

Education Sector Group

This Code of Practice is binding on all members of the Education Sector Group of the Recruitment and Employment Confederation (REC). Complaints against members of the REC Education sector Group will be investigated by the REC Professional Standards Manager under both this Code of Practice and the general REC Code of Good Recruitment Practice.

The Education Sector Group Code has been established to set out clearly the responsibilities of employment businesses providing Teachers and Support Worker to LEAs and schools in both the public and private sector.

In this Code the following definitions apply:

Agency: The Employment Business, being a member of the Education Sector Group of the REC, which is providing the services of a Teacher or Support Worker to a Client.

Client: The LEA, School, College, or other place of learning contracting with the Agency for the supply of the services of the Teacher/Support Worker and responsible for supervising, directing and controlling the Teacher/Support Worker.

Teacher: An individual supplied by the Agency to work under the supervision, direction or control of the Client in a teaching capacity.

Lecturer: An individual supplied by the agency to work under the supervision, direction or control of the Client (College or other place of learning) in a lecturing capacity

Support Worker: An individual supplied by the Agency to work under the supervision, direction and control of the Client including but not limited to classroom assistants, administrators, catering staff and janitors.

Staff: Individuals engaged by the Agency to work on the Agency's premises under the Agency's direction and control in the operation of the Agency including but not limited to the Agency's directors, managers, recruitment consultants, researchers, administrators and accountants.

General

Mandatory Obligations

1. Agencies will ensure that all Staff are aware of and comply with the provisions of the:
 - Employment Agencies Act 1973 and its associated Conduct Regulations;
 - Child protection provisions of the Criminal Justice and Court Services Act 2000;
 - Education Reform Act 1988;
 - Protection of Children Act 1999;
 - Education (Restriction of Employment) Regulations 2000; as well as other relevant legislation and guidance including the:
 - Department for Education and Skills Circular 7/96 setting out the rules relating to the provision of supply teachers;

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- Department for Education and Skills letter to Teacher Employment Agencies and Businesses dated March 2002 entitled "Guidance about Criminal Record and List 99 Checks via the Criminal Records Bureau";
- Data Protection Act 1998; and

Statutory provisions relating to equal opportunities, discrimination, taxation and health and safety and any other statutory provision or Code of Practice that is applicable to the operation of an Agency supplying workers to schools and children's education establishments from time to time. Where a provision in this Code is less stringent than that of the general REC Code of Good Recruitment Practice, the relevant provision of the general REC Code will apply.

Good Practice

1. Agencies will ensure that Staff are competent and adequately and appropriately trained to carry out their duties effectively and that records of training and development are retained by the Agency and that Staff are regularly appraised and training and development needs are regularly identified and acted upon.
2. Where a dispute exists between Agencies that cannot be satisfactorily resolved, the dispute must be referred to the REC Professional Standards Team who will endeavour to resolve the matter.
3. Complaints against Agencies by Clients, Teachers and Support Workers, which can not be satisfactorily resolved without submission to REC will be dealt with under the REC Complaints Procedure, and where relevant, the REC Disciplinary Procedure.
4. Agencies will cooperate with each other as far as is reasonably possible by sharing Disclosure information in respect of Teachers/Support Workers registering or registered with more than one Agency. Where an Agency (B) is provided with a Teacher/Support Worker's copy of the Disclosure and they have been registered previously with another Agency (A), Agency B may make a request to Agency A asking whether they were given any further information on the Disclosure. This request can only be made with the consent of the Teacher/Support Worker. Agency A should comply with this request by confirming with Agency B whether or not the police disclosed non-conviction information that was not included on the Teacher/Support Worker's copy of the Disclosure. Agency A should not divulge the actual information. Agency B must obtain a separate Disclosure if Agency A advises that the police did disclose non-conviction information to them that was not included on the Teacher/Support Worker's copy of the Disclosure.

Agencies' Duties to Schools

Mandatory Obligations

1. Agencies must carry out reference checks in accordance with the following points:
 - At least 2 current professional and/or academic references must be taken;
 - References must be satisfactory and current (one must be from the most recent employer if applicable);
 - References should be written and the identity of the referee verified;

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- If verbal references are obtained:
- a contemporaneous record of the name and status of the referee must be taken;
- the identity of the referee must be independently verified;
- the date and name of the Staff member taking the reference must be recorded;
- the reference must be substantiated by a request for a written reference within 24 hours and a record of the request retained;
- the Client must be informed if an Teacher is being supplied before the written reference has been received back by the Agency;

If an open written reference is received it will not be accepted until the authenticity of the reference and the identity of the referee have been verified. A contemporaneous record of the status of the referee together with the date and name of the Staff member taking the reference must be recorded.

2. Request and verify reasons for gaps in employment history in the last 10 years.
3. Check the identity of the Teacher/Support Worker, by having sight of an original utility bill or other official document showing the name and current address of the Teacher/ Support Worker plus an original document such as a photo driving licence, passport or other type of photo identification. Copies of these documents must be kept on file.
4. In the case of Teachers require sight of original certificates or officially certified copy of certificates of qualification before supplying the Teacher to a Client and retain a photocopy verified with the name of the member of Staff taking the copy and the date it was taken. In the absence of original certificates, an original letter confirming qualifications from the General Training Council or the relevant training institute will suffice.
5. Obtain an Enhanced Disclosure from the Criminal Records Bureau in respect of any Teacher supplied or Support Worker supplied who is a teaching assistant (or any other individual) and may be in sole charge of children during an assignment, who is or has been resident in the UK before they are placed. An Enhanced Disclosure may include information from local police records and DfES List 99 and will state whether the Teacher is on the Protection of Children Act List or is disqualified from working with children. Obtain a Standard Disclosure from the Criminal Records Bureau in respect of any Support Worker supplied (except those falling within the provisions of clause 5 above) who is or has been resident in the UK before they are placed.
6. In the case of overseas Teachers/Support Workers obtain a notarised copy of an equivalent check carried out in their home country. In the case of overseas trained Teachers ensure that the qualifications held by the Teacher are on the UK National Academic Recognition Information Centre (NARIC) List of qualifications as being equivalent to UK NARIC standards.
7. Carry out a detailed face-to-face interview before supplying Teachers/Support Workers to Clients to ensure that Teachers/Support Workers are suitable for the bookings for which they are to be submitted.
8. Provide written terms of business to the client as soon as possible after receipt of an initial booking and in any event prior to providing a Client with any services.

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9. In the event that information relating to a Teacher/Support Worker comes to light after the Agency has placed a Teacher/Support Worker with a Client an Agency must, on the day the information is received or as soon after as reasonably practicable, seek the advice of the DfES Misconduct Unit in order to deal appropriately with that information. Evidence that advice has been sought must be retained by the Agency. This provision will apply even if the Teacher/Support Worker is no longer working through the Agency.

Good Practice

10. Ensure a medical declaration is completed and signed by a Teacher.
11. Ensure that any complaints brought by the client are documented and dealt with in a professional manner and are acknowledged in writing within 2 working days.

Agencies' Duties to Teachers

Mandatory Obligations

Agencies will:

- Ensure that the written agreement of the Teacher/Support Worker to the Agency's current terms of engagement is obtained before the Teacher/Support Worker is provided with any work finding services.
- State without ambiguity the pay rate due to a Teacher/Support Worker before the assignment commences.
- Transmit to Teachers and Support Workers any relevant information relating to an assignment, including information relating to health and safety matters, timetable requirements, the class(es) they will be teaching/assisting in, any special needs of the children they are likely to come into contact with, any other adults who will be in the class(es) and the line management arrangements.

Good Practice

Agencies will:

- Deduct PAYE and NI from remuneration to the Teacher/Support Worker
- Pay Teachers and Support Workers promptly and efficiently and as specified in the Agency's terms of engagement. Good Practice