

NORES GUIDANCE – March 2010

Chapter 5.4

STAFFING AND APPOINTMENTS

1. Background

The main staffing functions of the governing body are set out in the Education (School Staffing) (England) Regulations 2003. In a voluntary aided school the governing body has overall responsibility for staffing matters at the school. The governing body decides the number of staff (both teaching and support staff) and whether or not to replace any member of staff leaving the school.

The normal practice is for the governing body to delegate these functions to the headteacher for staff outside the leadership group and thus let the headteacher lead the process of appointing staff as well as making initial dismissal decisions. However, we recommend that at least one foundation governor should be present at all interviews since foundation governors have a statutory duty to preserve the religious character of the school.

Governors lead the process of making appointments to the leadership group, hearing appeals against dismissal and appeals under disciplinary and grievance procedures.

2. Church schools: general considerations

At voluntary aided schools the governors have extra rights with respect to employing, appointing and dismissing staff.

- In appointing, paying or promoting teachers, they may give preference to persons whose religious opinions are in accordance with the tenets of the religion of the school, who attend religious worship in accordance with those tenets, or who give or are willing to give, religious education in accordance with those tenets.
- In considering a teacher's dismissal, the governing body may have regard to any conduct that is incompatible with the precepts of the religion of the school. This is clearly stated in the CES contract teachers are expected to sign when taking up appointment.
- Support staff in VA schools are employed by the governing body. They should be issued with CES contracts which set the terms of employment firmly within the Catholic school context.

3. Reserved posts

In addition, the Bishops' Conference of England and Wales requires that certain posts at voluntary aided Catholic schools only be held by practising Catholics in good standing with the Church. These posts are headship, deputy headship and head or co-ordinator of religious education.

4. Catholic schools and human rights legislation

The Catholic Education service has published guidance for Catholic schools which can be downloaded from its website www.cesew.org.uk This includes *Equality Act (Sexual Orientation) Regulations 2007: Guidance* and *Gender Equality Duty and Schools: Guidance for Roman Catholic schools*.

5. Safer recruitment

The DfES' *Safeguarding Children and Safer Recruitment in Education* (Jan. 2007) provides detailed guidance about staff appointments. All governors' selection panels should be familiar with this guidance and follow it all times. Both NORES and the Local Authority can provide training on safer recruitment delivered by accredited trainers.

6. Staffing Regulations 2009

Governors have a duty to mention the Catholic ethos of their schools. For this reason, in a VA school the Diocese should have the same advisory rights as the Local Authority with respect to the appointment, engagement or dismissal of teachers at the school. This includes the right to attend all proceedings and offer advice. Any advice offered by the Diocese and the LA must be considered by the governors when making their decision. For reasons of good practice and transparency Governors should follow the procedures outlined below.

Further details on regulations can be found in the VA Governors' Guide to the Law. Details on Church policies etc. can be downloaded from the CES website. For further information please consult NORES.

7. Appointment of Heads and Deputies

7.1 Procedures

It is for the Governing Body of an aided school to determine the procedure for the appointment of a Head or Deputy Headteacher. Representatives of the Bishop, i.e. NORES, and the Local Authority's Chief Education Officer or his representatives, should also be invited and should be involved at all stages leading to the appointment.

When the governing body receives a letter of resignation from an existing post holder, it should **immediately notify NORES and the LA** and convene a planning meeting to consider the process, determine the time scales involved, agree the job description and person specification and decide upon the composition of interviewing panels. Please check the availability of NORES and LA representatives before fixing dates for shortlisting and interviews.

The whole governing body may participate in this procedure or delegate some or all of its functions to a committee of governors.

7.2 Recruitment

- i) All Head and Deputy Head posts **should** be advertised nationally. The advertisement should be clearly headed 'The Diocese of Northampton in partnership with LA'. It should be concise and clear, stating the prospective employer's name, key requirements and qualifications expected. It must include spine point ranges with regard to salary. NORES and the LA will provide template job description and person specifications and help Governors determine the wording to be used for their particular school. The school's commitment to safer recruitment policies and the roles of the Head and Deputy in this respect should be explicitly stated in the advertisement, the job description and the person specifications.
Occasionally a governing body may decide not to advertise a vacancy if it has 'good reason' not to do so. It should consult both the NORES and the LA if it is minded not to advertise.
- ii) "The posts of Head, Deputy Head and Head or Co-ordinator of Religious Education shall be reserved for practising Catholics ... Advertisements for these posts should make clear from the outset that applications are invited in accordance with these requirements" (*Memorandum on the appointment of teachers, Bishops' Conference*, see Appendix 1). Candidates must also be in good standing with the Church.
- iii) The package of information for prospective candidates must be available on the day the advertisement appears and should contain:
 - a CES application form
 - job description and person specifications as agreed
 - the current school prospectus
 - the most recent summary inspection reports and action plans for both S. 5 and S. 48 inspections
 - the proposed timetable for the appointment process
 - an invitation to visit the school
 - any document NORES or the LA may require to be included
 - a covering letter from the Chair of Governors

CES documentation (application form, contract of employment etc.) must be used for all appointments.

7.3 References

- i) Candidates should give the name of THREE referees including their current employer. For reserved posts this must include parish priest or equivalent. The job description and person specifications should be sent to each referee, and referees asked to consider these in their reply.
- ii) When asking a priest for a reference, explain that you do not necessarily expect comments on professional skills but need to know whether the candidate is:
 - in good standing with the Catholic Church
 - a regular member of the Catholic eucharistic community
 - committed to and involved in the life of the Church at school, parish, diocesan or other level.
- iii) References should be taken up as soon as an application is received, particularly the priest's reference, so that they are available at short-listing for governors to consider.

7.4 Short-listing

- i) Governors will want to consider qualifications, experience, relevant skills, professional development, personal attributes, commitment to children safety and above all, commitment to and involvement in the life of the Church.
- ii) Assessments at short-listing should be made against the person specification and job description. Advisers from NORES and Local Authorities are experienced in using these tools and governors will want to make full use of their expertise.
- iii) At the short-listing meeting time should be set aside to consider the arrangements for the interview.

7.5 The interview

- i) It is important to ensure candidates have time to look around the school and meet with significant members of staff (e.g. the administrative staff) with whom they will be working.
- ii) If carousels are used, panels should clearly reflect the nature of the school, e.g. 'Ethos of a Catholic school', 'Leadership and management of a Catholic school', 'Curriculum in a Catholic school' etc.
- iii) When organising for carousels, a presentation or any other exercise, governors should determine what they want to learn from the exercise. Candidates must be given a clear brief that gives no advantage to any internal candidates. Candidates should be informed clearly of time limits and available aids.
- iv) All candidates should be asked the same lead questions but clarification can be sought in the form of follow-up questions.
- v) Assessment should be against the job description and person specifications.

7.6 The decision

If an appointment panel is used, the full governing body must meet as soon as possible to ratify the decision. The Governors final decision should be communicated to all candidates as soon as possible. Debriefing should be offered to unsuccessful candidates.

7.7 Contract and related issues

When an appointment has been made the governors are responsible for ensuring that all necessary checks are made and all documentation is satisfactorily completed. The Local Authority once notified will secure all necessary clearance and check the validity of qualifications on their behalf. The Governors should give a formal written offer of employment subject to medical and police clearance. The successful candidate must be asked to sign a CES contract of employment. Disciplinary and grievance procedures should be attached to the contract.

Governors should also arrange for suitable training for the successful candidate.

7.8 Induction

Once appointment has been confirmed the Governors are invited to contact the Episcopal Vicar for Education at NORES to make proper arrangements for the formal induction of the new Head.

8 Appointment of other teachers

It is for individual governing bodies to decide their own arrangements in respect of the appointment of other teachers. The process followed for the appointment of heads and Deputies is also applicable to other teaching staff, although the preparatory process will not be as extensive.

CES application forms, contracts and disciplinary and grievance procedures should be used in all cases.

In view of the governors' responsibility for the ethos of the school, we strongly recommend that appointments should not be delegated solely to the Head or individual governors, and that all appointments should involve the headteacher and two governors, at least one of whom should be a foundation governor.

9 Performance management

The Education (School Government) (Terms of Reference) (England) Regulations 2000 require governing bodies of maintained schools to establish and maintain a written performance management policies setting out how school teacher appraisal will be implemented at the school.

The Regulations also provide that the governing body shall appoint two or three governors to appraise the performance of the headteacher with the support of the school's current School Improvement Partner (SIP). Foundation governors must be in the majority on this panel of appointed governors.

Headteachers' objectives should be agreed between the headteacher and the appointed governors. Objectives must include those relating to leadership and management and pupil progress and also the Catholic ethos of the school.

10 Appointment of support staff

All support staff, with the exception of those employed solely for the purposes of preparing and cooking school meals, are the responsibility of the governing body but may be delegated to the headteacher. For the reasons explained above we recommend that all appointments should involve the headteacher and two governors, at least one of whom should be a foundation governor.

Governors must ensure that potential employees are made full aware of, and are prepared to have due regard to, the religious character of the school.

CES documentation should be used in staff appointments.

Ch. 5 APPENDIX 1

The Bishops have issued general guidelines to help governors in appointments where they may not have the direct assistance of diocesan officers. The document below is issued by the Department of Education and Formation of the Bishops' Conference and applies to all Catholic schools in England and Wales. It gives general guidance only and does NOT override any regulations that may be laid down from time to time by the Bishop of Northampton for use in his diocese.

Bishops' Memorandum on the appointment of teachers

1. The purpose of the memorandum

This memorandum is addressed on behalf of the Bishops of England and Wales to the governors of catholic schools. Its purpose is to help and guide governors to fulfil their responsibilities concerning the appointment of teachers.

2. Essential qualities of Catholic teachers

The preservation and development of the quality and distinctive nature of Catholic schools depends essentially on the faith, practice and standards of the teachers in the schools:

Modern people listen more willingly to witnesses than to teachers and, if they do listen to teachers, it is because they are witnesses.

(Pope Paul VI, 1974)

Governors of Roman Catholic voluntary aided and independent schools are the employers of the teachers, to whom they should give clear guidelines about the Catholic character, education and life of their school. Where governors are the employers they should provide the appropriate contract of employment, as provided by the Catholic Education Service.

3. The ideal for which we aim

Everyone should appreciate the need to staff Catholic schools as far as possible with practising and well qualified Catholic teachers.

To find a Catholic teacher who combines personal conviction and practice of the faith with the required professional qualifications and experience, especially in specialised subjects, is therefore the ideal for which we aim. Nevertheless, we acknowledge with gratitude the devotion and service given by many non-Catholic teachers in our schools and we recognise our obligations to them.

4. Implementing the ideal

Where no acceptable Catholic teacher, such as one who is Catholic only in name, has applied for a vacant post, it is often necessary or appropriate to re-advertise more widely. Only where an appointment cannot be delayed and there is no suitable Catholic applicant will Governors seek to appoint good and qualified teachers of other faiths whose personal and professional standards come nearest to the ideal.

Governors should, of course, be careful not to appoint any teacher who is not in sympathy with or does not respect the aims and objectives of a Catholic school, much less one who is hostile to the Catholic faith.

5. Posts to be held only by Catholic teachers

The posts of Head, Deputy Head and Head or co-ordinator of Religious education should be reserved for practising Catholics. Other senior pastoral posts, e.g. in secondary schools, heads of Upper, Middle or Lower school, pupil counsellors and teacher mentors; and in primary schools, the heads of infant and junior departments, pastoral counsellors or co-ordinators and teacher mentors, should wherever possible be held by practising Catholics. Advertisements for these posts should make clear from the outset that applications are invited in accordance with these requirements.

6. Religious Education Department

Secondary: the religious Education Department in our secondary schools is of particular importance and should have at least parity of esteem with any other subject department. Governors are urged, in consultation with the headteacher, to give the highest possible status to the Department and incentive allowance to its head or co-ordinator. This will encourage Catholic teachers to specialise in religious Education and attract the best candidates. It is better to defer an appointment to the Department if, initially, a suitable applicant does not apply.

Primary: while the structures for the provision and organisation of Religious Education in our primary schools will be different from those in our secondary schools, governors of primary schools must have the same concern for Religious Education, ensuring that it is properly organised, co-ordinated and taught. Its co-ordinator should again, therefore, have at least parity of status and remuneration with those of other curriculum areas.

+ *David Konstant, Department for Catholic Education and Formation, Nov. 1990*