
STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PART 3

Provisions relating to foundation, voluntary aided and foundation special schools

Appointment of head teacher and deputy head teacher

27.—(1) The governing body must notify the authority in writing of—

- (a) any vacancy for the head teacher; and
- (b) any post of deputy head teacher which it has identified as one to be filled.

(2) The governing body must advertise any such vacancy or post in such manner as it considers appropriate unless it has good reason not to.

(3) Where the governing body advertises any such vacancy or post, it must appoint a selection panel, consisting of at least three of its members, other than a governor who is the head teacher or (as the case may be) a deputy head teacher, to—

- (a) select for interview such applicants for the post as it thinks fit and, where the post is that of head teacher, notify the authority in writing of the names of the applicants so selected;
- (b) interview those applicants who attend for that purpose; and
- (c) where it considers it appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed.

(4) If, within a period of seven days beginning with the date when it receives notification under paragraph (3)(a), the authority makes written representations to the selection panel that any of the applicants is not a suitable person for the post, the selection panel must—

- (a) consider those representations; and
- (b) where it decides to recommend for appointment the person about whom the representations have been made, notify the authority in writing of its reasons.

(5) Subject to regulation 24(2) and, where appropriate, regulation 12(4), the governing body may appoint the person recommended by the selection panel to the vacancy or the post to be filled.

(6) If—

- (a) the selection panel does not recommend a person to the governing body; or
- (b) the governing body declines to appoint the person recommended by the selection panel,

the selection panel may recommend another person for appointment in accordance with this regulation (but this does not prevent it from recommending an existing applicant).

(7) Subject to regulation 24(2) and, where appropriate, regulation 12(4), if the governing body decides, for good reason, not to advertise and conduct a selection process to fill the vacancy or post in accordance with paragraphs (2) to (4), it may appoint the person it has identified to the vacancy or post to be filled.

(8) Paragraphs (2) to (7) are subject to regulation 34.