



**Teaching Appointments Scheme  
for  
Controlled Schools**

**Re-issued September 2017**

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<sup>1</sup> In particular; any vacancy that might consequently arise

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**SECTION 1: ARRANGEMENTS FOR TEACHING APPOINTMENTS****1. Introduction**

1.1. In pursuance of Article 153 of the Education Reform (Northern Ireland) Order 1989, as substituted by Article 43(2) of the Education (NI) Order 1998 and amended by the Education Act (NI) 2014, the Education Authority ('the Authority') with the approval of the Department of Education, make the following scheme for the appointment of teachers to controlled schools in Northern Ireland.

1.2. This Scheme replaces the Transitional Teaching Appointments Scheme for Controlled Schools.

**2. Context to the Scheme**

2.1. **Purpose of the Scheme:** The Scheme sets out the policy and procedures for the recruitment and selection of all teaching staff employed by controlled schools in Northern Ireland. The purpose of this Scheme is to define, as clearly as possible, the basis on which the Authority will seek to make teaching appointments, with the aim of ensuring that the most suitable persons are appointed to the posts.

2.2. **Posts covered by the Scheme:** this Scheme describes the appointment procedures and practices that must be applied by the boards of governors in controlled schools, with support from the Authority, as appropriate, to the following categories of posts:

- a) Principal and vice principal posts;
- b) All permanent teaching posts;
- c) Joint teaching posts shared between two or more controlled schools;
- d) Temporary teaching posts of six months duration or more; and
- e) The award of Teaching Allowances (Appendix 2)<sup>2</sup>.

2.3. **Exceptions to the Scheme:** this Scheme shall not apply to the Appointment of Substitute Teachers. Where a post is expected to last for less than six months, the post should either be advertised or filled on a temporary basis by means of engaging a qualified substitute teacher. In accordance with DE Circular 2008/10 'Employment of Substitute Teachers – Northern Ireland Substitute Teachers Register (NISTR)' all qualified substitute teachers paid through the temporary payroll must be engaged via the NISTR.

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<sup>2</sup> Separate procedures exist for awarding Special Needs Allowances, Recruitment and Retention Allowances, and Salary Points for Experience (for teaching outside of Northern Ireland and for non-teaching experience)

Where the need for the substitute teacher continues beyond six months, the Authority may require the post to be publicly advertised in accordance with this scheme. (Paragraph 10 refers)

**2.4. Appointment of Peripatetic Teachers.** Peripatetic teachers will be appointed by the Authority, in accordance with its Code of Procedure for the Recruitment and Selection of those staff not directly employed by controlled schools. (See Appendix 5 for the relevant extracts from the Code of Procedures)

**2.5. Legislative Provisions:** all employers in Northern Ireland, including the Authority, are obliged to comply with a large body of law that prohibits unlawful discrimination and that promotes equality of opportunity in employment. Accordingly, the Authority is committed to promoting equality of opportunity, fair participation and good relations, and will endeavour to ensure that its employment policies, practices and procedures do not give rise to unlawful discrimination.

**2.6.** The anti-discrimination laws in Northern Ireland prohibit discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious belief<sup>3</sup>; political opinion; race; sexual orientation and age. The laws also prohibit discrimination against people who are disabled; people who are married or who are in civil partnerships; and, people who have undergone, are undergoing or who intend to undergo gender reassignment. These anti-discrimination grounds are commonly known as the statutory equality grounds.

**2.7.** This Scheme is an important tool in the Authority's endeavours to ensure that it, and its employees and members, avoid committing acts of unlawful discrimination when implementing the Authority's employment policies, practices and procedures. Appendix 3 to this Scheme provides:

- a full list of the anti-discrimination laws, other relevant laws, Codes of Practice and other employment-related good practice guidance publications;
- an explanation of the terms used under anti-discrimination legislation, such as direct discrimination; indirect discrimination; disability-related discrimination; failure to comply with a duty to make reasonable adjustments (i.e. another form of discrimination against disabled people); victimisation and harassment to describe the different types of discriminatory conduct that are prohibited.

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<sup>3</sup> The Fair Employment and Treatment Order (NI) 1998 (FETO) prohibits discrimination and harassment on the grounds of religious belief and political opinion. It applies to all employers and employees and all types of employment, including school teaching. Thus, it is unlawful to discriminate against a person who is employed as a school teacher in respect to the terms and conditions of their employment, in their access to opportunities for training or access to other work-related benefits, or by dismissing them or subjecting them to any other detriment. Furthermore, it is unlawful to subject a person employed as a school teacher to sectarian harassment. However, there is also an exception: by virtue of Article 71 of the FETO, it is not unlawful for the employers of school teachers to discriminate on the grounds of religious belief or political opinion in relation to the recruitment of persons as teachers in schools.

**SECTION 2: GENERAL PRINCIPLES GOVERNING THE SCHEME****3. Promoting Equality of Opportunity**

The Education Authority is committed to promoting equality of opportunity in employment and to fulfilling its obligations under the equality and anti-discrimination laws. Each board of governors is responsible for the recruitment and selection of teaching staff working in the school under a contract of employment to the Authority. The objective of the board of governors is to attract, select and retain employees who will successfully and positively contribute to the future development of the school. The board of governors shall undertake to apply systematic, fair and objective procedures with a view to appointing the candidate who is most suitable for the post, and to ensure that there is no unlawful discrimination against any person contrary to the anti-discrimination laws, Appendix 3 refers.

**4. Training**

Where the board of governors (or a Committee thereof) is convening to act as a selection panel for any teaching appointment, it is recommended that, where possible, all governors on the selection panel will have undertaken appropriate training. The Authority shall ensure that all Assessors and officers of the Authority (officers) involved are appropriately trained. All those involved in the recruitment and selection of candidates to any teaching posts must be briefed in the relevant aspects of this Scheme; the legislative provisions relating to the promotion of equality of opportunity; and good practice as it relates to recruitment and selection.

**5. Administration of the Recruitment and Selection Process**

In appointing a principal, a vice principal or teacher to the school, the board of governors shall ensure that all aspects of the recruitment and selection process are documented in accordance with this Scheme, and in line with any guidance provided by the Authority's Human Resources Directorate. Where an Adviser is appointed to the selection panel, as will be the case for the appointment of a principal, he or she will advise on compliance with the procedure.

**6. Selection panels**

6.1. Where a board of governors (or a Committee thereof) meets to carry out functions under the teaching appointments scheme, it will fulfil the role of (and will be referred to as) a selection panel.

6.2. The board of governors will be responsible for ensuring that:

- all selection panels are constituted in accordance with the relevant table contained in paragraph 4 of the procedure in this scheme (Pages 24-26), and the Scheme for the Management of Controlled Schools;
- excepting certain unavoidable circumstances, the membership of any selection panel remains constant for each stage of the selection process for that appointment;
- all selection panels, where practicable, include persons of different gender;
- all selection panels meet and conduct business in accordance with this Scheme and the Scheme for the Management of Controlled Schools;
- any person involved in a selection panel, whether as a voting or non-voting member, will not participate in such procedures if a relevant family relationship as defined by the Scheme for the Management of Controlled Schools (Articles 45, 46 and 48 refer) is known to exist between the panel member and any applicant; and
- at least one panel member has been trained in child protection recruitment issues.

6.3. **Joint Posts Shared between Two or More Schools:** the boards of governors concerned will assign the arrangements to a joint selection panel, comprising voting governors from each school; and shall empower it to carry out the selection process and make recommendations to the respective boards of governors. The selection panel will, at their first meeting, elect a chair and secretary from amongst those present in accordance with this scheme. Where each of the boards of governors concerned agrees to adopt the recommendations of the selection panel, the recommendations will be brought, by an officer, for consideration by the Membership and Teaching Appointments Committee. (See Paragraph 20 of the Scheme)

## 7. Appointment of Assessors

- 7.1. An Assessor for a principal or vice principal appointment will normally be a principal serving within the controlled sector or another suitably qualified and experienced individual; however, the Authority may deploy an officer of the Authority to fulfil the role of Assessor where appropriate. Where an officer is deployed to fulfil the role of Assessor, this may be addition to or instead of a serving principal or other suitably qualified and experienced individual.
- 7.2. The Authority will select those serving principals, or other suitably qualified and experienced individuals, who wish to be Assessors and who meet the agreed criteria to be included on a Regional list of Assessors for principal appointments and, as required, vice principal appointments. The Authority will seek assistance with this selection process from the Controlled Schools' Support Council, as appropriate. At the time of appointment, all Assessors will be provided with a copy of the Scheme and all relevant accompanying documents.

- 7.3. The Authority will be responsible for training all Assessors added to the Regional list for principal and, as required, vice principal appointments; and the Authority will seek assistance with this training from the Controlled Schools' Support Council, as appropriate.
- 7.4. The Authority shall be responsible for managing the Regional list of Assessors for principal and, as required, vice principals appointments.
- 7.5. Where a principal post is being appointed; one or two Assessors will be appointed by the Authority to support the selection panel.
- 7.6. The Authority, or the board of governors, may choose to appoint up to two Assessors to the selection panel for such posts of vice principal or teacher as the Authority or the Governors consider appropriate. Where an Assessor is appointed, this will be for the purpose of giving advice to the selection panel on the suitability of applicants for appointment.
- 7.7. Where an Assessor is appointed, by the Authority, to a principal or vice principal selection panel; and where the board of governors can provide objective justification for not accepting the allocation (such as a conflict of interest), the board of governors may request that the Authority allocate an alternative Assessor. The board of governors can only submit one request for reallocation for any given recruitment exercise, and an objection cannot be raised in relation to the allocation of an officer of the Authority.
- 7.8. Where an Assessor is appointed by the board of governors to a selection panel for a teacher appointment, this will normally be a senior teacher or other professional with particular expertise in the subject or responsibilities of the post. An Assessor may be within or without the school, and may only be appointed by invitation of the board of governors, subject to the Scheme for the Management of Controlled Schools.
- 7.9. Where the board of governors appoints an Assessor other than from the Regional list, the board of governors will be responsible for ensuring that the Assessor is appropriately trained and briefed in the Teaching Appointments Scheme.
- 7.10. Where an Assessor is appointed at any stage, the Assessor must be provided with a copy of the Teaching Appointments Scheme.
- 7.11. **An Assessor shall not have voting rights.**
- 7.12. The role of an Assessor is clearly defined in Appendix 1.



## 8. Job Documentation

The board of governors will ensure that:

- A job description is adopted for every post that accurately describes the genuine, essential duties of the post;
- A person specification is adopted for every post that accurately describes the relevant, non-discriminatory and objectively justifiable requirements to be met by the post-holder.
- The person specification reflects the job description; is based on the Authority's standardised person specifications; and takes account of any advice given by the Authority.
- A structured application form is used in all recruitment exercises; subject to making appropriate reasonable adjustments for disabled applicants, where necessary.
- A copy of the job description and person specification is provided to all prospective applicants.
- Any other documentation to be made available, such as the School Development Plan, should be decided at the outset of the appointment process.

## 9. Advertising a Vacancy

9.1. The board of governors shall ensure that all permanent substantive vacant posts and temporary posts of six months duration or more will normally be publicly advertised in the interest of fair and open recruitment. In the case of appointing a vice principal or teacher, there may be times when the board of governors will use an alternative recruitment method for example:

- a) Posts of less than six months; where a temporary post is not advertised, a temporary teacher must be engaged using NISTR (paragraph 10 refers);
- b) In the event of reorganisation of school provision in an area in line with School Reorganisation Agreement (TNC 2013/2);
- c) Rationalisation or restructuring within a school; for example where filling the vacancy by means of an internal trawl could obviate the redundancy of a current member(s) of staff.

9.2. A decision not to advertise should only be taken if the board of governors can demonstrate that there is good reason not to and that the decision does not leave it open to challenge. The board of governors must seek approval from the Authority before taking a decision to advertise a post by means of an internal trawl. All decisions should be documented fully, as the governing body will need to demonstrate that it has acted reasonably if it is challenged.

- 9.3. In very exceptional circumstances the Authority may grant approval for a principal appointment to be filled by means of an alternative arrangement.

## 10. Filling a Temporary Vacancy

- 10.1. Where a post is expected to last for less than six months, the post should either be advertised or filled on a temporary basis by means of engaging a qualified substitute teacher. In accordance with DE Circular 2008/10 'Employment of Substitute Teachers – Northern Ireland Substitute Teachers Register (NISTR)' all qualified substitute teachers paid through the temporary payroll must be engaged via the NISTR.
- 10.2. Where a temporary vacancy has been filled without advertisement and it subsequently becomes evident that there will be continuing need for a temporary post for a period longer than six months; the Authority may require the post to be advertised publicly.
- 10.3. A temporary post that has been filled without public advertisement should not be extended beyond 12 months duration without being advertised publicly; other than in exceptional circumstances, and only with the prior approval of the Authority.
- 10.4. Temporary posts that have been filled on the basis of public advertisement for the duration of a full school year may, if required, be extended without re-advertisement for a **maximum of one** further school year. Where the board of governors, at the time of advertising, believe that an extension is a possibility; this should be stated in the advertisement.

## 11. Phased Retirement

- 11.1. Where a teacher, vice principal or principal applies to reduce his or her hours through phased retirement, the board of governors will consider the current and future needs of the school before advertising a part-time vacancy for the day(s) that the teacher will not work. Any such reduction will be for a minimum of 12 months and any resulting vacancies will normally be advertised on a fixed-term basis.
- 11.2. Where the principal or vice principal applies to reduce his or her hours as outlined in paragraph 11.1 above, the board of governors must contact the Authority before advertising a vacancy.

## 12. Other Temporary Variations to Contracts

- 12.1. Where a teacher, vice principal or principal applies to reduce his or her hours by any means other than phased retirement, this reduction shall not normally be for more than 12 months and any resulting vacancy will normally be filled on a temporary or fixed term basis.

### **13. Teaching Allowances**

- 13.1. In accordance with DE Circular 2006/27 and related guidance, the board of governors may award a teaching allowance for responsibilities that are not required of all classroom teachers, are focused on teaching and learning, and require the exercise of a teacher's professional skills and judgement.
- 13.2. Appendix 2 outlines the procedure that should be followed where the board of governors agrees to award a Teaching Allowance.

### **14. Other Allowances**

The salary policy<sup>4</sup> includes separate procedures for awarding:

- a) Special Needs Allowances
- b) Recruitment and Retention Allowances
- c) Salary Points for Experience (for teaching outside of Northern Ireland and for non-teaching experience)

### **15. Employment Monitoring**

Equal Opportunities monitoring is an important means of demonstrating and implementing a commitment to promoting equality of opportunity.

It is necessary to meet legislative requirements, and can lead to the development of better and more informed, inclusive decision making in recruitment and selection.

The use of all information provided for monitoring purposes, will be made clear to applicants. The Authority will carry out the monitoring on behalf of controlled schools.

### **16. Pre-employment Checks**

Where the appointment is conditional on satisfactory references, confirmation of qualifications<sup>5</sup>, a medical examination<sup>6</sup>, criminal background checks, or other pre-employment checks, this will be made clear to the successful candidate.

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<sup>4</sup> Guidance for Boards of Governors on the Formulation and Implementation of Salary Policy, May 2008 (amended 2012)

<sup>5</sup> Original documentary proof of qualifications required for the post must be provided before an appointment can be confirmed.

<sup>6</sup> A person with a disability can be asked to attend a pre-employment medical only if this is required of all candidates. The fact that a person has a disability is unlikely in itself to justify singling out that person to have a health check, although such action might be justified in relation to some jobs. If a school insists on a medical check for a person with a disability and not for others, without justification, this may constitute unlawful discrimination.

## **17. Child Protection**

The Authority and, in turn, the board of governors is aware that child protection requirements impinge on the recruitment and selection process at various stages. The board of governors will be responsible for requesting enhanced disclosure checks under the Safeguarding Vulnerable Groups (NI) Order 2007. These checks will be carried out by the Authority on behalf of the boards of governors. Full details of the requirements are detailed at Appendix 4.

## **18. Data Protection**

All information relating to teaching appointments will be handled and stored in accordance with the requirements of the Data Protection Act 1998. The board of governors and the Authority, as appropriate, will ensure that interview documentation is retained for at least three years. However, where a complaint is made about a recruitment exercise, then the documentation shall be retained until the conclusion of the matter. Where applicants are required to provide personal information, it shall be made clear to them how the Authority and/or the board of governors will use the information.

**SECTION 3: ROLES AND RESPONSIBILITIES****19. The Authority**

- 19.1. The Authority shall be responsible for determining the complement of teaching staff and the management structure in schools with non-delegated or partially delegated budgets.
- 19.2. The Authority is responsible for appointing principals, vice principals and teachers to controlled schools; and, in accordance with Article 153 of the Education Reform (NI) Order 1989 (as amended); the Authority may delegate these functions to the Membership and Teaching Appointments Committee.
- 19.3. The Authority shall review the policies, procedures and practices for the appointment of teaching staff in controlled schools and shall make recommendations to boards of governors as appropriate.
- 19.4. The appointments procedure for principals, vice principals and teachers in controlled schools is detailed in a stand-alone procedure; beginning on page 19 of this scheme.

**20. Membership and Teaching Appointments Committee**

- 20.1. The Membership and Teaching Appointments Committee shall, on behalf of and in the name of the Authority, make appointments to posts of principal, vice principal and teacher in controlled schools. Officers shall bring the recommendations of boards of governors and shall provide assurance, as far as is reasonably practicable, that correct procedures have been followed. The Membership and Teaching Appointments Committee shall consider these recommendations and shall, where they adopt these recommendations, make appointments accordingly.
- 20.2. Where the Membership and Teaching Appointments Committee does not adopt the recommendations of a board of governors, it will determine an appropriate course of action.
- 20.3. The Membership and Teaching Appointments Committee shall be conducted in accordance with the Standing Orders for the Education Authority; Article 10 refers.

**21. Boards of Governors**

- 21.1. Boards of governors of controlled schools with fully delegated budgets shall be responsible for determining the complement of the teaching staff and the management structure for the school. In the case of schools with partially delegated budgets, however, the Authority shall retain responsibility for determining the complement of the teaching staff.

21.2. Subject to the provisions of this Scheme, boards of governors shall be responsible for carrying out the procedure for recommending the appointment of principals, vice principals and teachers; including the shortlisting and interviewing of applicants, and undertaking or overseeing (as appropriate) any other assessment methods that may be used as part of the selection process.

## 22. Selection Panels

22.1. General responsibilities - Selection panels will be responsible for:

- drafting shortlisting criteria that are based on the essential and (where appropriate) the desirable criteria outlined in the person specification, and that are consistent with the job description;
- focusing on what is genuinely essential for the post;
- applying the shortlisting criteria fairly and consistently to all applicants, subject to occasions when reasonable adjustments are being made for disabled candidates;
- agreeing relative weightings, at each stage of the assessment, that are objectively justifiable and consistent with the job description; and that directly and clearly correspond to the criteria described in the person specification;
- agreeing appropriate methods of assessment that are objectively designed to assess each candidate consistently against the criteria for the post;
- demonstrating how their decisions are objectively based on the evidence before them; and not, for example, on stereotypical or discriminatory assumptions; and
- conducting or overseeing, as appropriate, interviews and other assessment methods, in a structured and systematic way.

22.2. Assessment of Candidates – The selection panel may agree that a range of assessment methods should form part of the selection process for any post. The methods of assessment chosen must relate directly to the job description and the criteria contained within the person specification. They should be commensurate with the grade and responsibilities of the post, and should be administered in accordance with this scheme and any guidance issued by the Authority.

22.3. Conducting Assessments – Where the selection panel are conducting assessments directly, the selection panel shall be responsible for doing so in a fair and consistent manner.

This will involve:

- ensuring that all applicants are provided with the same opportunity to demonstrate their abilities;
- ensuring that differential standards are not applied {subject to occasions when reasonable adjustments are being made for disabled applicants};
- assessing each applicant in accordance with the selection criteria;
- following the agreed marking scheme;
- recording the marks and assessments for each candidate in line with this Scheme; and
- ensuring that all decisions are based on documented evidence and in line with agreed criteria.

22.4. Assessments Conducted by a Third Party - It may be necessary for certain assessments to be conducted by a third party (for example where online personality profiling is used). Where this occurs, the selection panel will be responsible for determining, from the outset of the process, exactly how account will be taken of any information gathered by means of any externally facilitated assessment tools. The selection panel must do so in accordance with this scheme and any guidance issued by the Authority.

22.5. Where any methods of assessment are administered by a third party, it remains the responsibility of the selection panel to ensure that assessments are conducted fairly and consistently, as outlined in paragraph 22.3 above).

## 23. Principals

23.1. The principal of the school, as a non-voting member of the board of governors, is entitled to be present at all meetings of the board of governors for any items concerning appointments to the school, other than when the post of principal is being filled, or when attendance is precluded in accordance with the Scheme for the Management of Controlled Schools as follows:

- Articles 45 and 46 – Upon the declaration of any family relationship
- Article 48 – Upon the declaration of any pecuniary interest
- Article 49 - In the event of the appointment of his or her successor

23.2. The principal **has no voting powers** at any meeting of the board of governors.

23.3. Where, at a meeting of the board of governors of the school (or a Committee thereof), the principal disagrees with any decision of the board of governors taken in the exercise of its functions relating to teaching appointments; that disagreement and the reasons for it will, if the principal so requests, be recorded in the minutes of the meeting and be notified to the Authority at the same time as the decision of the board of governors.

## 24. Advisers

- 24.1. An Adviser will be appointed, by the Authority, to a selection panel responsible for a principal appointment.
- 24.2. In the case of a vice principal appointment, the Authority may appoint an Adviser to the selection panel responsible; and where the board of governors requests an Adviser, the Authority will give consideration to appointing one to the selection panel as appropriate. For example, where the principal is newly appointed, it may be prudent to appoint an Adviser for the vice principal appointment.
- 24.3. An Adviser will be a designated officer with suitable knowledge and experience of recruitment and selection procedures and the Teaching Appointments Scheme; and with sufficient knowledge of the body of employment law pertaining to recruitment and selection.
- 24.4. The Adviser will provide advice and guidance regarding any aspect of the selection process, as required, and will assist the selection panel to carry out the procedures in accordance with the Teaching Appointments Scheme. The board of governors and/or the Committee, as appropriate, must give due regard to any advice offered by the Adviser when reaching a decision.
- 24.5. Where the serving principal of the school is not acting as secretary to the panel, the Adviser may fulfil this role, and will convene the meetings of the panel as appropriate.
- 24.6. Advisers may participate fully in any discussions at all stages in the selection process, but **do not have voting rights** as members of the panel.

## 25. Assessors

- 25.1. An Assessor will normally be a principal serving in a controlled school, from the same sector, though outside of the immediate area, or another suitably qualified and experienced individual; however, the Authority may deploy an officer of the Authority to fulfil the role of Assessor where appropriate.
- 25.2. The role of Assessor is outlined in detail in the Appendix 1 which includes the Assessor Role Description.
- 25.3. In summary, an Assessor will provide advice to the board of governors, as appropriate, on the professional and technical suitability of applicants for appointment to principal posts, and other such posts as the Authority and/or the board of governors determine.



- 25.4. Where an Assessor is appointed, the board of governors and/or the Committee, as appropriate, must give due regard to any advice and comments offered by the Assessor on the professional and technical competence of each candidate, when reaching a decision.
- 25.5. Assessors may participate fully in any discussions at all stages in the selection process, but **do not have voting rights** as members of the panel.

## 26. Controlled Schools' Support Council

- 26.1. The Authority will seek assistance, from the Controlled Schools' Support Council, as appropriate, with the process of selecting applicants to be included on a Regional list of Assessors for principal appointments and vice principal appointments as required.
- 26.2. The Authority will seek assistance from the Controlled Schools' Support Council, as appropriate, with the training of Assessors included on the Regional list for principal appointments and, as required, vice principal appointments.

## SECTION 4: SCHEME FOR THE MANAGEMENT OF CONTROLLED SCHOOLS

### 27. References

- 27.1. The Scheme for the Management of Controlled Schools in Northern Ireland gives details of the standing orders relevant to the making of teaching appointments as follows:

<b>a) Interpretation</b>	<b>Article 3</b>
<b>b) Acceptance of Membership</b>	Article 5
<b>c) Appointment of Secretary</b>	Article 44
<b>d) Committees of the Board of Governors</b>	Article 24-25
<b>e) Convening of Meetings</b>	Article 34
<b>f) Declaration of Family Relationship</b>	Article 45-46
<b>g) Declaration of Knowledge of Canvassing</b>	Article 47
<b>h) Declaration of Pecuniary Interest</b>	Article 48
<b>i) Distribution of Minutes</b>	Article 61
<b>j) In Committee Proceedings</b>	Article 50
<b>k) Minutes</b>	Article 58
<b>l) Quorum</b>	Article 40
<b>m) Voting</b>	Article 55
<b>n) Withdrawal of Principal or Teaching Member</b>	Article 49

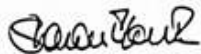
**SECTION 5: REVIEW ARRANGEMENTS**

28. The Authority will review the effectiveness of this scheme no later than three years after the date of implementation.

**SECTION 6: APPROVAL OF THE SCHEME**

29. This Scheme hereby revokes the Transitional Teaching Appointments Scheme operated by the Education Authority.

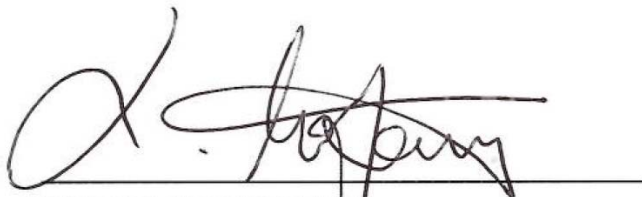
It shall come into operation on 1 February 2016.



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Sharon O'Connor  
Chair of the Education Authority

on 29 January 2016

The Department of Education approves this scheme.  
Signed on behalf of the Department of Education



\_\_\_\_\_  
LA'VERNE MONTGOMERY  
Director  
Education Workforce Development

on 29 January 2016

**Procedure for the Appointment of  
Principals, Vice Principals and Teachers in  
Controlled Schools**

## Procedure for the Appointment of Principals, Vice Principals and Teachers in Controlled Schools

### 1. Introduction

- 1.1. The following procedure must be followed by the board of governors of each Controlled School, for every appointment to the post of principal, vice principal or teacher.
- 1.2. Detailed step-by-step guidance for each stage in the selection process is contained in the Authority's publication '**Guide to the Selection Process**'.
- 1.3. Further procedures for awarding Teaching Allowances are outlined in Appendix 2 of this Scheme.

### 2. General

- 2.1. The Authority is responsible for all appointments to the post of principal, vice principal and teacher.
- 2.2. Except in exceptional circumstances, all permanent full-time and part-time vacancies shall, in the interest of fair and open recruitment, be advertised publicly. In the case of a vice principal or teacher appointment, there may be exceptional circumstances where the post will not be advertised publicly; for example, to avoid a compulsory redundancy within the school, or in the event of the redeployment of teachers employed by the Authority, when the Authority and board of governors agree to appoint a serving teacher from another school to a vacant post without advertisement.
- 2.3. A restricted trawl may be used in cases where a potential redundancy might be avoided within the school and/or where financial considerations dictate.
- 2.4. In any event, the prior written approval of the Authority must be obtained before a vice principal or teacher post can be advertised or appointed by any means other than public advertisement.
- 2.5. Where the Authority agrees that a post of teacher should **not** be advertised publicly, or, in exceptional circumstances, that a post of vice principal should **not** be advertised publicly, the board of governors shall notify the vacancy to all staff within the school. The selection panel shall draw up a person specification, and shall invite applications on the agreed application form by a specified date.
- 2.6. The Authority, except as otherwise agreed, shall advertise the post in accordance with its agreed advertising arrangements.
- 2.7. All temporary posts in excess of six months shall normally be filled on the basis of public advertisement, and NISTR must only be used to fill posts for **less than six months**. Full guidance is contained in Paragraph 10 of the scheme.

- 2.8. For every appointment that is to be made on the basis of advertisement, the board of governors shall agree the terms of a job description and a person specification. A copy of these will be issued to all prospective candidates.
- 2.9. In all appointments the board of governors shall take account of all guidance issued by the Authority in relation to teaching appointments; including guidance relating to Equality of Opportunity in Employment.

### 3. Identification of a Vacancy

- 3.1. **Principal Post:** The identification of a vacancy at principal level, in schools with fully delegated budgets, will be the responsibility of the board of governors; however, the board of governors must contact the Authority before advertising the vacancy. They will consider the current and future needs of the school and how these needs relate to the leadership requirement of such a vacancy. Where the board of governors determines that a principal post should be filled, it will do so in accordance with this Scheme.
- 3.2. The principal shall be precluded from the selection process in the case of the appointment of his or her successor.
- 3.3. **Vice Principal Post:** the identification of a vacancy at vice principal level, in schools with fully delegated budgets, will be the responsibility of the board of governors. They will consider the current and future needs of the school and how these needs relate to the leadership requirement of such a vacancy. Where the board of governors determines that a vice principal post should be filled, it will do so in accordance with this Scheme. The principal, as a non-voting member of the board of governors will normally act as secretary to the selection panel for the appointment of a vice principal; however (in accordance with Schedule 4 of the Education (NI) Order 1986), he or she shall have no voting rights.
- 3.4. **Teacher Post:** The identification of a vacancy at teacher level, in schools with fully delegated budgets, is the responsibility of the principal in consultation with the chair of the board of governors. Where it is determined that the post should be filled, the school will do so in accordance with this Scheme. The principal, as a non-voting member of the board of governors, will normally act as secretary to the selection panel for the appointment of a teacher; however (in accordance with Schedule 4 of the Education (NI) Order 1986) he or she shall have no voting rights.
- 3.5. In schools with partially or non-delegated budgets, the Authority shall be responsible for determining that a post at any level should be filled.
- 3.6. In schools where a development proposal has been published, the board of governors must seek approval from the Authority before advertising any post.

## 4. The Selection Panel

- 4.1. Where it has been determined that a vacant post should be filled, the board of governors shall meet to carry out its functions under the Authority's Teaching Appointments Scheme. Alternatively, the board of governors may choose to delegate this function to a Committee thereof; in which case it will establish a Committee in accordance with Part V (Articles 24-25) of the Scheme for the Management of Controlled Schools, with power to take decisions and make recommendations in its name in relation to teaching appointments. The board of governors or a Committee thereof, as appropriate, will act as a selection panel, and shall be referred to as the 'selection panel' throughout this Scheme.
- 4.2. Where possible, selection panels should include persons of different gender.
- 4.3. Where a member of the selection panel has any direct or indirect pecuniary interest, or any direct family interest, then that member shall disclose the nature of the interest and shall not take part in the selection process and shall withdraw from the selection panel (Scheme for the Management of Controlled Schools, Articles 45, 46 and 48 refer).
- 4.4. The principal of the school, as a non-voting member of the board of governors, will normally attend and will act as secretary to the selection panel for appointments to posts of teacher and vice principal.
- 4.5. A designated officer may attend to act as an Adviser to the selection panel, and he or she shall assist the selection panel to carry out the appropriate procedures in accordance with the Teaching Appointments Scheme. In the case of principal appointments, and in the exceptional cases where the serving principal is not acting as secretary to the selection panel for teacher and vice principal appointments, the officer shall be responsible for convening the selection panel meeting, and shall act as secretary to the selection panel. The officer will participate fully in, and remain present for, all discussions and interviews, but shall **not have voting rights** and shall not mark the candidates.
- 4.6. The selection panel will conduct the selection process in accordance with the teaching appointments scheme and the guidance contained therein relating to the application of specific selection methods.
- 4.7. Where, at a meeting of the board of governors of the school (or a Committee thereof) at which the principal is in attendance, the principal disagrees with any decision or recommendation relating to the appointment of teaching staff, that disagreement and the

reasons for it shall, if the principal so requests, be recorded in the minutes<sup>7</sup> of the meeting and notified to the Authority at the same time as the decision or recommendation of the board of governors.

- 4.8. Where, at a meeting of the selection panel to which an Assessor has been appointed, the Assessor disagrees with any decision of the selection panel taken in the exercise of its functions relating to teaching appointments; that disagreement and the reasons for it will be recorded in the minutes<sup>7</sup> of the meeting and will be notified to the Authority at the same time as the decision of the board of governors.
- 4.9. Where, at a meeting of the board of governors of the school (or a Committee thereof) at which the designated officer is in attendance, the officer disagrees with any decision of the board of governors taken in the exercise of its functions relating to teaching appointments; that disagreement and the reasons for it will be recorded in the minutes<sup>7</sup> of the meeting and be notified to the Authority at the same time as the decision of the board of governors.
- 4.10. Where, at a meeting of the board of governors of the school (or a Committee thereof) at which a designated officer with responsibility for Special Education is in attendance, the officer disagrees with any decision of the board of governors taken in the exercise of its functions relating to teaching appointments; that disagreement and the reasons for it will be recorded in the minutes<sup>7</sup> of the meeting and be notified to the Authority at the same time as the decision of the board of governors.
- 4.11. Membership of the Selection panel should remain unchanged throughout the selection process, and all selection panel members should always be present throughout each stage of the process. However, in exceptional circumstances, it is permissible for selection panel members to be omitted as a result of illness or family bereavement etc. Should this situation occur it is important to note that the selection panel must have a quorum in accordance with the Scheme for the Management of Controlled Schools (Article 40 refers). Where a substitute is appointed, the change and reason for it must be recorded and the substitute must be fully briefed on decisions taken prior to his or her involvement.
- 4.12. Selection panels must be constituted in accordance with the Scheme for the Management of Controlled Schools; and as outlined in the relevant table below:

Table 1	Principal - selection panel constitution for a principal appointment
Table 2	Vice Principal - selection panel constitution for a vice principal appointment
Table 3	Teacher - selection panel constitution for a teacher appointment

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<sup>7</sup> Where the minutes reflect that the Principal, an Assessor and/or a designated officer has a substantive disagreement with any decision of the selection panel, the disagreement and the reason(s) for the disagreement must be properly recorded.

4.13. **Principal Post - Selection Panel**

4.14. Membership of the selection panel should, excepting certain unavoidable circumstances, remain unchanged throughout the selection process, and all selection panel members should always be present throughout each stage of the process. Paragraph 4.11 refers.

**Table 1.** Constitution of a Selection Panel to Appoint a Principal

<b>Selection Panel Constitution</b> <b>The selection panel will include:</b>	<b>Voting Rights</b>
<p>The minimum number of voting governors<sup>8</sup> present at a meeting of the board of governors (or a Committee thereof) shall be determined in accordance with the Scheme for the Management of Controlled Schools.</p> <p>All voting governors (or voting members of a Committee thereof) shall be permitted to attend; except where they are required to withdraw in accordance with the Scheme for the Management of Controlled Schools Article 49 (2) (d) or (e).<sup>9</sup></p>	<p>All voting governors, not required to withdraw, will have full voting rights on the selection panel.</p>
<p>One or two Assessors <u>will</u> be appointed, by the Authority, to advise the selection panel regarding the professional and technical competence of each candidate in line with the job description and the person specification.</p>	<p>The Assessor(s) will have no voting rights, though the selection panel <u>must</u> give due regard to the advice of the Assessor(s) before reaching a decision.</p>
<p>An officer will attend to act as Adviser to the process and to act as secretary to the selection panel.</p>	<p>An officer will not have voting rights, though the selection panel <u>must</u> give due regard to the advice of the officer before reaching a decision.</p>
<p>An officer with responsibility for Special Education will attend a selection panel for the appointment of a principal to a Special School. This officer may also fulfil the role of Assessor, provided he/she has been trained to do so.</p>	<p>An officer will have no voting rights, though the selection panel <u>must</u> give due regard to the advice of the officer before reaching a decision.</p>

<sup>8</sup> In the case of schools where (*in accordance with Schedule 4 of the Education & Libraries (Northern Ireland) Order 1986*) the board of governors must include a specified number of Governors nominated by the transferors and superseded managers; at least 1 such Governor should normally be included on the panel.

<sup>9</sup> In summary - Article 49 (2) (d) or (e) of the Scheme for the Management of Controlled Schools requires the withdrawal of the principal and the teacher member from a principal selection panel.



4.15. Vice Principal Post - Selection Panel

4.16. Membership of the selection panel should, excepting certain unavoidable circumstances, remain unchanged throughout the selection process, and all selection panel members should always be present throughout each stage of the process. Paragraph 4.11 refers.

**Table 2.** Constitution of a Selection Panel to Appoint a Vice Principal

Selection Panel Constitution The selection panel will include:	Voting Rights
<p>The minimum number of voting governors <sup>10</sup> present at a meeting of the board of governors (or a Committee thereof) shall be determined in accordance with the Scheme for the Management of Controlled Schools.</p> <p>All voting governors (or voting members of a Committee thereof) shall be permitted to attend; except where they are required to withdraw in accordance with the Scheme for the Management of Controlled Schools Article 49 (2) (d) or (e).<sup>11</sup></p>	<p>All voting governors, not required to withdraw, will have full voting rights on the selection panel.</p>
<p>The principal of the school, as a non-voting member of the board of governors, will normally act as secretary to the selection panel.</p>	<p>The Principal will not have voting rights.</p>
<p>The board of governors and or the Authority <u>may</u> choose to appoint up to two Assessors to advise the selection panel regarding the professional and technical competence of each candidate in line with the job description and the person specification.</p>	<p>The Assessor(s) will have no voting rights, though the selection panel <u>must</u> give due regard to the advice of the Assessor(s) before reaching a decision.</p>
<p>An officer <u>may</u> attend to act as Adviser to the process and may act as secretary to the selection panel where the serving principal is not fulfilling this role. Where the board of governors requests the support of an Adviser, the Authority <u>will</u> give consideration to appointing an officer to attend as Adviser.</p>	<p>An officer will not have voting rights, though the selection panel <u>must</u> give due regard to the advice of the officer before reaching a decision.</p>
<p>An officer with responsibility for Special Education may attend a selection panel for the appointment of a vice principal to a Special School, as appropriate. This officer may also fulfil the role of Assessor, provided he/she has been trained to do so.</p>	<p>An officer will not have voting rights, though the selection panel <u>must</u> give due regard to the advice of the officer before reaching a decision.</p>

<sup>10</sup> In the case of schools where (*in accordance with Schedule 4 of the Education & Libraries (Northern Ireland) Order 1986*) the board of governors must include a specified number of Governors nominated by the transferors and superseded managers; at least 1 such Governor should normally be included on the panel.

<sup>11</sup> In summary - Article 49 (2) (d) or (e) of the Scheme for the Management of Controlled Schools requires the withdrawal of the teacher member from a vice principal selection panel.

4.17. Teacher Post - Selection panel

4.18. Membership of the selection panel should, excepting certain unavoidable circumstances, remain unchanged throughout the selection process, and all selection panel members should always be present throughout each stage of the process. Paragraph 4.11 refers.

**Table 3.** Constitution of a Selection Panel to Appoint a Teacher

Selection Panel Constitution The selection panel will include:	Voting Rights
The minimum number of voting governors <sup>12</sup> present at a meeting of the board of governors (or a Committee thereof) shall be determined in accordance with the Scheme for the Management of Controlled Schools.	All voting governors (or voting members of a Committee thereof) shall be permitted to attend and will have full voting rights on the selection panel, except where he or she is required to withdraw for the appointment of a teacher equal or senior to his or her own; in accordance with the Scheme for the Management of Controlled Schools Article 49 (2) (d) or (e). <sup>13</sup>
The principal of the school, as a non-voting member of the board of governors, will normally act as secretary to the selection panel.	The Principal will not have voting rights.
The board of governors <u>may</u> choose to appoint an Assessor to advise the selection panel regarding the professional and technical competence of each candidate in line with the job description and the person specification.	An Assessor will have no voting rights, though the selection panel <u>must</u> give due regard to the advice of the Assessor before reaching a decision.

<sup>12</sup> In the case of schools where (*in accordance with Schedule 4 of the Education & Libraries (Northern Ireland) Order 1986*) the board of governors must include a specified number of Governors nominated by the transferors and superseded managers; at least 1 such Governor should normally be included on the panel.

<sup>13</sup> In summary - Article 49 (2) (d) or (e) of the Scheme for the Management of Controlled Schools requires the withdrawal of the teacher member from a selection panel constituted to appoint a teacher equal or senior to his or her own. For example, where a teacher member is in receipt of a teaching allowance three, they may sit as a **voting** member on a selection panel to appoint a teacher to a position that carries a teaching allowance two or one; or that carries no teaching allowance.

## 5. The Selection Process

- 5.1. **Preliminary Meeting** - The selection panel will normally meet at the outset of the process to conduct a preliminary meeting. In the case of a principal appointment, the selection panel will always hold a preliminary meeting.
- 5.2. The selection panel will agree the terms of the job description for the post and will agree the person specification, taking account of the standardised person specifications that have been agreed by the Authority. The person specification shall identify the requirements that are considered to be essential and (where appropriate) desirable for the post. These normally include qualifications, experience, knowledge, skills and personal qualities.
- 5.3. The selection panel will identify those criteria from the person specification that can reasonably be assessed from the application form alone, and these shall normally determine the list of 'shortlisting criteria'. The shortlisting criteria will normally include criteria relating to qualifications and experience, which are usually expressed in quantifiable terms. Selection panels will determine, prior to advertising, any of the remaining criteria that can reasonably be assessed by means of the application form alone, and can therefore be assessed during shortlisting.
- 5.4. The selection panel will agree the relative weightings to be allocated to the criteria in accordance with the agreed marking scheme.
- 5.5. The advertisement for the post should clearly identify the shortlisting criteria that will be applied at the shortlisting stage; and, where the selection panel believes that it may be necessary to enhance shortlisting criteria to achieve a pre-determined, manageable number of applicants for the next stage of assessment, this should be stated in the advertisement.

The selection panel will agree the methods of assessment that are to be used during the selection process, and will agree whether any assessments will need to be conducted by personnel outwith the selection panel.

- 5.6. **Shortlisting** - Following the closing date for the receipt of applications, a meeting of the Selection panel shall be arranged for the purpose of shortlisting. The Authority shall forward, to the secretary to the selection panel, those application forms from candidates who appear, to the Authority, to be qualified or provisionally qualified for the post.
- 5.7. The shortlisting criteria will have been agreed prior to advertising, will be drawn from the essential criteria contained within the person specification, and will have been clearly indicated in the advertisement. Paragraph 5.3 above refers.

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- 5.8. The secretary will ensure that the selection panel are clear about the weighting for the criteria on the person specification, as agreed at the preliminary meeting, and about how each criterion will be assessed.
- 5.9. The selection panel will determine a manageable number of candidates to be shortlisted for progression to the next stage of assessment. Where very few completed applications are received; the selection panel may, before any applications are opened, reasonably deem there to be insufficient applications, and may determine that the process will not proceed; and will agree instead to re-advertise the post.
- 5.10. The selection panel shall agree how the shortlisting exercise will be conducted **before** any panel members have sight of the application forms. This will include ensuring a consistent interpretation of the shortlisting criteria, and agreeing any potential enhancements to the criteria and the order in which they will be applied.
- 5.11. The selection panel may need to enhance the shortlisting criteria, at the shortlisting stage, to reduce the number of applications to a pre-determined manageable number of candidates for interview. Where, at the preliminary meeting, the selection panel believed that it may be necessary to enhance shortlisting criteria; this will have been stated in the advertisement. Step-by-step guidance on the shortlisting process is contained in the Guide to the Selection Process (paragraph 10 refers).
- 5.12. A list shall be prepared, by the selection panel, of candidates who meet the agreed shortlisting criteria; and those candidates will normally be invited, by the secretary to the selection panel, to participate in the next stage of the selection process; unless the selection panel reasonably deem the number of candidates shortlisted to be insufficient.
- 5.13. Where none of the candidates meet the agreed shortlisting criteria, the selection panel shall inform the Authority that the post will need to be re-advertised.
- 5.14. **Assessment of Candidates**
- 5.15. The selection process may involve a number of different steps and the most suitable selection methods should be used that are:
- a) appropriate for the level of post;
  - b) relevant to the range of responsibilities involved; and
  - c) conducive to a robust process designed to select the most suitable person for the post.
- 5.16. Selection panels commonly include at least one interview in the assessment process; therefore, guidance on conducting an interview in accordance with the Teaching Appointments Scheme is included in paragraph 5.20 below.

- 5.17. The selection panel may agree that candidates will be asked to deliver a presentation; and this is commonly (though not exclusively) delivered as part of an interview process. Guidance on administering presentations is contained in the Guide to the Selection Process (Appendix 2 refers)
- 5.18. The Authority reserves the right to advise schools on further assessment methods at any time; and the Authority will, from time to time, issue guidance in relation to the application of further assessment methods in the context of this scheme. Boards of Governors will be required to follow any guidance issued accordingly.
- 5.19. The Authority reserves the right to review and amend the marking scheme, as required, and the Authority will issue guidance on the use of the marking scheme in accordance with the teaching appointments scheme.
- 5.20. Interview**
- 5.21. The secretary will invite shortlisted candidates to attend an interview with the selection panel, affording no less than seven calendar days' notice to attend. Candidates will also be given the opportunity, at this stage, to state any specific requirements that they may not have specified on their application form, in order that preparations can be made for any reasonable adjustments that may be required, to facilitate interview arrangements for any candidates with a disability.
- 5.22. The selection panel should prepare adequately for the interview(s), and may wish to seek references ahead of the interviews. Where references are sought prior to the interviews, the selection panel should not have sight of the references until after a decision has been reached.
- 5.23. Where any Assessor(s) is/are appointed; they will, in liaison with the Adviser and the principal as appropriate, prepare a selection of possible interview questions. The selection panel will agree the list of the questions to be used. The Assessor(s) may be asked to put one or more of the questions to the candidate(s), following the chair's introduction.
- 5.24. Interviews should be conducted in a structured and systematic way, and in accordance with the Guide to the Selection Process (paragraph 13 refers).
- 5.25. All candidates should be asked the same core questions, and supplementary questions can and should be asked as appropriate to clarify or explore a candidate's responses.
- 5.26. Each member of the selection panel should make an individual note of each candidate's responses; and each selection panel member should mark each candidate in accordance with the agreed marking scheme. Notes of candidates' responses should be taken and retained.

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- 5.27. The chair will, upon completion of the interview(s), invite the Assessor(s), where appointed, to provide a verbal report on the competence of each candidate against the criteria, and to provide clarification on any issues, as required. Due regard must be given, by the selection panel, to any report provided by the Assessor(s) on the professional and technical competence of each candidate, in reaching a decision.
- 5.28. **Following the conclusion of the interviews;** and, where appropriate, any report provided by the Assessor(s); the chair will provide each panel member with the opportunity to provide a brief assessment summary of each candidate's performance; following which panel members will discuss each criterion for each candidate and finalise marks in accordance with the agreed marking scheme.
- 5.29. The secretary to the panel will record the outcome in accordance with the marking scheme; and, where the interview is the final or only assessment in the process, the secretary will advise the selection panel of the outcome arising from the application of the marking scheme.
- 5.30. In accordance with the agreed marking scheme; the selection panel will determine which of the candidates it considers most suitable for appointment, or suitable for progression to any further stage(s) in the selection process. A note of the discussions and decisions of the selection panel following interviews should be taken and retained.
- 5.31. **On completion of all steps in the selection process;** members will agree the outcome and will determine if an appointment should be made, and if a reserve candidate(s) should be identified to be included in a reserve list for up to 12 months. Paragraph 16 of the Guide to the Selection Process refers.
- 5.32. In the event that panel members are unable to reach agreement on the selection of a candidate, there should be further discussion and/or a further assessment if required, involving two or more of the candidates.
- 5.33. The secretary will normally inform the successful candidate and any reserve candidate(s) of the recommendation of the board of governors as soon as possible following the interview; though he or she must advise candidates that the recommendation remains subject to a positive outcome to all necessary pre-employment checks, as well as to consideration and ratification by the Authority. Unsuccessful candidates will also be notified.

### **6. Consideration by the Membership and Teaching Appointments Committee**

- 6.1. The Committee shall consider the recommendation received from the board of governors. The Committee shall require assurance from officers that, in so far as they can reasonably guarantee, the appointment has been carried out in accordance with the Authority's Teaching Appointments Scheme. If appropriate, the Committee may request further information relating to the appointment from the board of governors. Having considered all relevant information, the Committee may either appoint the recommended candidate or determine not to appoint the recommended candidate. In the event that the recommended candidate is not appointed by the Committee, the board of governors should be advised as to the reasons for this determination and the appointment procedure recommenced.

# Appendices



## ROLE OF AN ASSESSOR

1. The Authority will be responsible for appointing and managing Assessors to selection panels for principal appointments and, as appropriate, for vice principal appointments.
2. The Authority will provide support for Assessors as appropriate.
3. An Assessor for a principal or vice principal appointment will normally be a principal serving within a controlled school or another suitably qualified and experienced individual; however, the Authority may deploy an officer of the Authority to fulfil the role of Assessor where appropriate.
4. The board of governors may appoint an Assessor to the selection panel for a teacher appointment. The board of governors will be responsible for ensuring that the Assessor is provided with a copy of the Teaching Appointments Scheme, and that he or she is fully briefed in the role of Assessor. Where any Assessor is invited, by the board of governors, to participate on a selection panel, this must be in accordance with the Scheme for the Management of Controlled Schools.

### 5. Selection of Assessors to a Regional List

- 5.1. Serving principals, or other suitably qualified and experienced individuals, wishing to be included on the Regional list as Assessors for principal and vice principal appointments, will be selected as follows:

Applicants must:

- 5.1.1. Hold a teaching qualification that meets the requirements for recognition to teach in grant-aided schools in Northern Ireland and be registered with GTCNI by the agreed date to take up post; **AND**
- 5.1.2. Have a minimum of 3 years' experience as a principal in one or more controlled schools; **AND**
- 5.1.3. Demonstrate how they meet all other essential criteria as advertised.
- 5.2. Applicants must apply on the agreed application form by the advertised closing date and time.
- 5.3. Applicants will be required to fully describe on their application form how they meet each criterion. Application forms will be assessed against each criterion, and those applicants who meet all criteria will be included on the regional list accordingly.
- 5.4. The Authority will manage the selection of Assessors, and will seek assistance from the Controlled Schools' Support Council with the selection process as appropriate.
- 5.5. The Authority will review the regional list annually, and will seek applicants as required.

## 6. Training Assessors

- 6.1. The Authority will ensure that all Assessors deployed by the Authority, are fully briefed in the Authority's Teaching Appointments Scheme, and trained in the specific role and responsibilities of an Assessor.
- 6.2. The Authority will seek assistance from the Controlled Schools' Support Council, as appropriate, with the training of Assessors on the regional list.

## 7. Role of an Assessor

- 7.1. Where appointed, the Assessor(s) will be involved in each step in the selection process, and the Authority will provide support for the Assessor(s) as appropriate.
- 7.2. **Preparation** – The Assessor(s) will liaise with the relevant officers and the chair of the board of governors or Committee as appropriate, in order to establish an independent view of the current needs of the school based on all available information.
- 7.3. **Shortlisting** - The Assessor(s) must be familiar with the job description and person specification. They will assist the selection panel to agree a consistent interpretation of the shortlisting criteria, and agree how these criteria may best be measured, before any selection panel members have sight of the application forms.
- 7.4. The Assessor(s) may be asked to give their views and advice at the shortlisting meeting on whether or not applicants meet the shortlisting criteria in order to progress to the next stage. They may be asked to supply clarification, for example, on qualifications and level of experience.
- 7.5. **Interview** – The key areas to be addressed in the questions will be agreed with the selection panel. The Assessor(s) will prepare a selection of questions based on the job description and person specification, and the selection panel will agree a list of the questions to be used. The Assessor(s) will also indicate the key points to be covered in response to the questions, and these will be agreed with the selection panel.
- 7.6. Where the selection process comprises more than one assessment method (after shortlisting), the Assessor(s) will support the selection panel to take a holistic view when determining the criteria to be assessed, and the questions to be asked at each interview or assessment; to ensure that the information gathered is not unnecessarily duplicated, and that all criteria are satisfactorily assessed. The board of governors should indicate, to the Assessor(s), any specific areas around which they wish to see questions or assessments prepared. The selection panel will agree which questions are to be asked.
- 7.7. The Assessor(s) may be asked to put one or more of the questions to the candidates after the chair's introduction. The Assessor(s) may also be asked to put any supplementary questions to the candidates to clarify or expand on their responses to the core questions, and to facilitate interaction between the selection panel and the candidates.

- 7.8. The Assessor(s) will take notes on the candidates' responses to the questions and on their suitability for the post in relation to the selection criteria. Each Assessor's notes will be submitted to the secretary to the selection panel, and are discoverable in the event of a complaint to a Tribunal or other appropriate investigative body.
- 7.9. When the last candidate has withdrawn upon conclusion of all the interviews, the chair will invite the Assessor(s) to comment on the professional and technical competence of each candidate, based on the job related criteria in the person specification, and to supply information on any point requiring clarification by selection panel members.
8. **Other Assessment Methods** – Where the board of governors agrees to include a range of assessment methods in the selection process (Paragraph 5.14 of the procedure refers), the Assessor(s) will be invited to attend all assessment activities at which the selection panel attend; for example where the candidates are invited to deliver a presentation.
- 8.1. Where the selection process involves, for example, attendance at an externally facilitated assessment centre, the Assessor(s) will not attend; however, they will consider all feedback received from all assessment activities before reporting on the competence of any candidate.
- 8.2. Where candidates are required to make a presentation to the selection panel, the Assessor(s) may be asked to suggest a topic for the presentation. Where a presentation exercise is used as part of the selection procedure, the Assessor(s) will be invited to advise the selection panel on the professional and technical merit of each presentation. Each Assessor's comments must be restricted to the professional and technical competence of each candidate, based on the job-related criteria, and must relate only to the information gathered during the selection process. Care must be taken not to lead the panel members.
- 8.3. Although the Assessor(s) may wish to 'mark' candidates in relation to the criteria, for their own purposes, they should not divulge their marks; nor should they give panel members a suggested mark for any candidate.
- 8.4. Where any Assessor is invited to assist any selection panel, the selection panel members must give due regard to the advice and comments, provided by the Assessor(s), on the professional and technical competence of each candidate, before reaching a decision.
- 8.5. Where two Assessors are appointed to support the selection panel, the Assessors will work collaboratively to agree how the responsibilities outlined above will be shared.

## PROCEDURE FOR AWARDING TEACHING ALLOWANCES

### 1. Awarding a Teaching Allowance

- 1.1. In accordance with DE Circular 2006/27 and related guidance<sup>14</sup>, the board of governors may award a teaching allowance for responsibilities that:
- are not required of all classroom teachers;
  - are focused primarily on teaching and learning; and
  - require the exercise of a teacher's professional skills and judgement.
- 1.2. Such responsibilities must also conform to at least one of the following descriptions:-
- a) Require the teacher to learn, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum.
  - b) Have an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils.
- 1.3. There are two methods that may be used by a board of governors to award teaching allowances within a school. In deciding which of the methods should be used, the board of governors should be guided by the principal within the context of the current salary policy. These methods are:
- Internal trawl; and
  - External advertisement.

### 2. Upgrading a Teaching Allowance

- 2.1. Where, as a result of a change in the duties and responsibilities to be performed, there is an increase in the scope and/or nature of responsibility already awarded, the board of governors may agree to upgrade the teaching allowance that a teacher in the school is currently in receipt of.
- 2.2. The board of governors may decide to upgrade the teaching allowance on a temporary basis where the additional duties and responsibilities undertaken will not be a permanent feature.
- 2.3. Where a board of governors determines that the needs of the school are best met by upgrading an existing teaching allowance on a temporary or permanent basis, the following process should be implemented.

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<sup>14</sup> The Department of Education issued further guidance in relation to teaching allowances and part time teachers as part in the 'Guidance for Boards of Governors on the Formulation and Implementation of Salary Policy', May 2008.

2.4. A Notice of Intent should be displayed on the staff notice board and also sent to all permanent teachers absent from the school or on a career break. The Notice of Intent should indicate:

- the teaching allowance which the board of governors intends upgrading;
- the reason for upgrading;
- the duties and responsibilities to be performed;
- the level of the teaching allowance to be awarded;
- the duration of the award if temporary in nature;
- the date by which any consultation period should be completed (minimum of 5 working days from date of notification) if the upgrading has not previously been identified in the proposed structure within the school's salary policy.

2.5. If representations are made in response to the Notice of Intent, they should be considered by the board of governors or a sub-committee thereof and a response made before proceeding. The response should include written reasons for the decision taken.

### **3. Awarding a Teaching Allowance by Means of an Internal trawl;**

3.1. **Permanent Awards of Teaching Allowance** - Where the board of governors decides that a teaching allowance should be awarded on a permanent basis, the allowance must be awarded by means of a structured selection process. This may involve an internal trawl or, in appropriate circumstances, an external advertisement (paragraph 13 of the Scheme refers).

3.2. **Temporary Award of Teaching Allowances** - The board of governors may determine that there is a need to allocate a teaching allowance on a temporary basis; for example due to the absence of a permanent allowance holder due to sickness, maternity leave, career break or a leave of absence. There may also be occasions where the board of governors will create of an additional temporary allowance in order to carry out a particular task or function.

3.3. In arriving at a decision on whether a temporary allowance should be trawled internally, the board of governors should consider the projected duration of the allowance and the needs of the school. In all decisions, due consideration should be given to the promotion of equality of opportunity within the school.

- 3.4. Where a teaching allowance becomes vacant on a temporary basis it should normally be trawled. In particular circumstances, the board of governors may consider, based on the needs of the school, awarding the allowance without competition. In such circumstances, the board of governors is strongly encouraged to seek advice from the Authority. Where the board of governors determines that the duration of the temporary award is anticipated to be one academic year or longer, the allowance should be trawled.
- 3.5. An internal trawl should be conducted in accordance with the procedures contained in this scheme.

#### **4. Awarding a Teaching Allowance by Means of an External Advertisement.**

- 4.1. On occasions, it is recognised that the curricular and/or professional needs of the school may result in the board of governors deciding to externally advertise a vacant or newly created teaching allowance as an addition to a teaching post. In such circumstances, the board of governors will advertise the vacant teaching post inclusive of the appropriate teaching allowance. The teaching allowance itself cannot be externally advertised as a discrete vacancy.
- 4.2. Where the board of governors choose to implement this method, the procedures contained in of this scheme should be followed.

## LEGAL FRAMEWORK

**NB: This appendix is not intended as a complete and authoritative statement of the law**

### Eliminating unlawful discrimination

1. The anti-discrimination laws in Northern Ireland prohibit discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious belief<sup>15</sup> and political opinion; race; sexual orientation and age. The laws also prohibit discrimination against people who are disabled; people who are married or who are in civil partnerships; and, people who have undergone, are undergoing or who intend to undergo gender reassignment. These anti-discrimination grounds are commonly known as the statutory equality grounds.
2. This Scheme is an important tool in the Authority's endeavours to ensure that it avoids committing acts of unlawful discrimination by implementing employment policies, practices and procedures that promote equality of opportunity. It is underpinned by recognition of the importance for the Authority of equality of opportunity and good relations in the workplace.
3. A list of the principal anti-discrimination laws which are relevant to employment and a brief description of their respective equality grounds is given below:
  - **Equal Pay Act (NI) 1970, and Sex Discrimination (NI) Order 1976:** these laws prohibit discrimination on the grounds of sex; pregnancy and maternity leave; gender reassignment; being married or being a civil partner.
  - **Fair Employment and Treatment (NI) Order 1998:** this legislation prohibits discrimination on the grounds of religious belief and political opinion.
  - **Disability Discrimination Act 1995:** this legislation prohibits discrimination against disabled persons.
  - **Race Relations (NI) Order 1997:** this legislation prohibits discrimination on the grounds of race; colour; ethnic or national origins; nationality; belonging to the Irish Traveller community.

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<sup>15</sup> The Fair Employment and Treatment Order (NI) 1998 (FETO) prohibits discrimination and harassment on the grounds of religious belief and political opinion. It applies to all employers and employees and all types of employment, including school teaching. Thus, it is unlawful to discriminate against a person who is employed as a school teacher in respect to the terms and conditions of their employment, in their access to opportunities for training or access to other work-related benefits, or by dismissing them or subjecting them to any other detriment. Furthermore, it is unlawful to subject a person employed as a school teacher to sectarian harassment.

- **Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006:** these Regulations prohibit discrimination on the grounds of sexual orientation.
- **Employment Equality (Age) Regulations (NI) 2006:** these Regulations law prohibits discrimination on the grounds of age.

### Other Relevant Legislation

- Education (NI) Act, 2014;
  - Northern Ireland Act 1998;
  - Human Rights Act 1998;
  - Data Protection Act 1998;
  - Rehabilitation of Offenders (NI) Order 1978;
  - Rehabilitation of Offenders (Exceptions) Order (NI) 1979;
  - Protection of Children and Vulnerable Adults (NI) Order 2003;
  - Immigration, Asylum and Nationality Act 2006;
  - The Safeguarding Vulnerable Groups (NI) Order 2007;
  - The Work and Families (NI) Act 2015;
  - Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000; and
  - The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (NI) 2002.
4. In addition to the statutes above there are a number of Statutory Codes and guidance documents, the contents and status of which are of fundamental importance for anyone dealing with human resource issues. The Statutory Codes do not impose legal obligations on employers; however, an Industrial Tribunal must take into account any provisions of the Codes which are relevant to any question arising in proceedings before the Tribunal.
- The employment-related equality codes of practice are:**
- Fair Employment in Northern Ireland - Code of Practice;
  - Removing Sex Bias from Recruitment - Code of Practice;
  - Code of Practice on Equal Pay;
  - Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment;



- Disability Code of Practice - Employment and Occupation; and
  - Employment Practices Data Protection Code 2011 (ICO).
5. Other employment-related good practice guidance publications are:
- Sexual Orientation Discrimination in Northern Ireland - The Law and Good Practice;
  - Age Discrimination Law in Northern Ireland - A Short Guide for Employers, updated 2011 (Equality Commission for Northern Ireland);
  - Harassment and Bullying in the Workplace, 2006 (Labour Relations Agency and Equality Commission for Northern Ireland joint publication);
  - Equal Pay Review Kit (Equality Commission for Northern Ireland);
  - Recruitment Advertising - A Good Practice Guide for Employers Promoting Equality of Opportunity 2009 (Equality Commission for Northern Ireland);
  - Recruitment from those not in employment: A good practice Guide for promoting equality of opportunity 2009 (Equality Commission for Northern Ireland); and
  - A Unified Guide to Promoting Equal Opportunities in Employment 2009 (Equality Commission for Northern Ireland).
6. **Concepts of Unlawful Discrimination:** The laws use terms such as direct discrimination; indirect discrimination; disability-related discrimination; failure to comply with a duty to make reasonable adjustments (i.e. another form of discrimination against disabled people); victimisation and harassment to describe the different types of discriminatory conduct which are prohibited.
7. **When is it unlawful for an employer to discriminate?** The anti-discrimination laws prohibit discrimination in relation to the whole “A to Z” of employment-related activities, from recruitment through to termination of employment, and even beyond (for example; providing job references to former employees). However, to focus specifically on recruitment and selection, it is unlawful for an employer to discriminate against job applicants and employees in the following circumstances.
8. **Discrimination against job applicants:** It is unlawful for employers to discriminate against job applicants:
- in the arrangements made for determining who will be offered a job;
  - by refusing or deliberately omitting to offer a person a job;
  - or in the terms on which the applicant is offered the job.

9. **Discrimination against employees:** It is unlawful for employers to discriminate against employees:
- in their access to opportunities for promotion;
  - by subjecting them to any other detriment;
  - or in the terms of employment which it affords to him/her.
10. **Liability for discriminatory actions:** under the anti-discrimination laws, the board of governors and the Authority will normally be held legally liable for the discriminatory decisions and actions that their Governors, employees and members make in the course of their employment.
11. The board of governors and the Authority may be able to defend a complaint if they may show that they took reasonably practicable steps to prevent the act, or acts, of discrimination from occurring. This Scheme and the procedures outlined in it contribute to a series of reasonably practicable steps that the board of governors and the Authority are taking for this purpose. This is one of the reasons why Governors, employees and members of the Authority who are involved in recruitment and selection exercises are required to adhere to and follow this Scheme.
12. **Direct discrimination:** this generally occurs where an employer treats a job applicant or employee less favourably than he treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory equality grounds. For example, it is direct discrimination to refuse to employ a job applicant because she is a woman, or pregnant; or, because he or she is a Roman Catholic or a Protestant; or, because he or she is an Irish Traveller; or, because he or she is gay or lesbian; or, because he or she is disabled; or, because he or she is of a certain age (e.g. over 60, or under 20).
13. A recruitment or selection decision that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, an employer can rely on a statutory exception, such as a genuine occupational requirement exception where the job needs to be done by a person who has a particular characteristic (e.g. the job holder needs to be a woman in order to preserve the decency and privacy of other women who may be undressed).
14. **Indirect discrimination:** this generally occurs where an employer applies to all job applicants or employees a particular provision, criterion or practice, but which has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

15. Indirect discrimination might arise in a recruitment situation in the following way: the employer sets and applies a particular job criterion to all job applicants; however, it has the effect of disproportionately excluding or disadvantaging people who are members of a particular equality group. A recruitment or selection decision that is indirectly discriminatory will normally be unlawful unless the decision (e.g. the job criterion in question) can be objectively justified.
16. **Disability-related discrimination:**
17. This generally occurs where an employer, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than the employer treats (or, would treat) other people to whom that reason does not (or, would not) apply.
18. **Failure to comply with a duty to make reasonable adjustments:** This is another form of disability discrimination that occurs where an employer is under a duty to make reasonable adjustments for a particular disabled job applicant or employee and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.
19. An employer will be under a duty to make reasonable adjustments for a particular disabled job applicant or employee if the following conditions apply:
- the disabled person is at a substantial disadvantage compared to persons who are not disabled as a result of:
    - any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer; and
    - the employer knows, or could reasonably be expected to know, that the disabled person is disabled and is suffering that disadvantage, or is likely to.
20. Where the employer is under the duty, he or she is required to take such steps as are reasonable to take, in all the circumstances of the case, in order to prevent the disabled person from suffering the said disadvantage. In a recruitment exercise, this could mean that the employer may, depending on what is reasonable in the circumstances, have to change or waive particular job selection criteria, or provide assistance to a disabled job applicant to help him/her to participate in a selection test or job interview.

**Harassment**

21. Harassment is a form of discrimination that may occur across all or any of the statutory equality grounds. It generally occurs where a job applicant or employee is subjected to unwanted conduct that is related to a statutory equality ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.
22. It is perhaps more likely in practice to occur in the course of employment in a normal workplace setting, but it could also in principle occur during a recruitment and selection exercise as a result of the manner in which a selection panel, or any of its individual members, behave towards a job applicant during the course of an interview (e.g. making sexist, racist or homophobic comments to a job applicant, or making derogatory comments to a pregnant or disabled job applicant). Harassment cannot be justified and is always unlawful.

**Victimisation**

23. This generally occurs where an employer treats an employee or job applicant less favourably than he treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation is essentially a form of retaliation (e.g. the employer retaliates against a person who previously made a discrimination allegation against him/her by refusing on that account to offer them a job or a promotion). Victimisation cannot be justified and is always unlawful.

## CHILD PROTECTION

### BACKGROUND

1. The most significant pieces of legislation pertaining to this issue are the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 and the Protection of Freedoms Act 2012. Other relevant pieces of legislation include the Rehabilitation of Offenders (Northern Ireland) Order 1978 and the Police Act 1997. It is a criminal offence to knowingly engage a barred person in regulated activity<sup>16</sup>.
2. All possible steps must be taken to minimise the possibility that unsuitable persons can work with or gain access to children (or vulnerable adults). To this end, the following DE Circulars define the responsibilities of the Authority, boards of governors and principals in relation to the appointment of staff:

- |         |  |
|---------|--|
| 2006/06 | Child Protection: Recruitment of people to work with children and young people in educational settings;  |
| 2006/07 | Child Protection: Employment of substitute Teachers;   |
| 2006/08 | Child Protection: Training requirements for school governors on staff recruitment and selection panels;  |
| 2008/03 | Child Protection: Pre-employment checking of persons to work in schools - new arrangements;  |
| 2012/19 | Disclosure and Barring Arrangements: changes to pre-employment vetting checks to volunteers working in schools from 10 September 2012. (Guidance for Schools and Employing Authorities on changes to Pre-employment checking and safer recruitment practices); |

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<sup>16</sup> Regulated Activity includes unsupervised activities such as: teaching, training, instructing, caring for or supervising children, providing advice/guidance on well-being, or driving a vehicle only for children; and Regulated Activity is defined as unsupervised activity in a limited range of establishments (Specified Places), where there is the opportunity for contact with children, such as schools. In addition, in order to be regarded as Regulated Activity such unsupervised activity performed at such a specified place must be done regularly, i.e. carried out by the same person frequently (once a week or more often), or on four or more days in a 30 day period (or in some cases, overnight).

The Education Authority considers a post based in a school, Youth centre or other educational establishment, or any Authority post where the duties require the post holder to regularly visit schools, Youth centres or other educational establishments, to fall within the definition of 'regulated activity'.

2013/01 Disclosure and Barring Arrangements: vetting requirements for paid staff working in or providing a service for schools. (Guidance for Schools and Employing Authorities on Pre-employment vetting checking and safer recruitment practices)

### **JOB APPLICATION FORMS**

3. Job application forms must:

- require applicants to provide a complete career history and account for any gaps in employment since leaving full time education;
- include a direct question in relation to the suitability of the applicant to work with children and young people; and
- require the applicant to provide the names of two referees; at least one of whom must be able to comment on the candidate's professional suitability to work with children/young people in an educational setting.

### **GOVERNOR TRAINING**

4. At least one Governor on each Selection panel must have been trained in child protection issues as part of recruitment and selection training. It is strongly recommended that all governors who regularly sit on Selection panels should be fully trained as detailed above.

### **PROOF OF IDENTITY AT INTERVIEW**

5. Candidates must provide photographic proof of identity at interview. Acceptable documents include a driving licence, passport or electoral identity card. This requirement must be included in the 'invitation to interview' letter which must also advise that failure to provide such proof will render the candidate unsuitable for appointment. It is not necessary to retain copies of the identification; however, a note should be made on the interview documentation that proof of identity was provided.

### GAPS IN EMPLOYMENT AND SUITABILITY TO WORK WITH CHILDREN

6. Selection panels must ensure that the application forms are reviewed and ensure that a satisfactory explanation has been provided for any gaps in a candidate's employment/education history. If a panel is not satisfied with the explanation provided on the form, a panel member, who has been trained, should ask a candidate for further detail or specific information at interview. Such clarification should be sought at the end of the interview.
7. Each applicant must be asked if they are aware of anything in their personal or employment history that would render them unsuitable to work with children and young people. Selection panels should take all reasonable steps possible to establish the suitability of each candidate to work with children and young people. Where a specific question is asked at interview, candidates' responses must be recorded in the interview notes.

### REFERENCES

8. The names and addresses of two referees must be provided by the applicant, at least one of whom should be able to comment on the candidate's professional ability and their suitability to work with children/young people in an educational setting. Where the candidate does not nominate his or her present employer as a referee; and in the event of the candidate being recommended for a post, the board of governors will seek a reference from the candidate's most recent employer who can comment on their suitability to work with children/young people. By signing the application form the candidate will be indicating agreement to this reference being sought.

In the absence of previous paid employment, University Tutors or employers with whom teaching practice or voluntary service was undertaken are also acceptable. References should be sought using standard reference forms that elicit the specific responses and comments required.

### QUALIFICATIONS

9. Original documentary proof of qualifications required for the post must be provided before any appointment can be confirmed.

### ELIGIBILITY FOR WORKING IN UNITED KINGDOM

10. Under Section 8 of the Asylum and Immigration Act the Authority is required to check all potential employees' eligibility to work in the UK. The successful candidate must therefore, prior to confirmation of appointment provide, satisfactory documentary proof of eligibility, as detailed in the Home Office 'Right to Work Checklist'.

### ACCESS NI VETTING AND CRIMINAL BACKGROUND CHECKS

11. Since 1 April 2008, AccessNI has been responsible for carrying out the vetting and criminal background checking previously undertaken by the PSNI. From 1 April 2008, all persons joining the staff of a school require an Enhanced Disclosure Certificate from AccessNI. An Enhanced Disclosure Certificate shows the details of unfiltered,<sup>17</sup> spent and unspent convictions as well as other relevant information held in police records or other law enforcement agencies. This can include information about attempted prosecutions that were unsuccessful or behaviour that might be indicative of criminal activity.
12. The identity of the successful candidate must be verified before an application is submitted to AccessNI and the requirements in relation to verification of identity are detailed on the AccessNI application form. Principals are required to verify the identity of successful candidates in accordance with AccessNI requirements, and complete an identity validation accordingly. Applications to AccessNI for disclosures must be made via the Authority as the registered body unless a school is a registered body. The cost of the Enhanced Disclosure Certificate for all staff appointed must be met by the individual.

### DISCLOSURE AND BARRING SERVICE (DBS)

13. The Disclosure and Barring Service (DBS) helps employers in England, Wales and Northern Ireland make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. The DBS decides whether it is appropriate for a person to be placed on or removed from a barred list

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<sup>17</sup> Since 14 April 2014, AccessNI filter criminal records for standard and enhanced checks. AccessNI follows filtering rules that apply to convictions, cautions, informed warnings or diversionary youth conferences in an individual's criminal history. Filtering does not remove cautions, warnings and diversionary youth conferences for specified offences.



## Procedure for Appointing Peripatetic Teachers

1. Arrangements for appointing peripatetic teachers differ in some respects from the procedures outlined above, given that teachers working within peripatetic services are not appointed to a particular school and cannot therefore be appointed by a board of governors.
2. The general provisions of the scheme outlined above apply to the appointment of peripatetic teachers; however some significant differences with regard to panel composition are outlined below in paragraph 15.
3. The Scheme outlines a number of specific responsibilities for the board of governors of the school; and in the case of a peripatetic teacher, these responsibilities will be undertaken by Authority.
4. The Scheme signposts the '**Scheme for the Management of Controlled Schools**' in relation to the arrangements for conducting meetings of the selection panel. Paragraphs 5 to 14 below outline the relevant arrangements in the case of appointing peripatetic teachers.

### 5. Conflicts of Interest

Responsibility is placed on every panel member, voting and non-voting, to disclose where a potential conflict of interest may exist.

### 6. Family Relationships

Panel members must not be involved in any part of a shortlisting or selection process if a relevant family relationship is known to exist between the panel member and the applicant. A relevant family relationship shall be deemed to exist if the applicant is the husband, wife, partner, civil partner<sup>18</sup>, living together as husband and wife or in an LGBT<sup>19</sup> relationship, or if the applicant is the:

- parent;
- grandparent;
- grandson or grand-daughter;
- son or daughter;
- brother or sister;
- uncle or aunt;
- nephew or niece; or
- cousin

of the panel member. Equivalent step or civil partnership relationships to those listed above shall also be deemed as relevant.

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<sup>18</sup> Civil partnership under the Civil Partnership Act 2004

<sup>19</sup> Lesbian, Gay, Bisexual and Transgender

**7. Other Potential Conflicts of Interest**

It is the responsibility of panel members to disclose any other potential conflicts of interest. A potential conflict of interest may exist where a panel member feels that their knowledge of, or their relationship with, a candidate is such that it could be deemed to compromise their objectivity. This could include, for example, where a pecuniary relationship exists or where a panel member has agreed to act as a referee for an applicant. Where a potential conflict of interest exists, it is not about satisfying the conscience of the individual. Public perceptions, and also those of other candidates, must be considered.

8. In such circumstances the panel member may choose to withdraw. Where the panel member has not withdrawn the panel should consider whether the panel member should be required to withdraw in the interest of the integrity of the process.
9. A record should be maintained of all panel discussions and decisions regarding conflict of interest.

**10. Declaration of Knowledge of Canvassing**

Where a member of the selection panel has knowledge of any instance of canvassing for the appointment which the selection panel is concerned, he/she shall declare this knowledge as soon as possible. The selection panel shall consider any action that might be necessary arising from such a declaration.

**11. Confidentiality**

Recruitment processes necessarily deal with personal and professional information relating to candidates and with other confidential information relating to the process. It is essential that this information is treated as being strictly confidential, for dissemination to, and use by, participants in the recruitment process only.

Every participant in every recruitment process is required to preserve this strict confidentiality by not divulging confidential information to any source outside of the recruitment process, before, during or after the process. These restrictions on information do not refer to information required to be divulged in the course of any legal proceedings emanating from an appointment process.

**12. Appointment of Panel Chairperson**

Where the Chair of the Authority is a member of the panel, they will normally also chair the selection panel. Where Board members are serving on a selection panel the Chairperson of the panel will normally be a Board member. In all other cases the Chairperson will normally be the most senior employee.

**13. Quorum**

The quorum for any post where the salary is equivalent to Assistant Director shall be four persons entitled to vote. The quorum for all other selection panels shall be three persons entitled to vote. If a quorum is not present, the panel shall be reported as cancelled.

**14. Substitutes**

All panel members must attend throughout each stage of the selection process. Only in very exceptional circumstances may a panel member be omitted or replaced.

**15. Composition of Selection Panels**

Where possible, panels should include persons of different gender and as far as practicable be representative of different community backgrounds. Selection panels shall be convened by the Human Resources Directorate and shall be constituted as follows:

Selection Panel		Voting Rights
Where the salary for the post is equivalent to an Assistant Director	<ul style="list-style-type: none"> <li>• EA Chair or his/her nominee.</li> <li>• Chief Executive or his/her nominee.</li> <li>• Director concerned or his/her nominee.</li> <li>• One Director independent of that Directorate or his/her nominee.</li> <li>• Director of HR or his/her nominee will service the panel. May carry out a dual role and also act as a voting member of the panel if at an appropriate grade.</li> <li>• An Independent Assessor may be appointed to provide advice to the panel on the professional suitability of applicants.</li> </ul>	<p>All members of the panel will have voting rights with the exception of the Assessor and the HR representative.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>
Where the maximum salary for the post exceeds the salary for Assistant Principal Officer or equivalent, but is less than the equivalent of an Assistant Director	<ul style="list-style-type: none"> <li>• Director concerned or his/her nominee.</li> <li>• Another employee from that Directorate.</li> <li>• Employee independent of that Directorate.</li> <li>• Employee from the Human Resources Directorate will service the panel, and may carry out a dual role and also act as a voting member of the panel if at an appropriate grade.</li> <li>• An Independent Assessor may be appointed.</li> </ul>	<p>All members of the panel will have voting rights with the exception of the Assessor and the HR representative.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>

**APPENDIX 5**

<p>Where the maximum salary for the post is equal to or less than the equivalent of an Assistant Principal Officer</p>	<ul style="list-style-type: none"><li>• Director concerned or his/her nominee.</li><li>• Another employee from that or another Directorate.</li><li>• Employee from the Human Resources Directorate will carry out a dual role as a member of the panel and service the panel.</li><li>• An Independent Assessor may be appointed provide advice to the panel on the professional suitability of applicants.</li></ul>	<p>All members of the panel will have voting rights with the exception of the Assessor.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>
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**Education Authority**

**Guide to the Selection Process**

**Teaching Appointments**