

Status: Point in time view as at 01/11/1996.

Changes to legislation: Education Act 1996, Paragraph 6 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 13

STAFFING OF COUNTY, CONTROLLED, SPECIAL AGREEMENT AND MAINTAINED SPECIAL SCHOOLS

Appointment of other staff: vacancy advertised

- 6 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) to (7).
- (2) Where the local education authority decide to advertise the vacancy, they shall do so in a manner likely in their opinion to bring it to the notice of persons (including employees of theirs) who are qualified to fill the post.
- (3) Where the vacancy is advertised, the governing body shall—
- (a) interview such applicants for the post as they think fit, and
 - (b) where they consider it appropriate to do so, recommend to the authority for appointment to the post one of the applicants interviewed by them.
- (4) If the governing body are unable to agree on a person to recommend to the authority, they shall—
- (a) repeat the steps mentioned in sub-paragraph (3), if they consider that to do so might lead to their reaching agreement,
 - (b) where they have repeated those steps and remain unable to agree, or decide that it is not appropriate to repeat them, ask the authority to re-advertise the vacancy, and
 - (c) where the vacancy is re-advertised, repeat those steps.
- (5) If the authority decline to appoint a person recommended by the governing body, the governing body shall—
- (a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,
 - (b) recommend another of the applicants interviewed by them, if they think fit,
 - (c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and
 - (d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraph (3).
- (6) Where the authority are asked to re-advertise the vacancy by the governing body, they shall do so unless—
- (a) they decide that the post is to be removed from the complement of the school, or
 - (b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.

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- (7) Whenever governors meet to discuss the appointment or an applicant is interviewed—
- (a) the head teacher (if he would not otherwise be entitled to be present), and
 - (b) such person (if any) as the authority appoint to represent them,
- shall be entitled to be present for the purpose of giving advice.

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