



GOVERNORS' GUIDE

ON THE APPOINTMENT OF HEADTEACHERS

AND DEPUTY HEADTEACHERS

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Introduction

Appointing a new headteacher is probably the most important task a governing body will undertake in determining the success of the school. Although such appointments are fairly infrequent, governing bodies need to give the process careful consideration.

Welsh Assembly Legislation places a framework around how a governing body should fulfil this responsibility, including central roles for LA Officers.

Within the legal framework for headship appointments the decisions on the detail of the process are for the governing body to determine, i.e.

- What selection methods to use
- Who to involve
- The membership of selection panels

In deciding these matters, expert advice will be made available by officers of the LA and the diocesan authority where applicable. Governors are required to take careful account of the advice offered and it is advisable that there should be consensus over the suitability of an appointment, both within the governing body and between the governing body and the LA, although the decision rests with the full governing body.

This governor guide supplements the statutory framework and other sources of guidance for the process of selecting a headteacher. It has been produced to ensure that governors share a common understanding of effective practice and consistency of approach to make the best decisions when seeking and appointing a headteacher. Although the guide refers to the appointment of headteachers it should be noted that the same processes are also applicable to the appointment of deputy headteachers, but do not apply to assistant headteachers. The headteacher in the case of appointing a deputy headteacher will play a crucial role.

The purpose of this document is to:

- provide guidance to governing bodies and schools on the appointment of headteachers/deputy heads;
- provide a framework that will enable governing bodies, schools, LAs and diocesan authorities to work in partnership to make effective appointments;
- ensure that the process followed is objective, rigorous and complies with legal requirements.

Leadership is the important element that harnesses the energies and commitment of staff, pupils and parents. It is therefore essential that serious and strategic consideration is given to each stage of the selection process.

The skills of the headteacher are particularly important in securing the success and improvement of the school. The best headteachers are the driving force in taking a school forward and ensuring a strong commitment to high standards in all aspects of the work of the school.

The Legal Framework

The selection process and related procedures must be conducted within the legal framework for the appointment of headteachers and deputy headteachers as defined in **The Staffing of Maintained Schools (Wales) Regulations 2006**, **The Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007** and **The Staffing of Maintained Schools (Amendment No. 2) (Wales) Regulations 2009**.

Who has the responsibility for recruiting a headteacher?

In Voluntary Aided, Foundation and Foundation Special schools, the governing body is the employer. In Community, Community Special, Voluntary Controlled and Maintained Nursery schools, whilst the LA may legally be the employer, the governing body has been delegated responsibility in law for many of the employment functions such as appointments. The Chief Education officer of the LA or his or her representative, will also have been assigned advisory rights in all Maintained Schools. In Voluntary Aided or Foundation Schools, the appropriate diocesan officer will have the same advisory rights as given to the LA. However, in Voluntary Controlled Schools, the governing body may agree to grant advisory rights to the appropriate diocesan officer.

The decision on whom to appoint to headship rests firmly with the governing body, following a recommendation from the selection panel. Where the LA is the employer, the governing body should seek the agreement of the Local Authority to appoint its chosen candidate. In exceptional circumstances the governors may wish to appoint a person to whom the Local Authority has objected; the reasons for this decision must be stated in writing and may be subject to challenge.

The governing body must ensure that the appointment process is systematic, objective, transparent, fair and will stand up to rigorous scrutiny and any possible challenge. In all such appointments, the whole process must comply with all anti-discrimination legislation and the Data Protection Act 1998.

How long does it take to appoint a headteacher?

From the date a resignation is received it can take several months before the actual appointment is made. Here are the main steps in the appointment process:-

- The governing body must ensure that the LA is notified of a vacancy, in writing, before taking any steps to advertise the post.
- Adequate notification periods between meetings (e.g. for preparation/shortlisting/interviewing); this is necessary to ensure governors and LA officers are available to attend.
- Advertising – strict deadlines apply when placing adverts in the national media. The vacancy must be advertised in publications throughout England and Wales as the governing body considers appropriate. However, when a headteacher vacancy arises as a result of statutory proposals to **re-organise and amalgamate two or more schools**, the governing body may choose not to advertise if there is already a head or heads in the schools being re-organised who is interested in becoming head of the new school. If the governing body is satisfied that this person or persons is suitable, they may proceed to interview without advertisement. The same applies to deputy headteachers.¹
- The selection panel is responsible for approving the advert, including the cost, as this will be borne by the school's budget.
- Venue – it is the responsibility of the selection panel to find a suitable venue to hold the interviews.
- It is therefore advisable to start planning the recruitment and selection process as soon as a resignation letter has been received. See *resignation deadline dates*.

Information for applicants

It is very important that prospective applicants receive clear and concise information about the school and the community it serves. It is this information, together with a detailed job description and person specification, which will ensure that each prospective applicant can make an informed decision about the post for which they are applying.

¹ The Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009
<http://www.legislation.gov.uk/wsi/2009/3161/contents/made>

LAs may provide a list of the appropriate information to be forwarded to each person who requests details of the advertised post.

Will the governing body and selection panel be supported throughout this process?

The Chief Education Officer or his or her representative/s should be present during the appointment process to support and advise the governing body. This will be in an advisory capacity only with no voting rights granted. In a voluntary aided school, the appropriate Diocesan Officer is accorded the same advisory rights as the Chief Education Officer with respect to appointments of staff (refer to page 4).

Deadline dates for resignations throughout the academic year

There are three resignation deadlines throughout the academic year and these are listed below for both headteachers and deputy headteachers. Headteachers, however, are required to give three months' notice with an extra month's notice during the summer term.

To leave at	Headteacher resignation deadline Minimum of 3 months' notice, 4 months in Summer Term	Deputy headteacher resignation deadline Minimum of 2 months' notice, 3 months in Summer Term
30 April (End of Spring Term)	31 January	28/29 February
31 August (End of Summer Term)	30 April	31 May
31 December (End of Autumn Term)	30 September	31 October

The selection panel **Appointing the selection panel**

In Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, the governing body must appoint a selection panel of at least 3 but no more than 7 governors. In voluntary aided schools, the governing body may either appoint a selection panel as above or the whole of the governing body can form the selection panel if required.

In the interest of consistency and fairness to all concerned in the appointment process, the following points should be considered:

- Care should be taken to select appropriate governors for the panel who will be able to give the time necessary to attend **ALL** stages of the appointment process.

- Once the selection panel has started the selection process, it is advisable that members should not be substituted. Selected members should see the whole process of appointment through to completion, i.e. both short-listing and interview.
- If substitution becomes necessary, the whole process of appointments may have to start again. It would thus be wise to choose substitutes at the same time as the selection panel itself is chosen. Substitution could occur for example where, due to unforeseen circumstances, a panel member of the selection panel had to pull out before the start of the selection process.
- It is good practice for ALL members of the selection panel to attend ALL stages of the appointment process. They decide both the short-listing and the selection processes.
- Outgoing or acting headteachers/deputy headteachers should not be involved in any way in the appointment of their successor. He/she must withdraw from any meeting during the consideration or discussion on the appointment and must not take part in any vote, etc.

Before the appointment process begins:

- It is recommended that the full governing body review the Individual School Range (ISR) for the headteacher and deputy headteacher, taking account of the school's size and circumstances.
- It is advisable to do this prior to deciding upon the details for inclusion in the advertised post.

As mentioned earlier, it is the responsibility of the full governing body to appoint a selection panel. In addition:

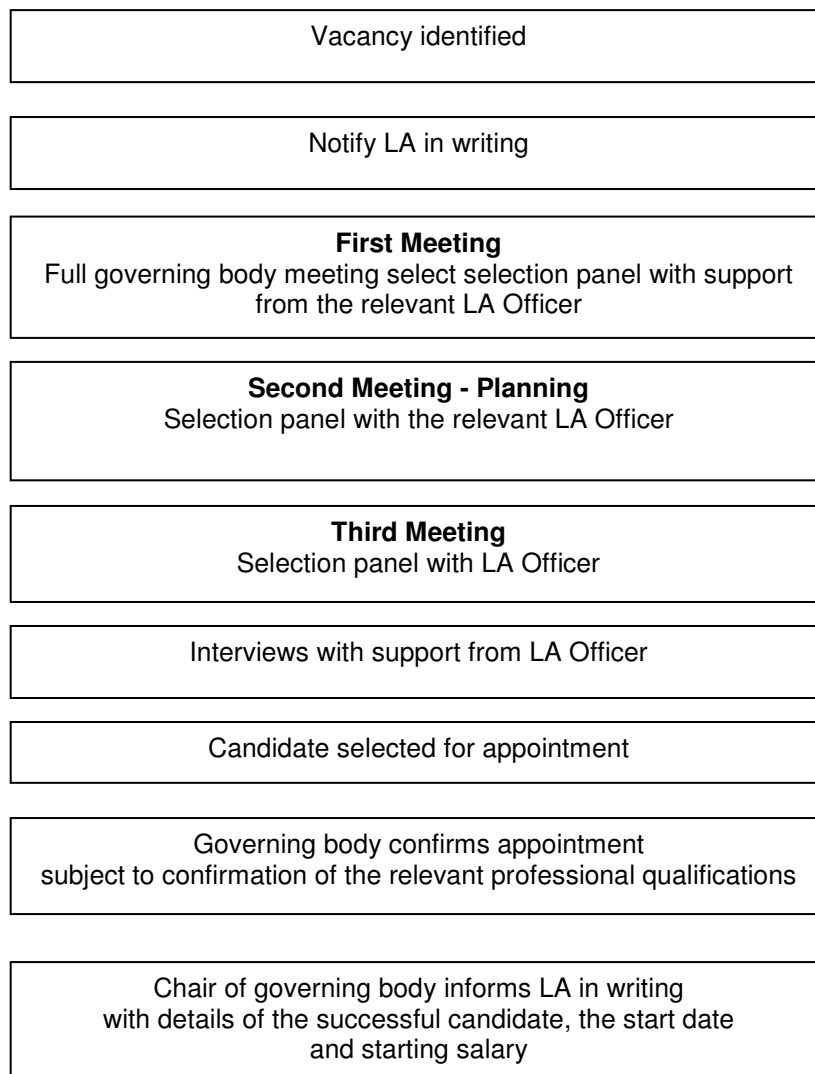
- One of the selection panel should be elected as chair of the panel. A governor who works at the school is not eligible to be the chair.
- "The membership of a selection panel may include persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.
- The majority of members on any selection panel must be governors.
- Where there is an equal division 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 a person is a governor), has a second or casting vote.
- 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)."

- *The Staffing of Maintained Schools (Wales) Regulations 2006*

Duties of the selection panel

- Agree a person specification, detailed job description and an advertisement for the post.
- Short-list suitable candidates in accordance with the person and job specification and essential criteria.
- Agree the format of the interview, tasks and questions to be used.
- Interview selected candidates.
- Where considered appropriate, recommend to the full governing body the appointment of the preferred candidate.

The Process



Declaring an interest

The declaration of interest by teacher or staff representatives on the governing body in the context of headteacher and deputy headteacher appointments may be contentious. Schools will be well aware of **The Government of Maintained Schools (Wales) Regulations 2005**, but it is important to remember that:

- Teacher and staff governors do not automatically have to withdraw where their interest is no greater than the generality of teachers in the school.
- Teacher and staff governors are not automatically restricted from taking part in the appointment process as a member of the selection panel.
- Teacher and staff governors cannot be required to withdraw as a result of any consideration of the make-up of the selection panel;
- Teacher and staff governors are required to withdraw only if internal candidates are being considered, whose appointment would clearly result in a vacancy for which they could be a candidate. Such a governor could still take part in the selection panel if he/she has formally agreed in writing not to apply for the vacancy or seek any other benefit arising from it.

Selection panel members must declare an interest if they have or have had a connection to an applicant that may result in a later challenge to their impartiality.

If there is a disagreement about whether a person is required to withdraw, it is for the other members of all the governing body or the selection panel to make the decision.

The Selection Process

The nature and quality of the selection process can inform or inhibit the task of making an appointment. The process should ensure that all candidates are given adequate and appropriate opportunities to demonstrate their knowledge, skills, experience and suitability for the post. If arrangements are to be objective, consistent, rigorous and worthwhile, in planning the selection process, the panel needs to:

- Ensure appropriate time is allowed for the selection process itself;
- Consider the demands on candidates and members of the selection panel;
- Reflect on the fact that formal interviewing, alone, can be a limited means of selection;
- Ensure that the essential and desirable criteria for the short-listing and selection of candidates is clear and comprehensive, agreed and understood by all involved in the selection process.

The LA should be able to provide detailed advice and have a variety of documents to assist with the selection process, e.g. selection check lists, applicant attribute matrices to help to make interview notes, information for applicants, etc.

Appointing the successful candidate

Immediately following the conclusion of the interview process and an agreement by the selection panel, the full governing body must meet in order for the selection panel to make their recommendation to the full governing body. Detailed information on this is provided in the Staffing Regulations mentioned on Page 4. The governing body cannot reopen the selection procedures.

Any verbal or written offer of appointment will be subject to the usual conditions e.g. medical check, Criminal Records Bureau check, and in accordance with the Safeguarding and Vulnerable Groups Act 2006. It will also be subject to approval by the full governing body and then by the LA (in the case of community, community special, voluntary controlled and maintained nursery schools). This must be clearly indicated in any verbal or written offer of an appointment.

Informing the unsuccessful candidates

The chair of the selection panel should inform the unsuccessful candidates at the earliest opportunity. It is good practice to do this on the day of the interview.

Other things to remember:

- It is good practice to ensure that all applicants are given the opportunity to receive feedback on their performance so that they can learn from the experience and be assured that they were given an equal opportunity to contest the vacancy. On informing candidates of an unsuccessful outcome it is advisable to agree a mutually convenient time to offer constructive feedback. In the case of the appointment of a headteacher, the LA Officer who attends the interview will normally provide the feedback.
- It should be ensured that relevant qualifications, such as the NPQH, and experience have been validated by the appropriate references and records and no appointment should be confirmed until this has been done.

- It is a requirement that first time substantive post holders for headship must hold the National Professional Qualification for Headship (NPQH) before starting to serve as a headteacher. Additionally, if a practitioner is appointed as a headteacher of an independent school after 1st September 2005, their subsequent move to a headship at an LA Maintained school would require them to hold NPQH before starting to serve in the post. The regulations do not prevent an individual nearing completion of the NPQH or an equivalent qualification from applying for a headship appointment or being appointed as a headteacher, although any individual appointed could not begin to serve as a headteacher until s/he holds the NPQH or equivalent. Further information can be found in Governors Wales' Fact File 03/05 Mandatory National Professional Qualification for Headship and in circulars produced by the Welsh Assembly Government.

The Welsh Assembly Government is revising the arrangements for obtaining the NPQH and more detailed guidance will be issued in due course.

- It is advisable to include staff during the process through, for example, informal staff room introductions as part of the school tour prior to interview. Whilst it will be made clear that staff in this situation will play no part in the formal selection process it may give the selection panel further insight into the applicant's suitability for the post. Likewise, it is also important to allow pupil participation in the appointment process.
- TRAINING: It is important that consideration should be given to the training and development requirements of the selection panel prior to interviewing applicants to ensure that procedures and processes are followed correctly and to the highest professional standards. Governors appointed to a selection panel should do their utmost to obtain such training, if they have not received any previously.
- Consideration should also be given to how staff, pupils and parents are communicated with and informed of the outcome at the earliest opportunity.

RESOURCE MATERIAL

This is not a definitive list of resources on the appointment of headteachers.

Circular Guidance

Circular No 001/2008 – Mandatory National Professional Qualification for Headship (NPQH) in Wales
<http://new.wales.gov.uk/topics/educationandskills/publications/circulars/mandatorynationalheadshipwales?lang=en>

Circular No 14/2006 – Revised National Standards for Headteachers in Wales
<http://new.wales.gov.uk/topics/educationandskills/publications/circulars/3894537/?lang=en>
Please note that this is currently being revised.

Regulations

The Staffing of Maintained Schools (Wales) Regulations 2006
<http://www.legislation.gov.uk/wsi/2006/873/contents/made>

The Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007
<http://www.legislation.gov.uk/wsi/2007/944/contents/made>

The Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009
<http://www.legislation.gov.uk/wsi/2009/3161/contents/made>

The Government of Maintained Schools (Wales) Regulations 2005
<http://www.legislation.gov.uk/wsi/2005/2914/contents/made>

Other useful publications

Governors Wales' Fact File 03/05 Mandatory National Professional Qualification for Headship
<http://www.governorswales.org.uk/publications/2011/01/05/mandatory-national-professional-qualification-for-headship/>

Recruiting Headteachers and Senior Leaders: Seven Steps to Success - National College for School Leadership (www.ncsl.org.uk)

This guide offers a summary of some of the main points that governors should take into consideration when appointing a headteacher. It should be used in conjunction with detailed advice and support produced by your LA and diocesan authority where appropriate.

Governors Wales is grateful for the advice and support received from LA Governor Support Officers, in particular members of the working group and to the Welsh Assembly Government, all of whom have contributed to the production of this guide.