
STATUTORY INSTRUMENTS

1993 No. 3072

The Education (Acquisition of Grant-maintained Status) (Transitional Functions) Regulations 1993

PART II

CONTRACTS OF EMPLOYMENT

Application of Part II

3.—(1) This Part of these Regulations shall apply with respect to the exercise by the new governing body of a grant-maintained school of their powers under paragraph 2(a) of Schedule 4 to the 1993 Act to enter into a contract with a person for his employment as a member of staff at the school on or after the implementation date.

(2) In this regulation, “implementation date” means the date specified as the proposed date of implementation in the proposals for acquisition of grant-maintained status published in relation to the school under section 32 of the 1993 Act.

Appointment of a prospective head teacher or deputy head teacher

4.—(1) This regulation applies to the exercise by the new governing body of a grant maintained school of their powers to enter into a contract of employment to which this Part of these Regulations applies where the person concerned is to be employed as the head or deputy head teacher of the school.

(2) Before entering into any such contract with any person, the new governing body shall comply with the following provisions of this regulation with respect to the person’s appointment to the post of head teacher or, as the case may be, deputy head teacher.

(3) The new governing body shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.

(4) The new governing body shall appoint a selection panel consisting of at least three of their members for the purpose of performing the functions conferred on the panel under paragraphs (5) and (6) below; and it shall be the duty of the new governing body to secure that the selection panel carry out the functions imposed on them under those paragraphs.

(5) The selection panel shall—

- (a) interview such applicants for the post as they think fit; and
- (b) where they consider that it is appropriate to do so, recommend to the new governing body for appointment one of the applicants interviewed by them.

(6) Where—

- (a) the selection panel are unable to agree on a person to recommend to the new governing body of a grant-maintained school, or the new governing body do not approve their recommendation; and

- (b) the new governing body (whether or not they re-advertise the vacancy in accordance with paragraph (3) above) request the panel to repeat the steps mentioned in paragraph (5) above,

the panel shall repeat the steps mentioned in that paragraph.

Appointment of staff other than the head teacher and deputy head teacher

5.—(1) This regulation applies to the exercise by the new governing body of a grant-maintained school of their powers to enter into a contract of employment to which this Part of these Regulations applies where the person concerned is to be employed otherwise than as the head or deputy head teacher of the school.

(2) Before entering into any such contract with any person, the new governing body shall comply with the following provisions of this regulation with respect to the person's appointment.

(3) Subject to paragraph (4) below, the new governing body shall, before determining to appoint any person, consider any advice given by—

- (a) any person who has been appointed by the new governing body to be the head teacher of the school from a date beginning on or after the implementation date; or
- (b) if there is no such person, the existing head teacher of the school.

(4) The new governing body may delegate to the person referred to in paragraph (3)(a) above or, if there is no such person, the person referred to in paragraph (3)(b) above the function of selecting a person to be considered by them for appointment; and in those circumstances paragraph (3) above shall not apply.

(5) Subject to paragraph (6) below, before appointing any person to a teaching post at the school the new governing body shall, unless they decide to fill the vacancy by the appointment of a person who is already employed to work at the school, advertise the vacancy as they think fit.

(6) Where the new governing body advertise a vacancy in accordance with paragraph (5) above, they shall not be required to appoint a person who has applied for the vacancy in response to their advertisement.

Form of contract of employment

6. Any contract of employment to which this Part of these Regulations applies shall be in writing.