reference obtained where possible.**

Fifth paragraph amended to:

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however; further information ~~can~~ **will** be requested and compared with the medical questionnaire following the applicant's acceptance of a conditional offer of employment – see 14 below.

Sixth paragraph amended to:

Applicants will be required to specify the details of two referees, one of which ~~should~~ **will** be the current

or most recent employer and references will only be obtained directly from the referee: testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

Seventh paragraph amended to:

References for staff working in an education setting will be sought from the Headteacher ~~in order to ensure that information about disciplinary investigations is accurate and,~~. In other settings, ~~it would be appropriate to seek a~~ **references will be sought** from the line manager of the applicant.

Ninth paragraph amended to:

The School reserves the right to request that the applicant provides alternative referees where the initial referees are deemed inappropriate ~~for our purposes e.g. where the current or most recent employer is not provided~~ **either:**

- the current or most recent employer or childrens' workforce employer is not provided or
- the period of employment covered by the reference is too brief or
- the referee is not in a position to meaningfully comment on the candidate's suitability for the role.

Twelfth paragraph amended to:

In accordance with Keeping Children Safe in Education (2020), cases in which an allegation is proven to be false, unsubstantiated or malicious should not be included in employer references.

- **Section 13 Online Search of All Shortlisted Applicants** – entire section added:

**In accordance with the requirements of the current edition of Keeping Children Safe in Education the School will undertake an online search via search engines and social media platforms of publicly available information concerning all shortlisted candidates.**

**The purpose of this search is to identify any issues or incidents which may either call into question an applicant's suitability to work with children or young people in a school setting or in the role for which they have applied or present a reputational risk to the School should they become part of the school's workforce.**

**Should a concern be identified the panel will discuss this with the applicant at interview in order to assess whether this information makes the applicant unsuitable for the job role. The panel may undertake a risk assessment to assess the relevance and impact of any information. In exceptional circumstances and where the gravity of the concern warrants, the School may decide to withdraw the applicant from the recruitment process prior to interview.**

**This process will be carried out for al shortlisted candidates regardless of the job role being applied for.**

**The School will endeavour to undertake all online searches in a fair and objective manner.**

- **Section 14 Interview and Selection** – second paragraph replaced with:

~~Applicants may have indicated on their application form that they have a disability and, in order to promote fairness and to meet our obligations under the Equality Act 2010, the invitation will encourage applicants to contact the School if they require any adjustments to enable them to attend the interview.~~

**Shortlisted candidates will be asked whether they require any reasonable adjustments to be made to the recruitment and selection process.**

Interview and selection activities may take place in person or virtually or a combination of both.

Depending on the nature of the role candidates may be asked to complete a variety of selection activities including:

- written exercises
- psychometric testing
- observed activities

Third paragraph amended to:

Candidates are required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained. When attending for interview, each candidate will be asked to sign a copy of their application form and their criminal record self-disclosure form in the presence of the interview panel.

• **Section 15 Pre-employment Checks** – second paragraph, fourth bullet point amended to:

- Verification of entitlement to work in the UK (Following Brexit, further information on immigration changes can be found at <https://www.gov.uk/check-job-applicant-right-to-work>)

Ninth bullet point amended to:

- obtaining an enhanced DBS certificate with barred list information even if the teacher has never been to the UK. From 1<sup>st</sup> January 2021, the Teacher Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

• **Section 15.1. Right to Work** – section replaced with:

~~In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – interviewees will be asked to bring certain documentation to the interview that shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced.~~

~~The candidate's original documents must be checked, and a signed and dated copy retained in line with the school retention policy. Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the position was offered and accepted by the successful candidate.~~

~~The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at:~~

~~<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-31-august-2021-accessible-version>~~

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal working – all interviewees are required to demonstrate their right to work in the UK prior to any offer of employment being made. This requirement applies to all prospective employees regardless of their race, nationality or ethnic or national origins.

All interviewees are therefore asked to bring to interview either:

- original documents evidencing their right to work in the UK as detailed in List A or List B of the Home Office Employers' Right to Work Checklist (further guidance available at [Employers' right to work checklist - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-31-august-2021-accessible-version))
- or in the case of non-UK or Irish candidates, a share code issued by the Home Office Right to Work Online Checking Service evidencing their right to work in the UK (further guidance

available at [View and prove your immigration status: get a share code - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

The original documents or online check details will be checked and verified by the School in the presence of the candidate. A copy will be taken, signed and dated and retained on file. Right to work documents relating to the successful candidate will be retained for the duration of employment, and then in accordance with the School's retention schedule. Those documents for unsuccessful candidates will be retained for six months.

- **Section 15.3. Prohibition of Teachers** – second paragraph amended to:

A person who is prohibited must not be appointed to a role that involves teaching work – **including as a HLTA or unqualified teacher**.

- **Section 15.5. Overseas Checks** – last paragraph removed:

~~From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.~~

- **Section 15.6. Proof of Qualifications** – first paragraph amended to:

~~Proof of qualifications will be checked to ensure that they match with the candidate's application form.~~ **Candidates will be required to provide any relevant original exam certificates (or certified copies where the original is unavailable) to enable qualifications to be verified.** The name of the qualification, awarding institution, date of qualification and candidate name will be checked. A signed and dated copy of the certificate will be retained as evidence of when the check was carried out, and by whom.

- **Section 15.8. Pre-employment Medical History** – second paragraph amended to:

Completed medical history questionnaires will then be considered in conjunction with the follow-up references which specifically explore sickness absence and attendance issues and, where appropriate, further advice about fitness to carry out a role will be sought from Occupational Health. In order to comply with the Equality Act 2010, reasonable adjustments will be ~~made~~ **explored** to enable a candidate to take up their role.

- **Section 20 Record Keeping** – first paragraph amended to:

Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes, ~~details of any online check and any resulting risk assessments carried out~~ and details of scoring will be kept throughout the process and will be retained for a minimum of six months from the appointment date in line with the School's document retention schedule.

Second paragraph amended to:

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates ~~should~~ **will** be securely destroyed however, copies of application forms, shortlisting and interview notes, ~~details of any online checks and any resulting risk assessments carried out~~ and details of scoring and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.