
Changes to legislation: Education Act 1996, Cross Heading: Appointment of other staff: general is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 13

STAFFING OF COUNTY, CONTROLLED, SPECIAL AGREEMENT AND MAINTAINED SPECIAL SCHOOLS

Appointment of other staff: general

- 5 (1) The articles of government for a county, controlled, special agreement or maintained special school shall make provision for the matters set out in sub-paragraphs (2) and (3).
- (2) Where there is a vacancy in a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school, the [F1local authority] shall decide whether, if the post is not a new one, it should be retained.
- (3) If the authority decide that the post should be retained or it is a new post, they shall—
- (a) advertise the vacancy and fill it in accordance with the procedure laid down by virtue of paragraph 6, unless they have the intention mentioned in paragraph (b) below;
 - (b) fill the vacancy in accordance with the procedure laid down by virtue of paragraph 7, if they intend to appoint a person who, at the time when they form that intention, is an employee of theirs or has been appointed to take up employment with them at a future date.
- (4) Nothing in this paragraph (or in any of paragraphs 6 to 9) applies in relation to any temporary appointment pending—
- (a) the return to work of the holder of the post in question, or
 - (b) the taking of any steps required by the articles in relation to the vacancy in question.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

Changes to legislation:

Education Act 1996, Cross Heading: Appointment of other staff: general is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Sch. 11-13 repealed by 1998 c. 31 Sch. 30 para. 185](#)[Sch. 31](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 13\(2\)\(ba\) substituted for s. 13\(2\)\(aa\)\(b\) by 2022 asc 1 Sch. 4 para. 8\(2\)](#)
- [s. 15A\(3A\) inserted by 2022 asc 1 Sch. 4 para. 8\(3\)](#)
- [s. 15B\(3\)\(c\) inserted by 2022 asc 1 Sch. 4 para. 8\(4\)](#)
- [s. 17A functions made exercisable concurrently by S.I. 2014/1012 art. 12\(1\)](#)[Sch. 2 para. 3](#)
- [s. 17A functions made exercisable concurrently by S.I. 2014/863 Sch. 2 para. 4](#)
- [s. 17A functions made exercisable concurrently by S.I. 2014/865 Sch. 2 para. 3](#)
- [s. 17A functions made exercisable concurrently by S.I. 2016/653 Sch. 3 para. 3](#)
- [s. 17A-17D inserted by 2009 c. 22 s. 45](#)
- [s. 17B-17D applied by 2009 c. 22 s. 86\(8\)](#)
- [s. 457\(4\)\(i\)-\(iia\) repealed by 2012 c. 5 Sch. 14 Pt. 1](#)
- [s. 457\(4\)\(iii\) words repealed by 2012 c. 5 Sch. 14 Pt. 1](#)
- [s. 508\(4\) inserted by 2022 asc 1 Sch. 4 para. 8\(7\)](#)
- [s. 537AA inserted by 2008 c. 25 Sch. 1 para. 8](#)
- [s. 548\(7A\)\(7B\) inserted by 2008 c. 25 Sch. 1 para. 9\(5\)](#)
- [s. 578\(1\) words repealed by 2005 c. 18 Sch. 19 Pt. 1](#)