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STATUTORY INSTRUMENTS

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**2009 No. 2680**

**The School Staffing (England) Regulations 2009**

**PART 2**

**Provisions Relating to Community, Voluntary Controlled,  
Community Special and Maintained Nursery Schools**

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

- 15.**—(1) The governing body must notify the authority in writing of—
- (a) any vacancy for the head teacher; and
  - (b) any post for a 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 selected;
  - (b) interview those applicants who attend for that purpose; and
  - (c) where it considers it appropriate, 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 applicant 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 any person about whom representations have been made, notify the governing body and authority in writing of its reasons.
- (5) Subject to regulation 12(2) and, where appropriate, regulation 12(4), where the person recommended by the selection panel is approved by the governing body for appointment, the authority must appoint that person, unless the governing body has determined that the person is to be appointed by the governing body otherwise than under a contract of employment pursuant to regulation 12(1)(c).
- (6) If—
- (a) the selection panel does not recommend a person to the governing body;
  - (b) the governing body declines to approve the person recommended by the selection panel; or
  - (c) the authority declines to appoint the person that the governing body approves,
- 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 12(2) and, where appropriate, regulation 12(4), where 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), the authority must appoint the person identified by the governing body to fill the vacancy or post, unless the governing body has determined that the person is to be appointed by the governing body otherwise than under a contract of employment pursuant to regulation 12(1)(c).