
WELSH STATUTORY INSTRUMENTS

2009 No. 3161

**The Staffing of Maintained Schools (Wales)
(Amendment No. 2) Regulations 2009**

Title, commencement and application

1.—(1) The title of these Regulations is the Staffing of Maintained Schools (Wales) (Amendment No 2) Regulations 2009 and they come into force on 1 January 2010.

(2) These Regulations apply in relation to Wales.

Amendment to the Staffing of Maintained Schools (Wales) Regulations 2006

2.—(1) The Staffing of Maintained Schools (Wales) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 10(8), for “The governing body” substitute “Subject to paragraph (8A) the governing body”.

(3) After paragraph (8) of regulation 10 insert—

“(8A) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of head teacher or deputy head teacher where such vacancy is at a school named in proposals published under sections 29 to 32 of the 1998 Act as one which pupils at a school to be discontinued may attend (“the new school”) and—

- (a) a person employed at the new school or at the school to be discontinued has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher; or
- (b) there is no such person as described in sub-paragraph (a), but there is a person employed at a school elsewhere in the authority’s area which is either to be discontinued pursuant to proposals published under sections 29 to 32 of the 1998 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher.”.

(4) In regulation 24(7), for “The governing body” substitute “Subject to paragraph (7A) the governing body”.

(5) After paragraph (7) of regulation 24 insert—

“(7A) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of head teacher or deputy head teacher where such vacancy is at a school named in proposals published under sections 29 to 32 of the 1998 Act as one which pupils at a school to be discontinued may attend (“the new school”) and—

(1) [S.I. 2006/873 \(W.81\)](#), as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 ([S.I. 2007/944 \(W.80\)](#)), the Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009 ([S.I. 2009/2544 \(W.206\)](#)) and the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 ([S.I. 2009/2708 \(W.226\)](#)).

- (a) a person employed at the new school or at the school to be discontinued has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher; or
 - (b) there is no such person as described in sub-paragraph (a), but there is a person employed at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals published under sections 29 to 32 of the 1998 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher."
3. In regulation 34—
- (a) in sub-paragraph (a) of paragraph (5), after the words "re-advertise" insert "or where not already advertised by virtue of regulation 24(7A) may advertise";
 - (b) in sub-paragraph (b) of paragraph (5), after the words "or not it" insert "advertises or".

2 December 2009

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