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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 132**

**EDUCATION**

**The Parental Involvement in Headteacher and Deputy  
Headteacher Appointments (Scotland) Regulations 2007**

*Made* - - - - 28th February 2007  
*Laid before the Scottish  
Parliament* - - - - 1st March 2007  
*Coming into force* - - 1st August 2007

The Scottish Ministers, in exercise of the powers conferred by section 14(5) of the Scottish Schools (Parental Involvement) Act 2006<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 and shall come into force on 1st August 2007.

**Interpretation**

2. In these Regulations—

- (a) “the Act” means the Scottish Schools (Parental Involvement) Act 2006; and
- (b) any reference to a Parent Council shall be taken to include where appropriate reference to a Combined Parent Council.

**Appointment process: headteachers and deputy headteachers**

3. The appointment process for filling any post, other than on an acting basis, of headteacher or deputy headteacher of a school (a “relevant appointment”), must satisfy the requirements specified in these Regulations.

**Consultation with Parent Council**

4. An education authority must, when preparing—

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(1) 2006 asp 8.

- (a) strategies; and
- (b) job or person specifications,

in relation to making a relevant appointment, consult with any Parent Council established for the school to which a relevant appointment is to be made, and must have regard to the views of that Parent Council when preparing any such strategies and specifications.

### **Short leet procedure**

5.—(1) Subject to regulation 5(3), an education authority must invite (but shall not be entitled to require) any Parent Council established for the school to which a relevant appointment is to be made, to participate in relation to the preparation of a short leet of candidates (the “short leet procedure”).

(2) Subject to regulation 5(3) where a Parent Council decides that it wishes to participate in the short leet procedure it shall do so either by means of nominating such person as it wishes from among its members or by nominating a person such as is referred to in section 14(3) of the Act.

(3) Regulation 5(1) and (2) shall not apply where the education authority decides, following consultation in terms of regulation 4, that the post of headteacher be filled by redeploying to that post an existing headteacher currently employed elsewhere, or that the post of deputy headteacher be filled by redeploying to that post an existing deputy headteacher currently employed elsewhere.

### **Further procedure: appointment panel**

6.—(1) Where, following completion of the short leet procedure, an education authority decides to make a relevant appointment, other than by means of a post being filled in the manner set out in regulation 5(3), they must set up a panel (an “appointment panel”), to consider the short leet of candidates prepared in accordance with regulation 5, and to make recommendations to the authority for the appointment of a person to fill the post.

(2) An education authority must, for the purpose of the appointment process, invite (but shall not be entitled to require) any Parent Council established for the school to which a relevant appointment is to be made, to be represented on the appointment panel.

(3) Where a Parent Council decides that it wishes to be represented on the appointment panel then at least one third of the membership of that panel must comprise—

- (a) a parent member (or members) of that Parent Council;
- (b) a person such as is referred to in section 14(3) of the Act; or
- (c) a combination of those persons described in (a) and (b).

### **Chairing of appointment panel**

7.—(1) Where a relevant appointment concerns a headteacher, the appointment panel must be chaired by a person nominated by the education authority.

(2) Where a relevant appointment concerns a deputy headteacher, the appointment panel must be chaired by the headteacher of the school to which the appointment is to be made, or, unless deemed inappropriate by the education authority, the acting headteacher of the school.

(3) The chairperson of an appointment panel shall have a casting vote in relation to any recommendations to be made to the authority concerning a relevant appointment.

### **Conflict of interest**

8.—(1) No person who has a material interest in or relating to any matter to which these Regulations relate may participate in the short leet procedure, or sit on an appointment panel.

(2) A person will not be deemed to have a material interest in terms of paragraph (1) by virtue of chairing an appointment panel under the provision made in that regard in regulation 7(1) and (2).

St Andrew's House,  
Edinburgh  
28th February 2007

*HUGH HENRY*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 14 of the Scottish Schools (Parental Involvement) Act 2006, provide for parental involvement in the process relating to the appointment of headteachers and deputy headteachers. The Regulations require an education authority to involve the Parent Council, as the representative body within each school of parents of pupils at that school, in specified stages of the appointment process.

Regulation 4 obliges an education authority to consult with, and have regard to the views of the relevant Parent Council, when preparing their strategies, and job or person specifications, relative to such appointments.

Regulation 5 requires an education authority to invite the Parent Council to participate in preparing a short list of candidates for the post concerned. Provision is made as to the manner and extent to which the Parent Council is to be represented, where it wishes to participate. An exception is made in circumstances where, following consultation, the education authority decides instead to fill a post by means of redeploying an existing headteacher or deputy headteacher currently employed elsewhere, in which event the Parent Council has no further involvement in the appointment process.

Under regulation 6 an education authority is required to set up an appointment panel, to consider the short list of candidates, and to make recommendations to the authority for appointment. The authority must invite the Parent Council to be represented on the appointment panel. Provision is made as to the manner and extent to which the Parent Council is to be represented on the panel.

Regulation 7 details who may chair an appointment panel. That person has a casting vote in regard to any recommendation to be made to an education authority concerning an appointment.

Regulation 8 provides that no one with a material interest can participate in the short list procedure, or sit on an appointment panel.