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*Changes to legislation: Education Act 1996, Cross Heading: Appointment of other staff: vacancy advertised is up to date with all changes known to be in force on or before 14 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*

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## SCHEDULES

### SCHEDULE 13

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

##### *Appointment of other staff: vacancy advertised*

- 6 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) to (7).
- (2) Where the [F<sup>1</sup>local authority] decide to 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 theirs) who are qualified to fill the post.
- (3) Where the vacancy is advertised, the governing body shall—
- (a) interview such applicants for the post as they think fit, and
  - (b) where they consider it appropriate to do so, recommend to the authority for appointment to the post one of the applicants interviewed by them.
- (4) If the governing body are unable to agree on a person to recommend to the authority, they shall—
- (a) repeat the steps mentioned in sub-paragraph (3), if they consider that to do so might lead to their reaching agreement,
  - (b) where they have repeated those steps and remain unable to agree, or decide that it is not appropriate to repeat them, ask the authority to re-advertise the vacancy, and
  - (c) where the vacancy is re-advertised, repeat those steps.
- (5) If the authority decline to appoint a person recommended by the governing body, the governing body shall—
- (a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,
  - (b) recommend another of the applicants interviewed by them, if they think fit,
  - (c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and
  - (d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraph (3).
- (6) Where the authority are asked to re-advertise the vacancy by the governing body, they shall do so unless—
- (a) they decide that the post is to be removed from the complement of the school, or
  - (b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.

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- (7) Whenever governors meet to discuss the appointment or an applicant is interviewed—
- (a) the head teacher (if he would not otherwise be entitled to be present), and
  - (b) such person (if any) as the authority appoint to represent them,
- shall be entitled to be present for the purpose of giving advice.

**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: vacancy advertised is up to date with all changes known to be in force on or before 14 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.

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**Changes and effects yet to be applied to :**

- Sch. 11-13 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 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