

Status: Point in time view as at 17/12/2007.

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SCHEDULES

SCHEDULE 19

CONDUCT AND STAFFING OF NEW COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

PART II

STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

Modifications etc. (not altering text)

C1 Sch. 19 Pt. II modified (temp from 1.4.1999) by [S.I. 1999/638](#), [regs. 1, 5](#)

Staffing of new county, controlled or maintained special schools

- 5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in relation to any new school for which a temporary governing body have been constituted and which will be a county, controlled or maintained special school.
- 6 (1) The complement of teaching and non-teaching posts for the school shall be determined by the local education authority.
- (2) Section 133(2) and (3) (staff complements) shall apply in relation to a complement determined under this paragraph.
- 7 (1) Whenever a selection panel is required by virtue of paragraph 8 or 9, it shall be constituted in accordance with this paragraph.
- (2) A selection panel shall consist of—
- (a) such number of persons appointed to it by the local education authority, and
 - (b) such number of temporary governors appointed to it by the temporary governing body,
- as the authority shall determine.
- (3) Neither of the numbers so determined shall be less than three; and the number determined in relation to appointments made by the temporary governing body shall not be less than the number determined in relation to appointments made by the authority.
- (4) The temporary governing body and the authority may replace, at any time, any member of a selection panel whom they have appointed.
- (5) Regulations may make provision, for the purposes of this paragraph, as to the meetings and proceedings of selection panels.
- 8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (appointment of head teacher) shall apply in relation to the appointment of a head teacher for the school—

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- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.
- (2) Where—
- (a) two or more schools are to be discontinued (“the discontinued schools”), and
 - (b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to the new school,
- the local education authority may, in consultation with the temporary governing body, appoint one of the head teachers of the discontinued schools as the first head teacher for the new school, instead of following the procedure set out in sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (as applied by sub-paragraph (1) above).
- (3) If the post of head teacher is vacant, the authority may, if they think fit, appoint an acting head teacher after consulting the temporary governing body.
- 9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 shall apply in relation to the appointment of a deputy head teacher for the school—
- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.
- (2) If the local education authority so decide, those provisions of Schedule 13 shall not so apply and instead the general staff appointment provisions shall apply in relation to the appointment of a deputy head teacher for the school—
- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
 - (b) subject to any necessary modifications.
- (3) Where (in accordance with sub-paragraph (1)) the appointment of a deputy head teacher is on the recommendation of a selection panel and the head teacher is not a member of the panel, the head teacher—
- (a) shall be entitled to be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and
 - (b) whether or not he attends any such proceedings, shall be consulted by the panel before they make any recommendation to the local education authority.
- (4) In this paragraph and paragraph 10 “the general staff appointment provisions” means the following provisions of Schedule 13—
- (a) paragraph 5(3);
 - (b) paragraph 6(2) to (7);
 - (c) paragraph 7(2) and (3); and
 - (d) paragraph 8(2) and (3).
- 10 (1) The general staff appointment provisions shall apply in relation to the appointment of a person to a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).

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- (2) The local education authority shall consult the temporary governing body and the head teacher before appointing any person to work solely at the school otherwise than—
- (a) in a teaching post,
 - (b) in a non-teaching post which is part of the complement of the school, or
 - (c) solely in connection with either or both of the following—
 - (i) the provision of meals;
 - (ii) the supervision of pupils at midday.
- (3) This paragraph does not apply in relation to a 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 virtue of this Schedule in relation to the vacancy in question.
- (4) Paragraph 9(4) applies for the purposes of this paragraph.
- 11 (1) The clerk to the temporary governing body shall be appointed by the local education authority.
- (2) When the arrangement for the constitution of the temporary governing body comes to an end under section 96 or 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of a clerk under section 135.

Modifications etc. (not altering text)

C2 Sch. 19 para. 11(2) excluded (1.1.1999) by **S.I. 1998/3097, reg. 8(f)**

- 12 Subject to paragraph 19(4), a local education authority shall, in discharging their duty under paragraph 21 of Schedule 9 (temporary governing bodies) to provide information to the temporary governing body of a new school which will be a county, controlled or maintained special school, inform the temporary governing body, in particular—
- (a) of the number of members of any selection panel required by virtue of paragraph 8 or 9 above who are to be appointed by the authority and the number who are to be appointed by the temporary governing body;
 - (b) where the authority intend to exercise the power conferred on them by paragraph 8(2) above, of their intention to do so;
 - (c) of the provision which is to apply in relation to the appointment of the deputy head teacher of the school;
 - (d) of the complement of staff for the school; and
 - (e) of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

Staffing of new aided schools

- 13 Subject to paragraph 19(5), paragraphs 14 to 16 apply in relation to a new school which will be an aided school.
- 14 Subject to paragraph 15(1), the local education authority and the temporary governing body shall have the same powers, and be under the same duties, for the purposes of the appointment and dismissal of staff at the school as would the

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authority and the governing body for an aided school whose articles of government provided for—

- (a) staff employed solely in connection with the provision of school meals to be appointed by the authority, and
 - (b) other staff employed at the school to be appointed by the governing body.
- 15 (1) The first appointment of a clerk to the temporary governing body shall be made by the promoters of the school (that is, the persons making the relevant proposals).
- (2) When the arrangement for the constitution of the temporary governing body comes to an end under section 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of their clerk.

Modifications etc. (not altering text)

C3 Sch. 19 para. 15(2) excluded (1.1.1999) by [S.I. 1998/3097](#), **reg. 8(f)**

- 16 (1) The local education authority shall, with a view to enabling staff to be appointed in good time, notify the temporary governing body of any determination, prohibition or direction they intend to make or give pursuant to subsection (2)(b), (4)(a) or (b) or (5) of section 134 (staffing of aided schools).
- (2) The authority shall, in discharging their duty under paragraph 21 of Schedule 9 to provide information to the temporary governing body of a new school which will be an aided school, inform the temporary governing body, in particular, of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

Expenditure on staff for new schools

- 17 Where a temporary governing body are constituted for a new school, the local education authority shall be under the same duty to defray the expenses incurred in relation to the staff appointed in accordance with paragraphs 6 to 11 or (as the case may be) 14 and 15, as they would be if the relevant proposals had been implemented and the temporary governing body were the governing body of the school.

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