

## SCHEDULES

### SCHEDULE 3

#### APPOINTMENT AND DISMISSAL OF SCHOOL STAFF, ETC., DURING FINANCIAL DELEGATION

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

- 1 (1) This paragraph applies in relation to any appointment to fill a vacancy in the post of head teacher or deputy head teacher of a school to which section 44 of this Act for the time being applies.
- (2) References in this Schedule to a vacancy in any post include a prospective vacancy in the post.
- (3) The governing body shall notify the local education authority of the vacancy in writing before taking any of the steps mentioned below.
- (4) 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 the following provisions of this paragraph before the date on which it falls vacant—
- (a) the governing body shall recommend a person for appointment as acting head teacher; and
  - (b) the authority shall appoint the person recommended unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (5) 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 the following provisions of this paragraph before the date on which it falls vacant—
- (a) the governing body may recommend a person for appointment as acting deputy head teacher; and
  - (b) the authority shall appoint the person recommended unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (6) References in this Schedule to staff qualification requirements are references to any requirements with respect to—
- (a) qualifications;
  - (b) health and physical capacity; or
  - (c) fitness on educational grounds or in any other respect;
- of teachers and other persons employed in work which brings them regularly into contact with persons who have not attained the age of nineteen years which for the time being apply under regulations made under section 27 of the 1980 Act (school and further education regulations).

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*Status: This is the original version (as it was originally enacted).*

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- (7) Before recommending any person for appointment as head teacher or deputy head teacher, the governing body shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.
- (8) The governing body shall appoint a selection panel consisting of at least three of their members to perform the functions conferred on the panel under this paragraph.
- (9) The selection panel shall—
- (a) interview such applicants for the post as they think fit;
  - (b) where they consider that it is appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by them; and
  - (c) if their recommendation is approved by the governing body, recommend the applicant in question to the authority for appointment.
- (10) If the selection panel are unable to agree on a person to recommend 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 sub-paragraph (7) above; and
  - (b) whether or not they re-advertise the vacancy, may require the panel to repeat the steps mentioned in sub-paragraph (9) above.
- (11) The authority shall appoint the person recommended by the panel for appointment as head teacher or (as the case may be) as deputy head teacher unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (12) Where 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.
- (13) Where the authority decline to appoint a person recommended by a selection panel appointed under sub-paragraph (8) above for appointment as head teacher or deputy head teacher, sub-paragraph (10) above shall apply as it applies in the cases there mentioned.