

SCHEDULES

SCHEDULE 2

Section 11.

APPOINTMENT OF HEADTEACHERS, DEPUTIES AND ASSISTANTS

- 1 Where an education authority intend to fill a post, other than on an acting basis, of headteacher, deputy headteacher or assistant headteacher of a school, they shall—
- (a) advertise the post in such publications circulating throughout Scotland as they consider appropriate; and
 - (b) if they decide to proceed further with the appointment, set up a committee (to be known as an “appointment committee”) for the purpose of considering a short list of candidates provided by the education authority and making recommendations to the authority for the appointment of persons to fill posts in accordance with this Act.
- 2 Except where paragraph 4 below applies, an appointment committee shall consist—
- (a) where the appointment of a headteacher is being considered, of equal numbers of persons nominated by the education authority (one of whose nominees shall be the chairman of the committee) and by the School Board;
 - (b) in any other case, of an equal number of persons nominated by the education authority and by the School Board; and the headteacher of the school, who shall be chairman of the committee,
- but pupils of the school and members of the staff of the school other than the headteacher may not be members of an appointment committee.
- 3 Any vacancy occurring in the membership of an appointment committee (other than a vacancy resulting from lack of a headteacher, in whose absence an appointment committee to which paragraph 2(b) above applies may not be constituted or sit) shall be filled by a further nomination by the body which nominated the person whose place has become vacant.
- 4 Where for any reason no School Board are for the time being established for a school, an appointment committee shall consist of persons nominated by the education authority, together with, where paragraph (2)(b) above applies, the headteacher of the school (who shall be the chairman).

Application of 1973 Act to appointment committees

- 5 The 1973 Act shall apply to appointment committees as it applies to sub-committees of an education authority appointed under Schedule 10 to that Act, but—
- (a) sections 56 and 57 of and Schedule 10 to that Act shall not apply to appointment committees;
 - (b) members of appointment committees shall not require to be members of the education authority; and
 - (c) nothing in that Act shall—
 - (i) enable functions of an appointment committee to be discharged by the education authority or by any other person or body;

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- (ii) enable the education authority to control the exercise of functions by an appointment committee; or
- (iii) prevent an employee of the education authority being a member of an appointment committee.

Short leet

- 6 Subject to paragraphs 7 and 8 below, a short leet shall consist of not less than 3 persons who have applied for the post and are eligible for it (in terms of any requirements by or under any enactment relating to eligibility for the post or for the class of post).
- 7 Where there are fewer than 4 applicants who are eligible for the post, the education authority may, if they think fit, re-advertise.
- 8 Where the education authority do not re-advertise the post or where, following such re-advertisement, there are fewer than 4 applicants eligible for the post, the short leet shall consist of all those who have applied.

Appointment of headteacher, where School Board established

- 9 In the case of the appointment of a headteacher of a school for which a School Board have been established the education authority shall submit the short leet to the School Board, and for the purposes of consideration of the short leet and of reaching any decision in accordance with paragraph 11 or 12 of this Schedule the Board shall meet without their staff or any pupil members.
- 10 For the purpose of enabling the Board to carry out their functions under paragraphs 9, 11 and 12 of this Schedule, the authority shall supply to the Board such information relating to the applicants for the post as—
- (a) the authority have in their possession or can readily obtain; and
 - (b) the Board may reasonably request.
- 11 After considering the short leet, the Board may, except where paragraph 12 below applies, make such additions to and deletions from the leet as they think fit, but—
- (a) they may not add to the leet the name of any person who has not applied or who is not eligible, in terms of paragraph 6 above, for the post; and
 - (b) they may not reduce the leet to less than 3 names,
- and they shall thereafter send the leet to the appointment committee, who shall consider the leet and make their recommendation under paragraph 16 below.
- 12 Where the short leet consists of fewer than 4 names, the Board may not make any alterations thereto, but may submit comments to the appointment committee, who shall take those comments into consideration.

Appointments of deputy or assistant headteacher, or of headteacher where no School Board established

- 13 In every other case the authority shall prepare the short leet (in the case of the appointment of a deputy or assistant headteacher, in consultation with the headteacher) and shall send the short leet to the appointment committee, who shall consider it and make their recommendation under paragraph 16 below.

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Procedure of committee

- 14 The appointment committee and (where appropriate) the School Board shall—
- (a) inform the Director of Education in advance of any meeting to be held by either of them in connection with appointment to any post;
 - (b) consider any advice given by him or his nominee in relation to the appointment.
- 15 The Director of Education or any officer of the education authority nominated by him for the purpose shall—
- (a) be entitled to attend any proceedings of the appointment committee or a School Board; and
 - (b) give the committee or, as the case may be, the Board such advice as he considers appropriate,
- in relation to an appointment to which this Schedule applies.
- 16 The appointment committee shall, unless they consider that no person on the short list is suitable for the post, recommend one candidate for appointment.
- 17 Where an appointment committee recommend the appointment of any person to a post to which this Schedule applies the education authority shall appoint that person accordingly, unless it appears to them that the candidate is not eligible for the post in which case they may refuse to appoint him.
- 18 Where an education authority refuse, under paragraph 17 above, to appoint the person recommended by the appointment committee, the authority shall, if they intend to fill the post, undertake fresh procedure under paragraph 1 above.
- 19 It shall not be competent for a deputy or assistant headteacher to exercise any of the functions of a headteacher under this Schedule.