
STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PART 2

**Provisions Relating to Community, Voluntary Controlled,
Community Special and Maintained Nursery Schools**

Appointment of support staff

17.—(1) Subject to regulation 21, where the governing body identifies a support staff post to be filled, it may recommend a person to the authority for appointment.

(2) Where the governing body recommends a person to the authority for appointment under paragraph (1) it must provide the authority with—

- (a) the name of any person it recommends pursuant to paragraph (1); and
- (b) a job specification for the post, which must include the governing body's recommendations as to—
 - (i) the duties to be performed,
 - (ii) the hours of work (where the post is part-time),
 - (iii) the duration of the appointment,
 - (iv) the grade; and
 - (v) the remuneration.

(3) The grade must be on the scale of grades applicable in relation to employment with the authority and such as the governing body considers appropriate.

(4) Where the authority has discretion with respect to remuneration, it must exercise that discretion in accordance with the governing body's recommendation.

(5) The authority may be regarded as having discretion with respect to remuneration if any provisions regulating the rates of remuneration or allowances payable to persons in the authority's employment—

- (a) do not apply in relation to that appointment; or
- (b) leave to the authority any degree of discretion as to the rate of remuneration.

(6) If, within a period of seven days after receiving the job specification, the authority makes written representations to the governing body relating to the grade or remuneration to be paid, the governing body must—

- (a) consider those representations; and
- (b) where it decides not to change the grade or remuneration to be paid, notify the authority in writing of its reasons.

(7) Subject to regulation 12(2) and, where appropriate, regulation 12(4), the authority must appoint the person recommended by the governing body to the post, unless the governing body has

determined that the person is to be appointed by the governing body otherwise than under a contract of employment pursuant to regulation 12(1)(c).