

### School Staffing Guidance

Schools should note that new guidance “Staffing and employment advice for schools” has been issued by the Department for Education which replaces the previous “Managing Staff Employment in Schools”. We have set out some key points from it below:

#### - Appointing Staff

Governors and school leaders should consider all appointments in the context of curriculum led financial planning over 3-5 years and should refer to the DFE’s School Workforce planning for support.

At least one person on any selection panel must have completed the appropriate safer recruitment training (see Keeping Children Safer in Education guidance).

Schools must take up references from the applicant’s current or former employer and follow up on any inconsistencies. Furthermore the governing body should ask whether or not the applicant has been subject to capability procedures during the previous 2 years.

The NCTL has provided practical guidance to help governors with the selection of Headteachers “Guide to selecting and recruiting a new headteacher”.

Agency staff - appropriate checks need to be done to ensure that staff are suitable to work with children. See the DFE Agency Workers Regulations: Supply Teacher guidance.

#### - TUPE

Just a reminder that some staff may transfer to academies under TUPE. They need to bear in mind that staff may have terms derived from the Teachers’ Pay and Conditions Document, the Burgundy Book or the Green book which need to be followed.

#### - Safeguarding

Schools need to check the identity of their staff and that they have the right to work in the UK.

Schools need to check that someone is not prohibited from working as a teacher and can use the Teacher Services System.

A DBS check should be done for ‘regulated activity’ work which is likely to catch most teachers.

Similar requirements to check persons are not disqualified under the Childcare (Disqualification) Regulations 2009

#### - FGM

Schools need to ensure that they comply with their duties to report Female Genital Mutilation (FGM).

#### - Teaching Qualifications

These need to be checked unless the Education (Specified Work) (England) Regulations allow otherwise.



#### - Newly Qualified Teachers

Schools need to check that NQTs are properly inducted and that they have the capacity to support them. DFE guidance is available (Induction for Newly Qualified Teachers)

#### - Staff contract matters

Just a reminder that schools need to comply with discrimination law, flexible working and family friendly rights. A clear policy needs to be in place to manage sickness absence.

#### - Health standards

Schools need to check that their staff have the health and physical capacity to do their jobs - Education (Health Standards) England Regulations 2003.

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### - Appraisals

Governing bodies of maintained schools must establish proper capability procedures. The Education (School Teachers' Appraisal England) Regulations require an annual appraisal, a written appraisal policy, an external adviser to advise governors in relation to the Headteacher's appraisal, teaching standards to be communicated to staff against which their performance will be judged and teachers need to be set objectives as part of this process. Any appraisal must also identify training and development needs.

OFSTED have stated that schools will be expected to provide evidence of the monitoring of teaching, its link to teachers' standards which is routinely gathered as opposed to being additional evidence for the purpose of an inspection. OFSTED does not require evidence for each teacher for each of the bulleted sub-headings in the teachers' standards.

### - Local Authority advice/involvement

There are various sections highlighting the different levels of involvement of the LA which will depend on the type of school.

### - Referrals to the NCTL and DBS

Just a reminder that schools need to consider referring to the NCTL when they have dismissed or would have but for the individual resigning.

Schools must make a referral to DBS if a member of staff has harmed or poses a risk of harm to a child and has therefore been removed from working paid or unpaid in regulated activity – further details are contained in the DFE's Keeping Children Safe in Education guidance.

### -Trade Unions

The law on balloting needs to be complied with for strikes and/or action short of a strike.

Guidance on handling strikes can be found in the DFE's Handling Strike Action in Schools guidance.

### - Designated Religious/Roman Catholic religious orders

Specific guidance has been provided for schools with a religious character, how to liaise with the local diocese and for schools of Roman Catholic religious orders.

### Exclusion Guidance – Government Consultation

The Government is currently consulting on reforms to the guidance on exclusions and has produced a draft document and questions for consultation.

Schools will know that the 2012 guidance has been in force for quite some time and that the 2014 guidance was withdrawn.

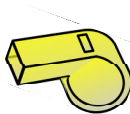
A couple of non-statutory annexes have been proposed: one is a guide for headteachers and another is question and answers for parents.

It is proposed to implement the changes with effect from the 1 Sep 2017.

### Isle of Wight case- school holidays

The Supreme Court provided clarification on the meaning of 'failing to attend' regularly in s444(1) of the Education Act 1996. It held that 'regularly' meant in accordance with the rules prescribed by the school. Consequently, on the facts the Council won its appeal notwithstanding that the pupil had a 92% attendance record and that the father would be convicted unless he establishes one of the statutory exceptions under the Act.

### Whistleblowing



Every school must have a whistleblowing policy and that Schools need to promote this in order to comply with their duties under the DFE 'Working together to safeguard children' guidance. It is recommended that every school has this policy on their website.

## Special Educational Needs - Disagreement resolution arrangements

The Government has recently published its response to a review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR).

The Government has commented that where local areas have a person-centred approach and a strong IASS (Information, Advice and Support Service) this helps to reduce the number of disagreements and to resolve them earlier and that mediation has helped to reduce the number of 1<sup>st</sup> Tier Appeals.

It is committed to publishing good practice guidance that CEDAR have found and sharing this with regional networks and delivery support partnerships.

It will support continuous professional development for LA staff at leader, middle manager and caseworker level.

It will consider how to support families from April 2018 (Transition to EHC plans should be completed by this date) to encourage constructive early dialogue and to signpost/support disagreement resolution.

They are going to support mediation and introduce voluntary standards and an accreditation of training.

They are going to produce guidance for families on various routes for complaint handling

Most interestingly, they will introduce a 2 year national trial of the expanded 1<sup>st</sup> Tier SEND tribunal to make non-binding recommendations on the health and social care elements of EHC plans.

## Careers guidance and inspiration in schools

Statutory guidance has been issued which requires schools to secure independent careers guidance for young people.

It should be noted that OFSTED have given this issue greater priority since September 2013 when judging leadership and management. There must be a clear strategy in place for pupils' career guidance. Schools need to engage with the local employers and professionals and need to factor in particular support for vulnerable and disadvantaged young people.

The National Careers Service (<https://nationalcareersservice.direct.gov.uk>) can offer assistance.



## Primary schools accountability– technical guide published

The DFE has just published a new technical guide for primary school accountability. This guide sets out how performance will be calculated, what the 'floor standard' will be (i.e. the minimum standard), when this won't apply in particular circumstances, references its guide to 'coasting' school' legislation and provides worked examples on the calculations.

**Contact details** If you have any queries relating to this newsletter or wish to seek education advice or discuss training needs, please contact:  
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