

Appointing a headteacher

Guidance for governors of maintained schools



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Appointing a new headteacher is probably the most important task that a governing board undertakes. There is a considerable body of evidence indicating that the quality of a school's headteacher is the single most significant factor in its success.

It is considered good practice to be supported through the process by a third party. In Gloucestershire, advice and support can be sought from the local authority (LA), and for voluntary aided (VA) and voluntary controlled (VC) schools, the Church of England Diocesan Board of Education. In the case of Catholic schools a representative from the Diocesan Department for Schools and Colleges must always be invited.

The LA or Diocese can provide:

- an adviser to guide the governing body through each stage of the appointment process, such as setting criteria for selection, developing the interview process and questions, shortlisting, involvement in interview tasks, making an appropriate appointment and assisting in debriefing unsuccessful candidates,
- offer telephone help and online support,
- provide practical support for the organisation of all meetings, ensure compliance with appointment procedures, manage all correspondence and paperwork, and arrange advertisements and receipt of applications,
- additional support from the LA's HR team to ensure compliance with current legislation and advice on employment or procedural matters as requested.

The legal framework regarding the appointment of a headteacher, and the roles and responsibilities of the parties involved, is laid down in the Staffing Regulations. The local authority adviser acts as the representative of the local authority and, as such, may sit in on the final interview. Local authorities are entitled to make written representations to the selection panel if they consider that the panel is shortlisting an unsuitable person as head teacher.

In the unlikely circumstances of the local authority having serious concerns about a shortlisting decision, these concerns may be raised with the chair of governors, who should respond in writing. The Diocesan office performs a similar role on behalf of the Bishop. The full governing board makes the appointment decision but is required to consider the advice of the representatives.

In the case of community and voluntary controlled schools, the LA is required to confirm the appointment in writing and will comply with the governors' recommendation unless they fail the relevant employment checks.

Please note that boxed print refers only to church school issues.

1. Resignation

On receiving the headteacher’s written resignation, the governing board should inform the local authority via Governor Services and, in the case of church schools, especially voluntary aided schools, the relevant diocese.

Notice periods for headteachers are three months, or four months in the summer term, with employment terminating at the end of that term;

Notice submitted by:	To leave:
30 th April	End of summer term
30 th September	End of autumn term
31 st January	End of spring term

Notice periods for deputy headteachers or teachers are two months, or three months in the summer term, with employment terminating at the end of that term;

Notice submitted by:	To leave:
31 st May	End of summer term
31 st October	End of autumn term
28 th /29 th February	End of spring term

2. Governor responsibilities

All schools must have a headteacher. It is the responsibility of the governing board to select and appoint a new headteacher as soon as is possible following the resignation of the current headteacher.

Existing headteacher

The role that the existing headteacher (or acting headteacher) is allowed to play in the process of appointing their successor is limited and laid down in legislation. These regulations require that the existing headteacher **should not** be present at meetings “during the consideration and discussion of the appointment of a successor”. The governors may, however, ask the headteacher to offer assistance in other parts of the process e.g. gathering and preparing information for candidates, providing the governors with information, receiving and showing candidates around the school.

Confidentiality

It is important that governors are reminded of the need for confidentiality throughout the appointment process.

The appointment of the headteacher cannot be delegated to a committee. However, the governing board must decide whether all governors are going to be involved in the appointment process, or whether an interview panel will be established.

It is quite common for most governors to be involved in the selection process and some of the selection activities, with an interview panel established to interview the shortlisted applicants and make a final recommendation of one of the candidates to the full governing board for ratification.

3. Establishing the interview panel

The interview panel must comprise of at least three governors. Whilst the panel could include all governors, the recommendation is that it should be an odd number between three and seven with five as the optimum number.

It is **mandatory** for at least one governor on the panel to have undertaken and passed safer recruitment training.

Unless a governor stands to gain (either directly or indirectly) from the appointment, or is related to a candidate, all governors have an equal right to be considered for the selection panel. This guidance strongly recommends staff governors and anyone working with the school for a fee should not be included at shortlisting or in the interview panel.

For a governor to be a member of the interview panel, they must be present at the shortlisting meeting and throughout the first day of selection activities.

It is advised that if a governing board chooses an interview panel, members of that panel should be in attendance at all meetings relating to the appointment.

The DfE guidance, December 2017, states panel meetings should be minuted. Whilst this is recommended, the minutes do not necessarily need to be taken by the clerk but could be taken by a governor in attendance. Minutes could include date of meeting, names of those in attendance and a summary of what is discussed and agreed.

The LA and Diocesan adviser should sit on the interview panel and can offer advice, although they do not have a vote.

In voluntary aided schools, the selection panel should consist of a majority of foundation governors.

In CofE church schools it is customary for a Diocesan education adviser to be invited to attend and schools welcome that involvement. In the case of Catholic schools a representative must be invited,

4. Role of the interview panel

The interview panel is required to:

- Agree dates for the process
- Advertise the post
- Select applicants for interview
- Ensure safeguarding recruitment practices are followed, including seeking references
- Interview selected candidates
- Recommend an interviewee to the full governing board for appointment or, if no appointment can be made, recommend the governing board reconsiders the situation and discusses the way forward.

5. Defining the role

The 'defining the role' stage of headteacher recruitment involves the process of clarifying the needs of the school, the job to be done and the person needed to do it.

Visioning

Governors should familiarise themselves with key documents such as the school development plan, any self evaluation, the most recent Ofsted inspection report (and Section 48 report for church schools). This will enable governors to evaluate the school's current position, its strengths and potential weaknesses. This assists in identifying areas needing development, and lays the foundations for the vision the governors want for the school over the next 3-5 years, and potentially the type of person they require to fulfil this.

Governors of church schools should take the opportunity to review the school's strengths and needs with regard to its religious foundation in preparation for a headteacher appointment. As with other areas of leadership, this will, in turn help governors to determine the sort of person and vision they are seeking to lead the school forward.

Preparing the Job Description

The Teachers' Standards and the National Standards of Excellence for Headteachers should be used to inform the preparation of the job description.

Example job descriptions can be provided by your adviser or diocese.

Preparing the Person Specification

The priorities that governors have decided when 'visioning' will be helpful in setting the criteria for the post. Some criteria will be essential to the vacancy at the school and some will be desirable. Areas to look at in the specification should include:

- knowledge and experience relevant to the post;
- qualifications and evidence of recent continuing professional development;
- leadership skills;
- personal qualities/education philosophy;
- responsibility for safeguarding.

The mandatory requirement for all candidates to hold the National Professional Qualification for Headship (NPQH) has now been revoked. NPQH is now optional which means governing bodies now have greater autonomy when recruiting headteachers and will be able to appoint suitable candidates who do not hold NPQH if they choose to do so. However, individual governing bodies can choose to state a preference on the person specification that candidates have NPQH as essential criteria, and they will then still be able to prioritise candidates with NPQH over those who do not.

In **voluntary aided** schools the governing board may give preference to persons:

- whose religious opinions are in accordance with the tenets of the religion of the school;
- who attend religious worship in accordance with those tenets; or
- who give, or are willing to give, religious education in accordance with those tenets.

In practice this means that governing bodies may choose to have “practising Christian” or similar as one of their selection criteria. **For Catholic schools the post of headteacher must be reserved for a practising Catholic unless approval to deviate from this has been sought from the Bishop.**

In **voluntary controlled** schools where a governing board has designated the post of headteacher as a reserved teacher they may choose to have “practising Christian” or similar as one of their selection criteria.

Governors will need to agree on the degree of religious commitment they are expecting from their candidates. It is important that this is established at an early stage so that it can inform accurately the advertisement and person specification for the post - among ‘Key Personal Qualities and Characteristics’. Governors will then be able to explore more fully the suitability of candidates against these criteria during the selection process.

The following sentences are intended to be a guide only. **(Only the shaded sentences may be used by voluntary controlled schools):**

- applicants must recognise the distinctive aims and ethos of a Church of England Aided School and should be a committed communicant member of the Church of England;
- applicants must recognise the distinctive aims and ethos of a Church of England Aided School and should be a committed communicant member of the Church of England or other mainstream denomination;
- the governors expect the Christian ethos to be fundamental to and permeate all aspects of the school life and curriculum. The governors are therefore looking for a committed Christian who is an active member of the church he/she attends;
- applicants must be fully supportive of the aims and ethos of a Church of England School and ideally will be practising Christians;
- a practising Christian would be preferred; (i.e. belonging to a Church in membership of Churches Together in Britain and Ireland.)
- candidates must be fully supportive of the school’s Christian values and committed to developing links between the parish church and school;
- candidates must have a positive commitment to the ethos and values of a Church of England school.

Example person specifications can be provided by your adviser or diocese.

Safeguarding

Both the job description and person specification must contain a reference to the responsibility the role has for safeguarding and promoting the welfare of children and young people, and the qualities that will be needed to fulfil these.

Deciding the salary

Governors should discuss and agree the pay range in accordance with the current School teachers' pay and conditions document. The starting salary will depend upon a number of things including the size of the school and its characteristics, and what the school can afford. If appointing a co-headteacher, the existing headteacher salary range must apply.

The Advertisement

Headteacher posts must be advertised in such a manner as the governing board considers appropriate unless it has good reason not to advertise because, for example, the school is restructuring. Other reasons for not advertising are rare and will need HR advice.

The wording of the advertisement will be informed by the criteria for the post and forms the basis of the employment contract. Essential elements to include in an advertisement are:

- name, address, contact number for school;
- effective start date;
- salary range;
- group size and number on roll (NOR);
- information regarding what the governors require from their new headteacher and what the school can offer;
- that visits to the school are welcome;
- closing date for applications;
- interview dates;
- where information packs can be obtained from;
- **reference to the setting's commitment to safeguarding and promoting the welfare of children and that the successful applicant will need a DBS.**

Example job advertisements can be provided by your adviser or diocese.

Whilst it is essential to produce a good advertisement, it is important not to include too much detail. Information that is not included in the advertisement can be included in the information pack.

The LA can assist with the placing of adverts, but all costs of advertising are met from the school's budget.

Catholic schools are required to have diocesan approval of the advert before publication.

Preparing information for the candidates (recruitment pack)

Governors may wish to delegate to a small working group the task of compiling the recruitment pack that will go out with the application form or, more commonly, is made available electronically.

Catholic schools must use the Catholic Education Service application form which can be downloaded from its website - The Catholic Education Service website :

http://www.catholiceducation.org.uk/employment-documents/application-forms/item/download/14866_07152676c7f312e51b5ee99c4214ff8c

The content of the recruitment pack is important, as it is the means of persuading the “right” candidates to apply for the post.

The chair of governors should also enclose a covering letter thanking potential applicants for their interest and including any additional information e.g. suggested focus for letter in support of application.

Your adviser will suggest what items may be included in the information/recruitment pack, and can provide a sample covering letter.

After the closing date, all returned applications will be sent by Governor Services to the chair of governors. The chair of governors should then organise for a copy of all applications to be distributed to those governors involved in the shortlisting process.

6. Shortlisting

Governors are requested to read the applications carefully and consider whether, in their view, each applicant matches the selection criteria. This should be done prior to the shortlisting meeting.

The shortlisting meeting

The shortlisting meeting is normally held 7-10 days after the closing date. It is recommended that your LA/Diocese adviser is commissioned to support this. Whilst all governors, other than staff governors, are welcome at shortlisting, **it is essential for governors who are part of the selection panel to be at the meeting.**

Procedure for shortlisting

Governors should come to the shortlisting meeting having looked through all applications and having completed the selection criteria checklist. Governors will be asked at the meeting whether candidates match the criteria and if they should be interviewed. Any candidates governors are unsure about will be discussed and a consensus will be sought.

Inconsistencies and gaps in employment history should be identified so they may be explored with candidates at interview.

Governors should be reminded that this paperwork is confidential to those governors involved in shortlisting and should not be shared with anyone else. At the end of shortlisting, all paperwork related to unsuccessful applicants, and paperwork from governors not on the interview panel, should be retained, (see page 14 re. paperwork storage).

Successful applicants will be contacted by telephone to invite them to attend for interview. It is also good practice to follow up with written confirmation. Unsuccessful applicants should be notified in writing.

Final arrangements need to be made for the interviews, and the agreed programme sent to selected candidates together with a letter from the chair of governors, in which candidates are asked to provide proof of their identity and qualifications to ensure eligibility for interview.

Example shortlisting letters can be provided by your adviser or diocese.

References

The chair of governors will arrange, via Governor Services, for references to be taken up in respect of the candidates who will be interviewed.

VA schools are required to seek an additional, third reference to establish the candidate's level of Christian commitment.

In particular references should ask specific questions with regard to safeguarding children and young people. They should also ask whether the candidate has been subject to performance/capability proceedings in the last two years.

Prior to interview, references should be read so that any concerns or issues can be discussed. All references must be read, initially, by the governor trained in safer recruitment.

If references contain any discrepancies, issues should be followed up with the referee. This can be done by phone but a written record should be kept. Confirm your understanding of the issues in writing to the referee. This is especially important if you decide not to employ that candidate or you decide to explore the issues with them. In addition, any inconsistencies and gaps should be identified so they can be explored with the candidate at interview.

An example reference letter can be provided by your adviser or diocese.

Programme for interview/selection activities

Decisions on the selection activities chosen for the interview are critical. The overall aim is to appoint the person best suited for the school at this time.

The selection process should:

- Focus on all essential aspects outlined in the person specification;
- Enable governors to see as many different aspects of each candidate as possible, by creating a range of different assessment tasks and situations;
- Be as fair to everyone as possible and allow candidates to demonstrate their true capabilities;
- Be conducted throughout in a professional and considerate manner.

It is recommended the selection process takes place over two days, but this may also depend on the number of candidates selected for interview. Over the course of these two days, candidates will be asked to demonstrate their skills, knowledge, experience and understanding in a variety of ways. The variety is important because it will enable governors to form a rounded view of candidates and to make their judgements accordingly, and should be relevant to skills/competencies governors are seeking. It is important that the candidate's performance in each of the tasks is fully considered when the final decision is made.

Selection activities may include:

- presentations;
- observation of teaching/assembly/act of worship;
- observed group work;
- data analysis exercise;
- simulation exercises, including in-tray exercises/evaluation tasks;
- pre-prepared report;
- narrow focus panel interviews;
- final interview.

If activities necessitate governors being left alone with children at any time, the governor must have DBS.

All candidates must complete all selection activities.

The final interview panel will consist of members of the governing board and representatives of the LA and Diocese, where appropriate.

The programme must include a full governing board meeting at the end of day two to enable the panel's decision to be ratified.

Your adviser will be able to suggest possible selection activities and can provide anonymised resources and feedback sheets, where needed.

Logistics

The interviews will be undertaken during a normal school day. Governors need to consider the logistics for the two days of interviews in respect of:

- rooms available for the interview process;
- a room for candidates to use as a base;
- catering arrangements for the day;
- car parking issues;
- dovetailing with the school day to minimise disruption;
- in the case of some small schools, the need to find a venue off-site in which to conduct the final interview.

Suggested programmes can be provided by your adviser or diocese.

7. Day of interview

Identity check

Each applicant's identification, qualifications and address should be checked to ensure eligibility for interview and a record kept of the check. Copies should not be taken.

Interview questions and equal opportunities

Those in work and those seeking work are protected from direct and indirect discrimination by law. When in doubt about whether an interview question is likely to be discriminatory, consider if the interviewer would ask all other candidates the same questions. Consider whether that question is relevant to the job and agreed criteria.

Your adviser can provide example interview questions.

Your adviser can provide guidance on interviewing that will help governors avoid breaking the law or codes of practice.

All candidates should be asked the same initial questions, which have been planned and agreed in advance by the panel. Follow up questions may be different and in response to candidates' individual replies.

Under safer recruitment practice, there must be at least one safeguarding question and, if there are any safeguarding concerns, it is essential to ask questions to clarify information provided by a candidate in their application form, letter and references.

At all times governors should be aware of the danger of unfairly discriminating against candidates by considering aspects which do not have any relevance to the ability to do the job. If governors follow this advice, they are much less likely to operate unfairly, or unlawfully.

The decision

The panel should consider all feedback from the selection processes, including appropriate feedback from staff and pupils, provided it has been collected in a structured and equitable way and relates to the criteria for the post.

The decision will be made on the majority of all members of the panel, and agreement made about the salary to be offered to the successful candidate.

The decision must then be ratified by the full governing board.

If a decision cannot be reached, or if there is profound disagreement, this should be reported to the full governing board and a decision taken as to the way forward. This often entails the post being re-advertised.

Offer and Acceptance

The chair of governors usually undertakes this role. It is not recommended good practice to ask candidates to wait for the decision to be made. A telephone number should be obtained from all candidates so that the chair of governors can telephone to inform them of the decision.

The panel should be clear that commitments made during the interview process and a verbal offer of a post, if accepted, contribute to the employment contract. If there is a lack of clarity about aspects of the contract, it is better to delay and find out, rather than commit to something which is wrong and which may be legally enforceable by the prospective employee.

The offer of the post will be subject to a number of pre-employment checks and will be confirmed in writing.

The LA must appoint the candidate chosen by governors unless that person fails to fulfil any of the pre-employment checks, which may include DBS, self-disclosure, requirements relating to qualifications, health, physical capacity or conduct presented in the regulations.

Non-selected candidates may be offered a de-briefing. The adviser can do this if requested.

A sample letter of appointment can be provided by your adviser, as will a checklist for the chair of governors regarding the procedure once appointment is made.

Pre-employment checks

It is the governing board's responsibility to ensure all pre-employment checks, (see KCSiE, part 3), have been completed, as described above.

It is also recommended governors verify the author of any references.

Paperwork storage

All those involved in the formal interviews, usually on day two, are advised to make notes. All deliberations on the final decision must relate to the agreed criteria for the post. Notes should provide sufficient information to record reasons for the assessment of the candidate against the criteria. This will form the basis for verbal feedback to candidates. This will also form the formal record of the panel's decision should there be any challenge.

All documents related to the whole process, including shortlisting and duplicate applications, must be collated and retained, securely and confidentially, for six months. This includes any notes made by panel members.

8. Post appointment

Support for newly appointed headteachers

For those new to headship or new to Gloucestershire, the LA offers:

- Support from the school's education adviser (EA)
- The opportunity to participate in the "New and Acting Heads" programme.
- An experienced headteacher to act as a mentor, if requested.

New headteachers are encouraged to take up membership of one of the Gloucestershire Association of Headteachers (GAPH, GASH or GASSH).

For church schools, Diocesan support is also available, including a mentor, if required.

The documents listed below will be useful to governors involved in the recruitment of a new headteacher:

- Recruiting a headteacher DfE/NGA, December 2017
- Headteacher Recruitment Toolkit NGA, 2017
- Governance handbook DfE, January 2017
- Keeping children safe in education (KCSiE) DfE, September 2018
- Staffing and employment advice for schools DfE, May 2018
- School Teacher's Pay and Conditions Document (STPCD) DfE, September 2017

Governors may also find articles in the NGA magazine, *Governing Matters*, related to recruitment useful.

- Leadership Recruitment, *Governing Matters*, January/February 2017

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