
WELSH STATUTORY INSTRUMENTS

2006 No. 873

The Staffing of Maintained Schools (Wales) Regulations 2006

PART 2

Provisions relating to community, voluntary controlled,
community special and maintained nursery schools

Appointment of other teachers

12.—(1) Subject to paragraph (2), paragraphs (3) to (7) apply in relation to the filling of a vacancy in any teaching post (whether full-time or part-time) at the school, other than the post of head teacher or deputy head teacher.

(2) Paragraphs (3) to (7) do not apply in relation to any temporary appointment or engagement to fill a vacancy in any such post as is mentioned in paragraph (1)—

- (a) for a period not exceeding four months, or
- (b) where it appears to the governing body that the period for which the person appointed or engaged will act in 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 for such an appointment as is mentioned in paragraph (2) to be made—

- (a) it may recommend a person for appointment to the post on such terms as to the duration of the appointment as it may specify, and
- (b) the local education authority must appoint the person recommended on the terms specified unless he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(4) Where it appears to the governing body in the case of any post that it would be appropriate for such an engagement as is mentioned in paragraph (2) to be made, the governing body may—

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment with the local education authority.

(5) Any engagement under paragraph (4) is to be on such terms as to the duration of the engagement as the governing body may specify; but no person is to be engaged under that paragraph unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.

(6) Before taking any of the steps mentioned in paragraphs (7) to (16), the governing body must—

- (a) determine a specification for the post in consultation with the head teacher, and
- (b) send a copy of the specification to the local education authority.

(7) The local education authority may nominate for consideration for appointment to the post any person who appears to the authority to be qualified to fill it and who at the time of his or her nomination either—

- (a) is an employee of the authority's or has been appointed to take up employment with the authority at a future date, or
- (b) is employed by the governing body of a foundation, voluntary aided or foundation special school maintained by the authority.

(8) No person who is employed at any school maintained by the authority is to be nominated by the authority under paragraph (7) without the consent of the governing body of that school.

(9) The governing body may advertise the vacancy at any time after it has sent a copy of the specification for the post to the local education authority in accordance with paragraph (6), and must do so unless either—

- (a) it accepts for appointment to the post a person nominated by the local education authority under paragraphs (7) and (8), or
- (b) it decides to recommend to the authority for appointment to the post a person who is already employed to work at the school.

(10) Where the governing body advertises the vacancy, it must do so in a manner likely in its opinion to bring it to the notice of persons (including employees of the authority) who are qualified to fill it.

(11) Where the governing body advertises the vacancy, it must—

- (a) interview such applicants for the post and such of the persons (if any) nominated by the local education authority under paragraphs (7) and (8) as it thinks fit, and
- (b) where it considers it appropriate to do so, either recommend to the authority for appointment one of the applicants interviewed by it or notify the authority that it accepts for appointment any person nominated by the authority under paragraphs (7) and (8).

(12) If the governing body is unable to agree on a person to recommend or accept for appointment, it must repeat the steps mentioned in paragraph (11), but it may do so without first re-advertising the vacancy in accordance with paragraph (10).

(13) Where a person is recommended or accepted for appointment by the governing body and the person meets all relevant staff qualification requirements, the local education authority must appoint the person.

(14) If the authority declines to appoint a person recommended by the governing body because they do not meet the staff qualification requirements which are applicable in relation to his or her appointment, the governing body must repeat such of the steps mentioned in paragraph (11) as it thinks fit, but it may do so without first re-advertising the vacancy in accordance with paragraph (10).

(15) The governing body may, in connection with any absence of the person for the time being holding any such post as is mentioned in paragraph (1)—

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment with the local education authority.

(16) No person is to be engaged under paragraph (15) unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.