
STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PART 3

Provisions relating to foundation, voluntary aided and foundation special schools

Manner of appointment

24.—(1) Where the governing body has selected a person for appointment it may appoint that person either—

- (a) under a contract of employment; or
- (b) otherwise than under a contract of employment.

(2) The governing body must check—

- (a) the identity of any such person;
- (b) that the person meets all relevant staff qualification requirements; and
- (c) that the person has a right to work in the United Kingdom.

(3) The governing body must obtain an enhanced criminal record certificate in respect of any such person, before, or as soon as practicable after, the person's appointment.

(4) In the case of any such person for whom, by reason of having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, the governing body must make such further checks as it considers appropriate, having regard to any guidance issued by the Secretary of State.

(5) The governing body must complete the checks referred to in paragraphs (2) and (4) before a person is appointed.

(6) Paragraphs (3) and (4) do not apply to a person who has worked in—

- (a) a school in England in a post—
 - (i) which brought the person regularly into contact with children or young persons; or
 - (ii) to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or
- (b) an institution within the further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons,

during a period which ended not more than three months before the person's appointment.

(7) The governing body must keep a separate register which contains the information specified in Schedule 2.