

SCHEDULES

SCHEDULE 3

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

Appointment of other teachers

- 2 (1) Subject to sub-paragraph (2) below, sub-paragraphs (4) to (11) below apply in relation to any appointment to fill a vacancy in any teaching post (whether full-time or part-time) at a school to which section 44 of this Act for the time being applies, other than a post to which paragraph 1 above applies.
- (2) Sub-paragraphs (4) to (11) below do not apply in relation to a temporary appointment to fill such a vacancy for a period not exceeding four months or where it appears to the governing body that the period for which the person appointed will hold the post in question will not exceed four months.
- (3) Where it appears to the governing body in the case of any post that it would be appropriate to make such an appointment as is mentioned in sub-paragraph (2) above—
- (a) they may recommend a person for appointment to the post on such terms as to the duration of the appointment as they may specify; and
 - (b) the local education authority shall appoint the person recommended on the terms specified unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (4) Before taking any of the steps mentioned below, the governing body shall—
- (a) determine a specification for the post in consultation with the head teacher; and
 - (b) send a copy of the specification to the authority.
- (5) The authority may nominate for consideration for appointment to the post any person who appears to them to be qualified to fill the post and who either—
- (a) is at the time of his nomination an employee of theirs or has been appointed to take up employment with them at a future date; or
 - (b) is at the time of his nomination employed by the governing body of an aided school maintained by the authority;
- subject, in a case within paragraph (b) above, to the consent of the governing body of the school concerned.
- (6) The governing body may advertise the vacancy at any time after they have sent a copy of the specification for the post to the authority in accordance with sub-paragraph (4) above, and shall do so unless either—
- (a) they accept for appointment to the post a person nominated by the authority under sub-paragraph (5) above; or
 - (b) they decide to recommend to the authority for appointment to the post a person who is already employed to work at the school.

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

- (7) Where the governing body advertise the vacancy, they shall do so in a manner likely in their opinion to bring it to the notice of persons (including employees of the authority) who are qualified to fill the post.
- (8) Where the governing body advertise the vacancy, they shall—
- (a) interview such applicants for the post and such of the persons (if any) nominated by the authority under sub-paragraph (5) above as they think fit; and
 - (b) where they consider it is appropriate to do so—
 - (i) recommend to the authority for appointment one of the applicants interviewed by them; or
 - (ii) notify the authority that they accept for appointment any person so nominated;as the case may require.
- (9) If the governing body are unable to agree on a person to recommend or accept for appointment, they may repeat the steps mentioned in paragraphs (a) and (b) of sub-paragraph (8) above, with or without first re-advertising the vacancy in accordance with sub-paragraph (7) above.
- (10) The authority shall appoint the person recommended or accepted for appointment to the post by the governing body unless (in the case of a person other than one nominated by the authority) he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (11) Where the authority decline to appoint a person recommended by the governing body for appointment the governing body shall repeat such of the steps mentioned in paragraphs (a) and (b) of sub-paragraph (8) above as they think fit, with or without first re-advertising the vacancy in accordance with sub-paragraph (7) above.
- (12) The governing body may delegate any of their functions under this paragraph, in relation to the filling of a particular vacancy or a vacancy of a kind specified by them, to—
- (a) one or more governors;
 - (b) the head teacher; or
 - (c) one or more governors and the head teacher acting together.