



Principles and Protocols for appointing Headteachers and Senior Leaders in Church Academies

Guidance from the Rochester Diocesan Board of Education for Multi-Academy Trust Boards and Single Academy Trusts in the Diocese of Rochester

May 2017

INTRODUCTION

The purpose of this guidance is to explain the role of the Diocesan Board of Education (DBE) in the appointment process of headteachers and senior leaders for Church of England academies within the Diocese of Rochester.

The guidance sets out the responsibilities of the Diocesan Board of Education and the expectations for the involvement of DBE officers and advisers in the appointment and recruitment process for headteachers and senior leaders in Church of England academies in the Diocese of Rochester

This guidance forms part of the advice given to all governing bodies of Church of England academies in the diocese where the DBE is the religious authority for the academy.

The guidance should be read by the recruitment panels appointed by governing bodies of Church academies before the recruitment process begins.

This guidance should be read in conjunction with:

- the Department of Education's own guidance '[A guide to recruiting and selecting a new headteacher](#)'
- the section of staffing appointments in the Department of Education's [Governors handbook](#)
- the National Society's (Church of England) '[Selecting, appointing and developing staff in Church Schools](#)'
- the relevant sections of the [School Staffing Regulations Act \(2009\)](#) and the [School Standards and Framework 1998](#)
- the DBE's guidance 'The Primary Schools Financial Toolkit'

What is the Diocesan Board of Education (DBE)?

The Diocesan Board of Education is the statutory body which acts as the religious authority for Church of England academies within a diocese.

The responsibilities of the Diocesan Board of Education are set out in the [DBE Measure \(1991\)](#) and can be summarised as:

- promoting Christian education across the diocese
- promoting religious education and worship in schools across the diocese
- promoting church schools and advising the governors of Church schools with matters affecting church schools in the diocese

The Diocesan Board of Education, through the Director of Education, will always provide a diocesan officer or adviser to support the appointment process of a headteacher of Church academies within the diocese providing that adequate notice is given before the selection dates are agreed.

This support is available at no charge to the Trust or the academy, providing that the Diocesan Director of Education is consulted before the process is underway.

Appointing a headteacher is a significant responsibility for a Trust and it is important that the appointment and recruitment process is conducted in line with legal requirements and equal opportunity legislation.

If your Trust or academy has any queries or questions about the process after reading this guidance, do contact the Director of Education who will be very happy to assist and provide further advice.

SECTION A – Understanding the context of a Church academy

Before the recruitment process begins, it is important that the Trust Board (or its delegated body responsible for the appointment process) understand the unique aspects of appointing a headteacher of a Church academy compared to the process for appointing a headteacher of a community school.

There are a number of considerations that governors should take into account in order that they are able to appoint a headteacher who is able to lead a Church academy. These include:

1. The Christian ethos, character of the academy and the tradition of the local parish churches that the academy serves through its faith based admissions criteria (the ethos statement should be included in the documentation sent to all applicants)
2. The right of Church of England designated academy to use a Genuine Occupational Requirement (GOR) for an applicant to have a 'faith commitment' and/or be a communicant member of the Church of England and to use this as part of the essential selection criteria and person specification (the faith commitment should be defined for applicants as part of the documentation sent to all applicants)
3. The Trust Board should ensure that the appointment panel consists of a range of directors or appointed individuals with skills and experience in recruitment (including safeguarding qualifications)
4. The interview and selection process for a headteacher of a Church academy should include tasks which require candidates to demonstrate their ability and fitness to sustain and develop the religious character of the academy. **This should include leading a Collective Act of Worship**
5. Trust Boards through the process of delegation to the appointment panel, should, as part of the selection process, ask candidates to articulate and explain how they will **support and promote** the Christian ethos and values of the academy
6. When a diocesan representative has been invited to join the appointment panel and selection process, the panel should take account of the advice given by the diocese including the possibility of deciding not to appoint any candidates **(See Option A and Option B for Academy Trusts in appendix 1)**
7. These points should not be considered a finite list of matters that an appointment panel of a Church academy should take into account when selecting a new headteacher.

The Diocesan Director of Education will be able to provide further advice and guidance related to the local context of a Church academy and should be contacted before the recruitment process gets underway.

SECTION B – Principles of appointment

Before commencing the appointment process for a new headteacher of a Church academy it is important that all governors including those appointed to serve on the appointment panel are aware of good practice and principles of appointment.

These include:

A) Confidentiality

All applicants have the right to know that their applications are treated as strictly confidential and are not shared beyond the strict membership of the appointment panel and Diocesan advisers.

It is good practice to ensure that all application forms that are sent by e-mail are password protected and that all documentation (other than the panel's evidence forms) are destroyed/shredded immediately after the conclusion of the process.

All panel members and Trustees are bound by a collective responsibility to ensure that the recruitment process remains strictly confidential and details of the selection and interview process are not shared with members of staff, parents, family or friends

Failure to respect confidentiality can lead to challenges from applicants which may lead to a recruitment process being deemed invalid.

All panel members should be reminded of confidentiality at the beginning and end of the recruitment process and especially at the start and at the end of the ratification meeting

B) Transparency

All applicants and candidates should be entitled to accurate evidence based feedback on their applications and if selected, their performance at interview, even if successfully appointed.

Feedback should never be ambiguous or contradictory in nature and should be delivered sensitively taking into account the professional development needs of the candidate.

Panel members should never attempt to give an explanation to a candidate which is not supported by evidence

Interview questions should be clear, succinct and always related to the job description, person specification and the context of the Church academy

C) Equality and fairness

The recruitment and appointment process should be conducted fairly, without discrimination of any kind and taking into account any specific needs of the applicants and candidates.

Equal opportunity legislation applies to recruitment processes in schools and this includes the planning meetings, shortlisting meetings when applications are reviewed, as well as the interview and selection process itself.

Panel members should be aware of equal opportunity legislation and good practice in this area and ensure that judgements made on applications are always based on merit, taking into account the experience, qualifications and skills of the applicants.

Applications should be judged against the person specification given to applicants at the time of application. This should be done as objectively as possible with the help and support of the Diocesan representative.

Interview questions should be planned carefully and well in advance of the interview in order to avoid unplanned questions being asked by panel members. Supplementary questions can be asked and diocesan/local authority representatives can help with this to ensure that candidates are treated fairly.

It is never acceptable to make comments or make judgements based on an applicant's or candidate's age, gender, sexuality, religion, appearance, health or special needs.

D) Affordability and financial sustainability

It is strongly recommended that governors read the DBE's guidance 'The Primary Schools Financial Toolkit' before commencing the recruitment process.

The Trust or delegated body should conduct a detailed, financial evaluation review, incorporating the last full year's income and expenditure and modelling of the following two years estimated budget. This should include any measures (and the reasoning behind them) to improve the financial position. It is important that this process is completed prior to the appointment process commencing so as future affordability can be evidenced.

The review should include staffing costs to ensure that a substantive leadership post is affordable by the academy for the long term.

Once a candidate is offered the post and a contract is signed, this forms the basis of a legal agreement with the member of staff which is accompanied by various legal protections in employment law.

Failure to consider the long term financial viability of a substantive appointment could lead to a decision related to redundancy which should be avoided as this process itself also involves additional statutory payments to an employee which are borne by the Trust.

If there is any uncertainty about the financial position of the academy, the decision to recruit should be delayed until it is proven that the post is affordable.

Decisions to proceed should never be made on the basis that 'pupil numbers might increase' or the number of classes can be reduced to create a saving in staff costs, unless of course there is a valid educational reason for this decision.

E) Leadership models & organisation

When a vacancy arises, there is often an opportunity for the Trust to review the current leadership arrangements and consider whether an alternative model might suit the needs of the academy better.

Before the Trust decides to go ahead with the recruitment process, Trustees should carefully consider the needs of the academy and the different types of leadership models which might

be appropriate given the school's finances, size, status, age-range, locality and academy's improvement position.

i) Executive leadership

Executive leadership or Executive Headship refers to a leader who is responsible for the leadership of more than one academy or school.

This should not be confused with a requirement to merge two or more schools, amalgamation, collaboration, federation or multi-academy trust (MATs) although these variations on school organisation often employ executive leaders as part of their staffing structures.

ii) Head of School

A 'Head of School' is not the same role as a substantive Headteacher and these leaders normally work under the oversight of an Executive Headteacher who will provide the strategic leadership on behalf of the academy.

Head of School roles can be suitable for small schools (less than 210 pupils) where the school's budget may make it difficult to be able to afford a substantive headteacher without sharing a role across more than one school.

Head of School can often be very effective, visible leaders who are responsible for the day-to-day operation and management of the school and will still be responsible for working with other senior leaders and teachers.

iii) Co-Headship

Occasionally, it may be appropriate for Trustees to consider a Co-Headship arrangement when the duties and responsibilities are shared between two leaders who both hold the title of Headteacher, normally on a part-time basis.

Sometimes this model, may work as an interim solution for a school whilst it seeks to appoint a substantive headteacher or puts in place arrangements for future Executive Headship arrangements.

Before embarking on such arrangements, it is important that governing bodies seek specific advice from personnel/HR advisers and discuss this with diocesan representatives.

iv) Substantive Headteacher

Often academies who have employed substantive headteachers in the past will automatically decide to look to recruit and appoint a replacement for their headteacher as this is perceived as the normal expectation based on a conventional model of leadership for a school.

Before embarking on the recruitment process for a substantive headteacher, it is strongly advised that the Trustees carefully consider the needs, the finances of the academy and the changing context before making a final decision.

Appointing a substantive headteacher can have unintended consequences and a school can inadvertently find itself in a vulnerable position in the future if it hasn't carefully considered all the options available.

The Trustees or the Chief Executive may decide to call an extraordinary meeting of the governors to discuss the different models of leadership, the financial viability of different options and other considerations which are bespoke to the academy's context.

SECTION C – Protocols for appointments

1. Delegation and Ratification

It is important to understand that the Trust Board is responsible for approving the appointment of a headteacher which is normally held following the end of the selection process.

Although the Trust Board can choose to run the appointment process itself, normally Trustees delegates this responsibility for the recruitment and appointment process to a smaller panel including the Chief Executive which is especially convened for this purpose.

Once the panel have conducted the selection process and the final interviews and made a decision on their preferred candidate, they then recommend the candidate to the Trustees so that the Trust Board can approve the appointment.

2. National external advertising

The Trust should aim to attract an extensive field of good quality applicants for the headteacher post as possible and normally this is achieved by advertising nationally through a recruitment service such as The Times Educational Supplement (TES) and locally as well as placing the advert on the Trust's own website.

The Trust should allocate financial resources for recruitment costs (typically up to £5K for a headship vacancy) and this should be allocated in the academy's budget each year.

3. Recruitment timescales and advertising rounds

Given the current national shortage of headteachers and the specific needs of a Church academy in requiring a leader who can promote the Christian ethos of the academy, it may take several attempts and rounds of advertising before a good field of applicants is secured. This is not unusual.

It is not good practice to proceed with interviewing a single candidate for a role even if the candidate meets the person specification. It is possible for applications to be 'held over' by the panel and the timescales for applications to be extended in order to see if it is possible to attract a larger field of candidates.

Trust Boards should take advice from their personnel HR adviser and also seek the views of the diocesan representatives before shortlisting.

4. Safeguarding

It is a legal requirement that at least one member of the governors appointment panel must have completed recent (within last three years) Safeguarding recruitment training. In addition,

all adverts should clearly state and reference the safeguarding practice and DBS requirement for applicants.

The shortlisting meeting should identify any gaps in employment history of candidates so this can be clarified ahead of the interview process. The selection tasks and interview questions must involve a reference to safeguarding to ensure that the candidates have a comprehensive understanding of safeguarding policy, processes and practice.

5. References

All applicants should provide at least two professional references, one of which should normally be their current employer or line manager. References are not normally considered by the panel at shortlisting meetings (unless there is a safeguarding concern) and will normally be considered by panel members after the interview process as part of their final deliberation.

For a Church academy appointment, Trustees may decide to ask for a third reference from the parish priest, minister or church leader from the place of worship where the candidate regularly attends. All offers of employment should always be made subject to references, appropriate medical checks, DBS checks and proof of qualifications and examinations (this should be done on the day of interview and photocopies taken for records). All application forms should require applicants to declare any previous criminal convictions.

6. Conflicts of interests

The Trust Board must nominate and appoint individuals to serve on the appointment panel with the delegated authority to undertake the recruitment process.

All Trustees, panel members and diocesan representatives must declare any known conflicts of interest at the beginning of the process in order to ensure that any conflicts of interest can be managed appropriately.

An example of this might be that a Trustee or member of the panel is a personal friend or family relative of one of the applicants in which case, the panel member would stand down from serving on the panel and be replaced by another panel member.

The application form for all applicants should also include an area where the applicant can report any conflicts of interests or declarations of interest which can then be considered by the appointment panel before the interviews proceed.

7. The Role of the Diocesan Representative

Diocesan representatives (sometimes referred to as advisers) are only present to provide advice. They do not have a vote. They do, however, have a wide range of experience of making appointments to teaching posts in schools and knowledge of other schools in the area that gives them an important external perspective. Where they are involved it is important that they take a full part in the process.

Trustee should check the appendix 1 below for which clauses apply to their Trusts in relation to the role of the diocese in the recruitment process.

Appendix 1

Trust Board should check the clauses within their Articles of Association to see which of the two options set out below applies.

Option A

The Directors, (after consultation with the Diocesan Board of Education and having made use of any relevant powers under section 124A of the School Standards and Framework Act 1998 or under the relevant supplemental funding agreement in respect of each Academy) shall appoint [the Chief Executive Officer and] the Principals of the Academies. The Directors may delegate such powers and functions as they consider are required by the [Chief Executive Officer and] Principals for the internal organisation, management and control of the Academies (including the implementation of all policies approved by the Directors and for the direction of the teaching and curriculum at the Academies).

Option B

The Directors shall appoint the Chief Executive Officer. In relation to such appointment, the Directors shall consult the Diocesan Director of Education and shall have regard to the Object and may appoint a Chief Executive Officer having regard to that person's ability and fitness to uphold the Object.]

The Directors shall appoint the Principal of each Academy. In respect of the appointment of the Principal at each of those Academies falling under Article 4(ii), the Directors shall do so only with the agreement of the Diocesan Director of Education and shall make use of any relevant powers under section 124AA of the School Standards and Framework Act 1998 or under the Relevant Funding Agreement in respect of those Academies.