

HUMAN RESOURCES

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Circular No: 2007/78

22 May 2007

To Principals of all Controlled Schools including Controlled Integrated Schools (Teaching and Non-Teaching Staff) and Maintained Schools (Non-Teaching Staff only)

Dear Principal

RE: REVIEW OF RECRUITMENT AND SELECTION PROCESS ARISING OUT OF CHILD PROTECTION LEGISLATION

In January 2006 the Department of Education carried out a review of our current systems of vetting and selecting staff to further strengthen existing systems and safeguard our pupils.

The attached briefing paper, which has been drawn up on an inter-board basis, summarises amendments to the Board's recruitment and selection process that are required to comply with the legislation contained in Department of Education Circulars 2006/06 and 2006/07. The outcome of this review was the publication in 2006 of five Department of Education Circulars providing new advice and requirements on the vetting and selection of staff.

Your attention is also drawn to the attached proforma on recruitment and selection which addresses the action points covered in the briefing paper and the above Circulars. This proforma should be completed at interviews by the Chairperson of your Board of Governors, and included in the job file when it is being returned to the Human Resources Branch. Please note that, with immediate effect, a copy of the proforma will be included in all job files being sent to you.

Should you have any queries relating to the enclosed briefing paper and documentation, please do not hesitate to contact myself on the telephone number detailed below, or Michelle Mullan, Tel: 02837 512492 – direct line.

Yours sincerely

J Carson (Mrs)
HUMAN RESOURCES MANAGER

/KG

Tel: 028 3751 2416 – direct line

Fax: 028 3751 2325

E-mail: janette.carson@selb.org

cc Chairperson of Board of Governors



**CHILD PROTECTION
AND
RECRUITMENT AND SELECTION**

BRIEFING PAPER

HUMAN RESOURCES BRANCH

MAY 2007

CHILD PROTECTION AND RECRUITMENT AND SELECTION

Child Protection Regulations

The safety of children is of paramount importance for all of us and we all want to be sure that the staff employed in our schools are selected on a fair and consistent basis, and that the protection of children is at the heart of that process.

Previous guidance on pre-employment checking detailed in Department of Education Circular 1990/28 - *Disclosure of Criminal Background of Persons with Access to Children* required the Board to undertake criminal record checks on staff with 'substantial access to children'.

During 2006 the Department of Education issued 5 Circulars detailing recent changes in Guidelines and approach with the objective of further strengthening our current system of vetting.

A summary of each of these Circulars is as follows:

2006/06 CHILD PROTECTION: RECRUITMENT OF PEOPLE TO WORK WITH CHILDREN AND YOUNG PEOPLE IN EDUCATIONAL SETTINGS

This Circular replaces the previous guidance on pre-employment checking detailed in Department Circular 1990/28. It offers Guidance to employers, schools and other education sector organisations on their duties in relation to the selection and vetting of persons working with children and young people, in either a paid or unpaid capacity and on safer recruitment practices.

To assist Governors in meeting the new advice and requirements on vetting and selection of staff, the Human Resources Branch has drawn up a Child Protection proforma (*see Appendix 1*). This proforma, which will be included in all job files being sent to schools, will hopefully act as a prompt to Boards of Governors in meeting their specific Child Protection obligations.

2006/07 CHILD PROTECTION: EMPLOYMENT OF SUBSTITUTE TEACHERS

This Circular advises that with effect from 1 September 2006 schools should employ as substitute teachers only those teachers who are on the Northern Ireland Substitute Teachers' Register.

2006/08 TRAINING REQUIREMENTS FOR SCHOOL GOVERNORS ON STAFF RECRUITMENT AND SELECTION PANELS

This Circular advises that from 1 September 2006 at least one school Governor serving on Recruitment and Selection Panels should be trained in recruitment and selection including child protection issues.

2006/09 CHILD PROTECTION: CRIMINAL BACKGROUND CHECKING OF STAFF IN SCHOOLS – PROGRAMME TO EXTEND COVERAGE

This Circular recommends that all staff, paid or unpaid, in a school should have been subject to a criminal background check to ensure suitability to work with children.

The retrospective checking of employees, which was conducted in May 2006, was a voluntary exercise as a check could only be undertaken if an individual employee gave his/her permission. The response from both teaching and non teaching staff was most encouraging.

2006/25 CHILD PROTECTION: VETTING OF SCHOOL GOVERNORS

This Circular which was issued on 6 December 2006 provides guidance on the vetting of school governors from 1 January 2007 and supplemented the guidance contained in Department of Education Circulars 2006/06 and 2006/09.

LEGISLATION

The Protection of Children and Vulnerable Adults (NI) Order 2003 requires the Department of Health, Social Services & Public Safety to maintain lists of individuals who are unsuitable to work with children in a 'regulated position'. A 'regulated position' is defined as a post where normal duties include work in an educational institution. The Board considers a post based in a school, or any Board post where the duties require the postholder to regularly visit schools, to be a 'regulated position'.

The same Order introduced offences against a child stipulating that a person convicted of any such offence, who has a sentence imposed of 12 or more months' imprisonment, must be ordered by the court to be disqualified from working with children. The Order also defined specific offences relevant to employment, as follows:

- it is an offence for an individual on either the Department of Education or the Department of Health, Social Services and Public Safety list or who is the subject of a disqualification order to apply for, offer to do, accept or do any work, paid or unpaid in a 'regulated position';
- it is an offence to knowingly employ, or offer work in a 'regulated position' to, or procure work in a 'regulated position' for such a person, or to fail to remove such a person from such work.

In addition to the list held under this legislation, the Department of Education maintains a list of persons whose eligibility to teach has been withdrawn, ie List 99. Eligibility to teach can be withdrawn on medical grounds or on the grounds of misconduct. Any person on List 99 is prohibited from working as a teacher.

The single pre-employment check conducted through the PSNI will identify anyone on any of the aforementioned lists as well as details of any criminal offences, cautions, bind-overs or pending cases.

KEY STEPS IN RECRUITMENT FOR PEOPLE WORKING IN AN EDUCATIONAL SETTING ARISING OUT OF DEPARTMENT OF EDUCATION CIRCULAR 2006/06

1. CHILD PROTECTION STATEMENT

The following child protection statement is now included in all Board advertisements/trawls for both teaching and non-teaching posts:

Posts involving work in educational institutions are subject to the provisions of the Protection of Children and Vulnerable Adults (NI) Order 2003.

This statement will also be included in all relevant recruitment documentation.

2. APPLICATION FORMS

The application forms for teaching and non-teaching posts, and the associated Notes of Guidance, have been revised to include the requirement for applicants to account for gaps in his/her education/employment history. Applicants are also required to provide the names and addresses of two referees (*see paragraph 8*).

3. VETTING PERMISSION

The requirement on applicants to give his/her permission for a vetting check to be carried out and to provide written details of all cautions, bind-overs, pending prosecutions and criminal convictions, including those normally spent under the Rehabilitation of Offenders (NI) Order 1979, has been removed from the application form.

At the date of application, applicants are required to give his/her permission for a criminal background check to be carried out through the completion of Form DOR02 (Application for a Criminal Background Check and Suitability to Work with Children) (*see Appendix 2*). This form will be retained, in confidence, by the Human Resources Branch until a recommendation for appointment has been made. The form of the successful candidate will be forwarded to the Criminal Record Branch of the PSNI to initiate the appropriate checks. There will also be a requirement to initiate vetting in respect of all candidates on a reserve list.

4. GOVERNOR TRAINING – PROFORMA

It is already established good practice that only Governors with appropriate training in Recruitment and Selection should serve on Recruitment and Selection Panels. In addition, Department of Education Circular 2006/08 requires that at least one Governor on the Recruitment and Selection Panel has been trained in recruitment and selection, including child protection issues (*see Appendix 1*).

5. PROOF OF IDENTITY AT INTERVIEW

Shortlisted candidates will be notified of the date and time of interview. Candidates will be required to bring photographic proof of identity to interview, ie current and valid driving licence, passport or electoral identity card; a photocopy is not acceptable. In the event that a shortlisted candidate attends interview without the necessary photographic proof of identity they will be interviewed and provided with the opportunity to bring the identification to the school/location within one working day of the interview. Failure to provide such proof of identification will render the shortlisted 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 on the day of interview or on the following day.

6. GAPS IN EDUCATION/EMPLOYMENT HISTORY

Interview Panels must ensure that they seek, and are provided with, a satisfactory explanation for any gaps in an applicant's education/employment history. The application form has been amended to include a section where applicants can provide an explanation for any gaps in his/her education/employment history. Recruitment and Selection Panels are advised to note any gaps in an applicant's education/employment history at the shortlisting stage on the Selection Record Sheet. If a Recruitment and Selection Panel is not satisfied with the explanation provided on the application form, they should ensure that the candidate is asked to provide further details or specific information at the end of the interview.

7. SUITABILITY TO WORK WITH CHILDREN

The application form has been amended to include a section where applicants are asked to answer a question on his/her suitability to work with children/young people in an educational setting.

At the end of the interview each candidate must be asked if they are aware of anything in his/her employment or personal history which would render them unsuitable to work with children and young people. His/her response should be noted in the interview notes.

8. REFERENCES

The names and addresses of two referees must be provided by applicants on his/her application form. At least one of the referees must be a previous or current employer who can comment on the applicant's suitability to work with children/young people in an educational setting and his/her professional ability. In the absence of previous paid employment, University Tutors or employers where teaching practice or voluntary services was undertaken are also acceptable. References should be sought by the Board of Governors for shortlisted candidates using the Reference Form enclosed in the Job File (*see Appendix 3*).

All references received in respect of shortlisted candidates must be forwarded to the Board with the application forms and the recommendation for appointment. If references have not been received in respect of the successful candidate, then the Human Resources Branch will request them for the recommended candidate only. No appointment will be confirmed until satisfactory references have been received. It should be noted that this may delay the appointment process, therefore Board of Governors are advised to ensure that the necessary references are sought and enclosed with the job file.

9. QUALIFICATIONS (TEACHING AND NON TEACHING)

(a) Teaching

Confirmation of appointment will be subject to the candidate being registered with GTCNI by the date of taking up duty and being recognised by the Department of Education as a teacher qualified to teach in Northern Ireland.

(b) Non-Teaching

Confirmation of appointment will be subject to the candidate providing original documentary proof of the qualifications required for the post as detailed on his/her application form.

10. BIRTH CERTIFICATES

The Board will also require recommended candidates to provide an original birth certificate prior to confirmation of employment.

11. INDUCTION

All new staff should have induction that includes appropriate training in the school's child protection policy and procedures. It is the responsibility of the school to ensure that staff are inducted and trained appropriately in order to meet this requirement. Advice on training is available from the Board's Designated Child Protection Officers.

12. TEMPORARY POSTS (TEACHING AND NON TEACHING)

(a) Teaching Staff

In accordance with Department of Education Circular 2006/07 only teachers who are on the Northern Ireland Substitute Teachers' Register should be employed to work in schools. The primary purpose of this is to offer protection to pupils, schools and employers by ensuring that all substitute teachers are properly checked as suitable to work with children and qualified before being employed in schools. All teachers on the register have been subject to the vetting procedure and no further checks are required. It should be noted that compliance will be monitored by the Department of Education.

(b) Non-Teaching Staff

Temporary non-teaching posts in all education settings are subject to checks exactly in the same way checks are carried out for permanent members of staff. Where temporary staff are employed you must ensure that the Form 'Application for a Criminal Background Check and Suitability to Work With Children (DOR02)' is completed and submitted in advance of the temporary employment commencing.

If the person that you intend employing has previously been employed on a regular basis in your school or another school, it is likely that they have already been subject to a criminal background check. However, it should not be assumed that this is the case. In relation to the person's immediacy to take up the post within the school, this will depend on whether the person has had a criminal background check carried out within the last 12 months. It is the responsibility of the Principal to contact the Human Resources Branch (Mary McGuirk 028 3741 5411) to establish if the person has a valid criminal background record. Regardless, schools must still complete and submit an 'Application for a Criminal Background Check And Suitability To Work With Children (DOR02)' as this will help to ensure that the individual's criminal background record with the SELB remains up-to-date.

13. EMERGENCIES/EXCEPTIONS

It is recognised that there may be occasions when a non-teaching member of staff has to be employed at short notice to cover absence and that there may not always be time to complete the vetting process. However, most schools tend to use the same temporary staff in such circumstances and they should be checked prior to being employed.

If it is necessary to employ a person who has not been checked, it is essential that the school undertakes a risk assessment and ensures that the individual is not left unsupervised with children until the vetting process has been completed. Advice on risk assessment is available from the Board's Designated Child Protection Officers.

The general principle is that staff who have not been vetted should only be employed in schools on a short term, emergency and controlled basis, and only if vetted staff have been sought and none are available.

Please be assured that we are working towards the full implementation of the 5 Department of Education Circulars and shall keep you informed of ongoing developments. Should you however have any immediate concerns please contact:

Michelle Mullan, Executive Officer, Human Resources Branch.
Direct Line: 028 3751 2492, E-mail: michelle.mullan@selb.org

The Vetting of School Governors is being managed by:
Lorraine Livingstone, Governor Support Unit.
Direct Line: 028 3751 2504, E-mail: lorraine.livingstone@selb.org

14. CONFIRMATION OF APPOINTMENT

In summary, confirmation of appointment to any post that has been advertised and recruited by the Board will be subject to the following:

- A satisfactory criminal background check
- Receipt of 2 satisfactory references
- Receipt of documentary evidence of eligibility to work in UK
- Receipt of original documentary evidence of qualifications for the post (for Teachers see 10(a) above)
- Completion of Health Declaration Form

The Board will not confirm the permanent employment of any member of teaching or non-teaching staff until all of the required information has been received. The recommended candidate will not be able to commence employment without confirmation. It must be recognised and appreciated that this may result in delays in the appointment process.

15. DOCUMENTS ATTACHED FOR INFORMATION

Appendix 1 : Child Protection Proforma

Appendix 2 : Form DOR 02 –‘Application for a Criminal Background Check And Suitability To Work With Children’

Appendix 3 : Reference Forms (Teaching and Non-Teaching)

APPENDIX 1

Job Ref: _____

CHILD PROTECTION PROFORMA

Requirements to be undertaken by Boards of Governors on Recruitment and Selection Panels

The safety of children is of paramount importance for all of us and we all want to be sure that the staff employed in our schools are selected on a fair and consistent basis, and that the protection of children is at the heart of that process.

Previous guidance on pre-employment checking as detailed in Department of Education Circular 1990/28 – *Disclosure of Criminal Background of Persons with Access to Children*, required the Board to undertake criminal record checks on staff with ‘substantial access to children’. During 2006 the Department of Education issued five Circulars detailing recent changes in Guidelines and approach with the objective of further strengthening our current system of vetting.

This proforma has been drawn up to facilitate Boards of Governors in meeting the new advice and requirements on vetting and selection of persons working with children and young people, and on safer recruitment practices as set out in the following Circulars:

2006/06 *Child Protection: Recruitment of people to work with children and young people in educational settings*

2006/08 *Child Protection: Training requirement for school governors on staff recruitment and selection panels.*

Please complete, sign and enclose this proforma in the job file when it is being returned to the Human Resources Branch at the completion of the Recruitment and Selection process.

1. Governor Training

It is already established good practice that only Governors with appropriate training in Recruitment and Selection should serve on panels. In addition Department of Education Circular 2006/08 requires that **at least one** Governor on the Interview Panel has been trained in recruitment and selection, including child protection issues. Please provide the name(s) of those Governors on the Selection Panel who have received Child Protection Training and how it impacts on the recruitment and selection process:

Name(s) of Governor(s) (Please print)

Date Attended Training* (ref page 3)

Comments:

2. Proof of Identity (To be verified at commencement of interview)

Department of Education Circular 2006/06 requires that candidates must provide photographic proof of identity at interview. The school will be required to inform candidates of the need to produce original photographic identification in the letter inviting them to interview. Acceptable documents include a current and valid driving licence, passport or electoral identity card – a **photocopy is not acceptable**. There is no requirement for the school to retain a photocopy.

Please confirm by ticking the box below that all candidates who attended interview provided the necessary proof of identification either on the day of interview or on the following day*.

_____ Confirmed:
Governor/Principal

NB *: In the event that a candidate presents for interview without the documentation he/she should be interviewed and provided with the opportunity to bring the identification to the Principal within **one working day** of the interview. Failure to provide such proof of identification will render the candidate unsuitable for appointment.

Please provide the name(s) of those candidates who did not provide proof of identification.

Comments:

3. Suitability to Work with Children : (Question to be asked at end of interview)

Department of Education Circular 2006/06 requires that at the end of the interview each candidate must be asked if he/she is aware of anything in their employment or personal history which would render them unsuitable to work with children and young people. Please confirm that the question regarding suitability to work with children and young people was asked of all candidates and their responses were recorded in the interview notes **by ticking the box**:

Comments:

4. Gaps in Education/Employment History (Covered at end of questions if applicable)

Department of Education Circular 2006/06 states that Interview Panels must ensure that they seek, and are provided with satisfactory explanations for any gaps in candidates' education/employment history.

Was there a requirement established at shortlisting to ask any of the candidates to provide an explanation for any gaps in their education/employment history? (You should refer to the Shortlisting Matrix where this information should have been recorded).

YES NO

If yes, please confirm the **(a)** name(s) of the candidate(s) and **(b)** if the candidate(s) provided a satisfactory explanation or if there are any outstanding concerns.

(a) Name(s) of the Candidate (*Please print*)

(b) Satisfactory Explanation? YES/NO

Comments:

Signed: _____
Chairperson

Date: _____

• **Dates of Child Protection Training completed**

Armagh City Hotel	-	21 September 2006
Armagh City Hotel	-	3 October 2006
Armagh Teachers' Centre	-	27 November 2006
Banville Hotel, Banbridge	-	16 February 2006
Canal Court, Newry	-	13 February 2006
Linen Green, Dungannon	-	1 March 2006
Seagoe Hotel	-	27 September 2006
Seagoe Hotel	-	17 October 2006

APPENDIX 2

APPLICATION FOR A CRIMINAL BACKGROUND CHECK AND SUITABILITY TO WORK WITH CHILDREN

Position: _____

School and/or employer: _____

Part 1-To be completed by applicant

(Please complete in block capitals)

Mr/Mrs/Miss/Ms/Dr/Rev/Other: _____ Surname: _____
(Circle as appropriate)

Forename(s): _____

Previous surname(s): _____ Previous forename(s): _____

Present address: _____

Postcode: _____

Place of birth: (Town/City) _____ Date of birth:

--	--	--	--	--	--	--	--

Driving Licence No:

--	--	--	--	--	--	--	--

 National Ins No:

--	--	--	--	--	--	--	--	--	--

Employee No:(If any) _____

Have you been convicted or cautioned for any offence? (Please Tick) Yes No

Have you ever had any involvement in or been the subject of an investigation into the abuse of children or adults? (Please Tick) Yes No

If Yes, please give details and outcome of all incidents: _____

(Please continue on separate sheet)

Please list all previous addresses within the last 5 years:

From: _____ To: _____	From: _____ To: _____	From: _____ To: _____
Address 1: _____ _____ _____	Address 2: _____ _____ _____	Address 3: _____ _____ _____
Postcode: _____	Postcode: _____	Postcode: _____

(Please continue on separate sheet)

Have you ever lived elsewhere apart from Northern Ireland ? (Please Tick) Yes No

If Yes, please give details _____
_____ Postcode: _____

<p>THE PARTICULARS GIVEN ABOVE ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND I GIVE PERMISSION FOR THE CHECK TO BE MADE TO PSNI AS INDICATED BELOW.</p> <p>Signed: _____ Date: _____</p>	<p><i>Please see Notes for Completion overleaf</i></p>
--	--

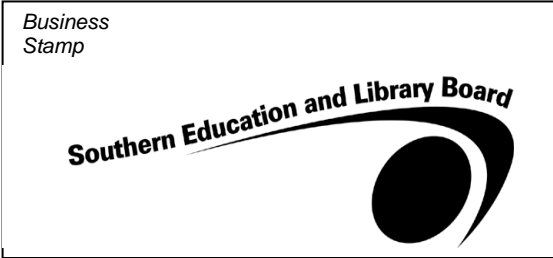
THIS PAGE TO BE COMPLETED BY HUMAN RESOURCES (PART 2) AND PSNI (PART 3) ONLY

Part 2 -To be completed by Employer (SELB)

I request the PSNI to undertake a check of Criminal and other Records. I declare that any information given will be in respect of the above post. I declare that any information given will be treated in strict confidence and used only in accordance with the relevant guidance.

Signed: _____ Name in capitals: JANETTE CARSON (MRS) Date: _____
 (Original signature of deputy nominated officer) MARY E ENNIS (MISS)

Address: **Southern Education and Library Board
 Human Resources Branch
 3 Charlemont Place
 The Mall
 ARMAGH
 BT61 9AX**



PLEASE FORWARD FORM TO PSNI CRIMINAL RECORDS OFFICE

Part 3 -To be completed by PSNI – Criminal Records Office

No trace of above applicant on the details provided. The subject may be the individual to whom the attached information refers.

Signed: _____ Rank: _____ Date: _____

PLEASE RETURN COMPLETED FORM TO EMPLOYING AUTHORITY (as shown in Pt 2)

Notes for completion:

1. Works Number - Teachers should use Teacher Reference Number.
2. Under the Rehabilitation of Offenders (Exception) Order (NI) 1979 as amended, convictions that are spent must be disclosed.
3. Ensure all details are completed accurately before signing and submitting to employer.
4. You will be advised by the employing authority when criminal records check has been completed.

APPENDIX 3

HUMAN RESOURCES

3 Charlemont Place • The Mall • Armagh • BT61 9AX

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SCR/RR7

TEACHING

Dear Sir/Madam

VACANT POST: _____

You have been nominated as a referee by _____
an applicant for the above post.

It would be appreciated if you could provide your assessment of the applicant against the seven sections on the reverse of this letter. As this post is a 'regulated position' as defined under the Protection of Children and Vulnerable Adults (NI) Order 2003 (POCVA), you are asked to give your comments as to the applicant's suitability to work with children/young people in an educational setting.

The interviews will be taking place within the next 10-14 days and an early reply would be appreciated.

I would like to thank you for your co-operation and advise that this assessment will be confidential to members of the selection panel.

You should however be advised that in the event of any complaint being received the complainant may have access to these assessments and they may be used in evidence at any resultant Industrial Tribunal.

Yours faithfully

SECRETARY BOARD OF GOVERNORS/GOVERNING BODY

REFEREE'S REPORT ON _____

(Name of applicant)

Please comment on the following:-

1. How long and in what capacity have you known the applicant?	1.
2. If you are in a position to do so, comment on his/her suitability to work with children/young people.	2.
3. What is your opinion of his/her ability to work? (a) on own initiative? (b) as an effective team member?	3.
4. What is your assessment of his/her personal qualities in relation to the post? Eg: Interpersonal skills Creative skills Communication skills Enthusiasm Self-reliance Leadership Motivation Etc.	4.
5. If you are in a position to do so, comment on his/her punctuality and attendance.	5.
6. Are there any further statements you feel would help in assessing the applicant's suitability for this post?	6.
7. Would you re-employ this person and if not, why not?	7.

SIGNED: _____

DATE: _____

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NON-TEACHING

Dear Sir/Madam

VACANT POST: _____

You have been nominated as a referee by _____
an applicant for the above post. (Job Description enclosed).

It would be appreciated if you could provide your assessment of the applicant on the 6 sections of the enclosed form. As this post is a 'regulated position' as defined under the Protection of Children and Vulnerable Adults (NI) Order 2003 (POCVA), you are asked to give your comments as to the applicant's suitability to work with children/young people in an educational setting.

I would like to thank you for your co-operation and advise that this assessment will be confidential to the members of the selection panel.

You should however be advised that in the event of any complaint being received the complainant may have access to these assessments and they may be used in evidence at any resultant Industrial Tribunal.

Yours faithfully

SECRETARY BOARD OF GOVERNORS/GOVERNING BODY

REFEREE'S REPORT
In Confidence



Applicants Name: _____

Job Ref: _____

1. How long have you known the applicant? _____

In what capacity? _____

2. If the applicant is/was in your employment, please state:

(a) Position held: _____

(b) Employed from: _____ to _____

(c) Responsible for: _____ staff _____ budget (*approx*)

(d) Reason for leaving (if appropriate): _____

3. If you are in a position to do so, comment on his/her suitability to work with children/young people: _____

4. How would you rate the applicant's:

	Good	Satisfactory	Fair	Poor
Ability to use initiative				
Co-operation with managers				
Co-operation with colleagues				
Dependability				
Quality of performance				
Time-keeping				
Ability to communicate effectively				

	Good	Satisfactory	Fair	Poor
Would you consider the applicants attendance records to be:				

5. Please give details of the applicant's sick record over the past two years:

From	To	Number of Working Days	Reason(s) for Absence

6. Are there any further statements you feel would help in assessing the applicant's suitability for this post? _____

Signed: _____ **Date:** _____