
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 head teacher and deputy head teacher

10.—(1) The governing body must notify the authority in writing of a vacancy in the post of head teacher or deputy head teacher of the school before taking any of the steps mentioned in paragraphs (2) to (19).

(2) Where the vacancy is in the post of head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (8) to (19) before the date on which it falls vacant, the governing body must either—

- (a) recommend a person for appointment as acting head teacher, or
- (b) exercise its power under paragraph (6).

(3) Where the vacancy is in the post of deputy head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (8) to (19) before the date on which it falls vacant, the governing body may—

- (a) recommend a person for appointment as acting deputy head teacher, or
- (b) exercise its power under paragraph (6).

(4) If the governing body recommends a person for appointment as acting head teacher or acting deputy head teacher, the local education authority must appoint the person recommended unless he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(5) If the authority declines to appoint a person recommended by the governing body for appointment as acting head teacher because they do not meet staff qualification requirements which are applicable in relation to his or her appointment, the governing body must recommend another person for appointment.

(6) Instead of making a recommendation under paragraph (2)(a) or (3)(a) the governing body may for the purpose of filling the vacancy—

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

a person to provide his or her services as acting head teacher, or (as the case may be) acting deputy head teacher, otherwise than under a contract of employment with the local education authority.

(7) No person is to be engaged under paragraph (6) unless he or she meets all the staff qualification requirements applicable in relation to the head teacher or (as the case may be) deputy head teacher at the school.

(8) The governing body must advertise any such vacancy in such publications circulating throughout England and Wales as it considers appropriate.

(9) Subject to paragraph (13) the governing body must appoint a selection panel consisting of at least three but no more than seven members, to—

- (a) select for interview such applicants for the post as it thinks fit and, where the post is that of head teacher, notify the authority in writing of the names of the applicants so selected,
- (b) interview such of those applicants as attend for the purpose,
- (c) where the panel considers it appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by the panel, and
- (d) if the panel's recommendation is approved by the governing body, recommend the applicant in question to the local education authority for appointment.

(10) The selection panel must elect a chair from among their number.

(11) A governor who is paid to work at the school or who is a pupil at the school is not eligible to be chair of the selection panel.

(12) The governing body may remove the chair to any selection panel from office at any time.

(13) The membership of a selection panel may include persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.

(14) The majority of members on any selection panel must be governors.

(15) Where there is an equal decision of votes the chair, or as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(16) Any decision of the selection panel must be taken by a vote representing an absolute majority of all the members of the panel (whether or not taking part in the vote).

(17) If within a period of fourteen days beginning with the date when it receives notification under paragraph (9)(a), the authority makes written representations to the selection panel that any applicant selected by the panel is not a suitable person for the appointment, the panel must not recommend that person to the governing body for appointment unless the panel has—

- (a) considered those representations, and
- (b) notified the authority in writing of its response to the representations;

and when making such a recommendation the panel must supply the governing body with a copy of those representations and of the panel's response to them.

(18) Where the person recommended by the selection panel is approved by the governing body for appointment and the person meets all relevant staff qualification requirements, the authority must appoint the person.

(19) If—

- (a) the selection panel does not recommend a person to the governing body, or
- (b) the governing body declines to approve the person recommended by the selection panel, or
- (c) the authority declines to appoint the person that the governing body approves,

the selection panel may select another person in accordance with this regulation (but this does not prevent the selection of an existing applicant).

(20) In determining whether a person is suitable for appointment as head teacher the authority must have regard to any guidance given from time to time by the National Assembly.