

Status: Point in time view as at 15/11/2011.

Changes to legislation: Education Act 1996, Cross Heading: Staffing of new county, controlled or maintained special schools is up to date with all changes known to be in force on or before 24 August 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 19

CONDUCT AND STAFFING OF NEW COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

PART II

STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

Modifications etc. (not altering text)

C1 Sch. 19 Pt. II modified (temp from 1.4.1999) by [S.I. 1999/638](#), [regs. 1, 5](#)

Staffing of new county, controlled or maintained special schools

- 5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in relation to any new school for which a temporary governing body have been constituted and which will be a county, controlled or maintained special school.
- 6 (1) The complement of teaching and non-teaching posts for the school shall be determined by the [^{F1}local authority].
- (2) Section 133(2) and (3) (staff complements) shall apply in relation to a complement determined under this paragraph.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 7\(2\)](#) (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 7 (1) Whenever a selection panel is required by virtue of paragraph 8 or 9, it shall be constituted in accordance with this paragraph.
- (2) A selection panel shall consist of—
- (a) such number of persons appointed to it by the [^{F1}local authority], and
- (b) such number of temporary governors appointed to it by the temporary governing body,
- as the authority shall determine.
- (3) Neither of the numbers so determined shall be less than three; and the number determined in relation to appointments made by the temporary governing body shall not be less than the number determined in relation to appointments made by the authority.

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- (4) The temporary governing body and the authority may replace, at any time, any member of a selection panel whom they have appointed.
- (5) Regulations may make provision, for the purposes of this paragraph, as to the meetings and proceedings of selection panels.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (appointment of head teacher) shall apply in relation to the appointment of a head teacher for the school—
 - (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.
- (2) Where—
 - (a) two or more schools are to be discontinued (“the discontinued schools”), and
 - (b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to the new school,
 the ^{F1}local authority] may, in consultation with the temporary governing body, appoint one of the head teachers of the discontinued schools as the first head teacher for the new school, instead of following the procedure set out in sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (as applied by sub-paragraph (1) above).
- (3) If the post of head teacher is vacant, the authority may, if they think fit, appoint an acting head teacher after consulting the temporary governing body.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 shall apply in relation to the appointment of a deputy head teacher for the school—
 - (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.
- (2) If the ^{F1}local authority] so decide, those provisions of Schedule 13 shall not so apply and instead the general staff appointment provisions shall apply in relation to the appointment of a deputy head teacher for the school—
 - (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.

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- (3) Where (in accordance with sub-paragraph (1)) the appointment of a deputy head teacher is on the recommendation of a selection panel and the head teacher is not a member of the panel, the head teacher—
- (a) shall be entitled to be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and
 - (b) whether or not he attends any such proceedings, shall be consulted by the panel before they make any recommendation to the ^{F1}local authority].
- (4) In this paragraph and paragraph 10 “the general staff appointment provisions” means the following provisions of Schedule 13—
- (a) paragraph 5(3);
 - (b) paragraph 6(2) to (7);
 - (c) paragraph 7(2) and (3); and
 - (d) paragraph 8(2) and (3).

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 10 (1) The general staff appointment provisions shall apply in relation to the appointment of a person to a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).
- (2) The ^{F1}local authority] shall consult the temporary governing body and the head teacher before appointing any person to work solely at the school otherwise than—
- (a) in a teaching post,
 - (b) in a non-teaching post which is part of the complement of the school, or
 - (c) solely in connection with either or both of the following—
 - (i) the provision of meals;
 - (ii) the supervision of pupils at midday.
- (3) This paragraph does not apply in relation to a temporary appointment pending—
- (a) the return to work of the holder of the post in question, or
 - (b) the taking of any steps required by virtue of this Schedule in relation to the vacancy in question.
- (4) Paragraph 9(4) applies for the purposes of this paragraph.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 11 (1) The clerk to the temporary governing body shall be appointed by the ^{F1}local authority].

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- (2) When the arrangement for the constitution of the temporary governing body comes to an end under section 96 or 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of a clerk under section 135.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

Modifications etc. (not altering text)

- C1** Sch. 19 para. 11(2) excluded (1.1.1999) by [S.I. 1998/3097](#), **reg. 8(f)**

- 12 Subject to paragraph 19(4), a [^{F1}local authority] shall, in discharging their duty under paragraph 21 of Schedule 9 (temporary governing bodies) to provide information to the temporary governing body of a new school which will be a county, controlled or maintained special school, inform the temporary governing body, in particular—
- (a) of the number of members of any selection panel required by virtue of paragraph 8 or 9 above who are to be appointed by the authority and the number who are to be appointed by the temporary governing body;
 - (b) where the authority intend to exercise the power conferred on them by paragraph 8(2) above, of their intention to do so;
 - (c) of the provision which is to apply in relation to the appointment of the deputy head teacher of the school;
 - (d) of the complement of staff for the school; and
 - (e) of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

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