

## SCHEDULES

### SCHEDULE 16

#### STAFFING OF COMMUNITY, VOLUNTARY CONTROLLED AND COMMUNITY SPECIAL SCHOOLS

##### *Appointment of head teacher and deputy head teacher*

- 2 Paragraphs 3 to 7 apply in relation to the filling of a vacancy in the post of head teacher or deputy head teacher of the school.
- 3 The governing body shall notify the local education authority of the vacancy in writing before taking any of the steps mentioned in paragraphs 4 to 7.
- 4 (1) Where the vacancy is in the post of head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs 5 to 7 before the date on which it falls vacant, the governing body shall either—
- (a) recommend a person for appointment as acting head teacher, or
  - (b) exercise their power under sub-paragraph (5).
- (2) Where the vacancy is in the post of deputy head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs 5 to 7 before the date on which it falls vacant, the governing body may—
- (a) recommend a person for appointment as acting deputy head teacher, or
  - (b) exercise their power under sub-paragraph (5).
- (3) If the governing body recommend a person for appointment as acting head teacher or acting deputy head teacher, the local education authority shall appoint the person recommended unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (4) If the authority decline to appoint a person recommended by the governing body for appointment as acting head teacher, the governing body shall recommend another person for appointment.
- (5) Instead of making a recommendation under sub-paragraph (1) or (2) the governing body may for the purpose of filling the vacancy—
- (a) engage, or
  - (b) make arrangements for the engagement of,
- a person to provide his services as acting head teacher, or (as the case may be) acting deputy head teacher, otherwise than under a contract of employment with the local education authority.
- (6) No person shall be engaged under sub-paragraph (5) unless he meets all the staff qualification requirements applicable in relation to the head teacher or (as the case may be) deputy head teacher at the school.

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*Status: This is the original version (as it was originally enacted).*

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- 5           The governing body shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.
- 6           (1) The governing body shall appoint a selection panel consisting of at least three of their members to perform the functions conferred on them by this paragraph.
- (2) The selection panel shall—
- (a) select for interview such applicants for the post as they think fit and, where the post is that of head teacher, notify the local education authority in writing of the names of the applicants so selected,
- (b) interview such of those applicants as attend for the purpose,
- (c) where they consider it appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by them, and
- (d) if their recommendation is approved by the governing body, recommend the applicant in question to the local education authority for appointment.
- (3) Any decision of the selection panel shall be taken by a vote representing an absolute majority of all the members of the panel (whether or not taking part in the vote).
- (4) If, within the period of 14 days beginning with the date when they receive a notification under sub-paragraph (2)(a), the authority make written representations to the selection panel that any of the applicants selected by the panel is not a suitable person for the appointment, the panel shall not recommend that person to the governing body for appointment unless the panel have—
- (a) considered those representations, and
- (b) notified the authority in writing of their response to the representations;
- and when making such a recommendation the panel shall supply the governing body with a copy of those representations and of the panel's response to them.
- (5) If the panel do not recommend a person to the governing body, or the governing body do not approve their recommendation, the governing body—
- (a) may, if they think fit, re-advertise the vacancy in the manner required by paragraph 5, and
- (b) whether or not they re-advertise the vacancy, may require the panel to repeat the steps mentioned in sub-paragraph (2).
- (6) In determining whether a person is suitable for appointment as head teacher the authority shall have regard to any guidance given from time to time by the Secretary of State.
- 7           (1) Where the governing body approve a recommendation of the selection panel, the local education authority shall appoint the person recommended by the panel unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (2) If the authority decline to appoint the person recommended by the panel, the governing body—
- (a) may, if they think fit, re-advertise the vacancy in the manner required by paragraph 5, and
- (b) whether or not they re-advertise the vacancy, may require the panel to repeat the steps mentioned in paragraph 6(2).
- 8           (1) The governing body may, in connection with any absence of the person for the time being holding the post of head teacher or deputy head teacher of the school, take

either of the steps mentioned in paragraphs (a) and (b) of sub-paragraph (1) or (as the case may be) (2) of paragraph 4.

(2) For the purposes of this paragraph—

- (a) paragraph 4(3) shall apply in relation to any recommendation made by virtue of sub-paragraph (1) above as it applies in relation to any recommendation made by virtue of paragraph 4(1) or (2); and
- (b) paragraph 4(5) and (6) shall apply in connection with any such absence as is mentioned in sub-paragraph (1) above as they apply for the purpose of filling any such vacancy as is mentioned in paragraph 4(1) or (2).