



# **Principles and Protocols for appointing Headteachers and Senior Leaders in Church Schools**

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Guidance from the Rochester Diocesan Board of Education for governing bodies of Voluntary Aided (VA), Voluntary-Controlled (VC) Church schools in the Diocese of Rochester

## 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 Schools 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 the Diocese of Rochester

This guidance forms part of the advice given to all governing bodies of Church of England schools and academy trust boards in the diocese where the DBE acts as the religious authority for the school and/or is a Member of a Church of England Multi-Academy Trust.

**The guidance should be read by the recruitment panels appointed by governing bodies of Church schools 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](#)
- any further guidance issued by the Local Authority if the school is Voluntary-Aided (VA) or Voluntary-Controlled (VC)
- the DBE's own guidance for its Church schools on financial sustainability

### **What is the Diocesan Board of Education (DBE)?**

The Diocesan Board of Education is a statutory body, which is recognised as the religious authority for Church of England schools 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 governing bodies of Church schools within the diocese.

**This support is available at no charge to the school providing that the Diocesan Director of Education is consulted before the process is underway.**

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

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

## **SECTION A – Understanding the context of a Church school**

Before the recruitment process begins, it is important that the governing body of a Church school understand the unique aspects of appointing a headteacher of a Church school 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 school. These include:

1. The Christian ethos, character of the school and the tradition of the local parish churches that the school serves through its faith based admissions criteria (the ethos statement should be included in the documentation sent to all applicants)
2. The right of Voluntary-Aided (VA) schools 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 right of the Diocese to provide advisory rights to the appointment panel, through its chosen representative, for the selection process of a headteacher of a Church school (VA and VC) when advisory rights have been given to the Local Authority or its representative (see School Standards and Framework Act 1998)
4. The governing body should ensure that the appointment panel consists of a range of governors with skills and experience in recruitment (including safeguarding qualifications) and that at least one member of the appointment panel is a Foundation governor appointed by the Diocese, the Bishop or the local Parochial Church Council (PCC). For Voluntary-Aided (VA) schools, Foundation governors should be in the majority of governors on the appointment panel.
5. The interview and selection process for a headteacher of a Church school should include tasks which ask and enable candidates to demonstrate their ability and fitness to sustain and develop the religious character of the school. **This should include leading a Collective Act of Worship.** (see School Standards and Framework Act, 1998, Section 10 (4))
6. Governing bodies 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 school.

7. When a Diocesan representative has been invited to join the appointment panel and selection process, the governing body must take account of the advice given by the Diocese and the Local Authority including the possibility of deciding not to appoint any candidates. It would be unusual and for a governing body to make a decision against the advice of the Local Authority and the Diocesan representatives

These points should not be considered a finite list of things that a governing body and appointment panel of a Church school 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 context of the Church school and should be contacted before the recruitment process gets underway.**

## **SECTION B – Principles of appointment**

Before beginning the appointment process for a new headteacher of a Church school 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/Local Authority advisers.

It is good practice to ensure that all applications 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 governing body members 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 made invalid.

All governors 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.

Governors and 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 school

### **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.

Governors and 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 a Local Authority and 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 refer to on an applicant's or candidate's age, gender, sexuality, religion\*, appearance, health or special needs.**

\*See section on the use of the Genuine Occupational Requirement for Voluntary Aided (VA) Schools

### **D) Affordability and financial sustainability**

***It is strongly recommended that governors read the DBE's guidance for Church schools on financial sustainability before starting the appointment and recruitment process.***

Before the decision is taken to proceed with advertising and recruiting a new headteacher, the governing body should carefully consider the financial implications of committing to a substantive headteacher post.

The governing body should conduct a financial review and modelling exercise based on the **known** income and expenditure (the school budget) including staffing costs to ensure that a substantive leadership post is affordable by the school 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 school and not by the Local Authority or the Diocese.

If there is any uncertainty about the financial position of the school, the decision to recruit should be delayed if 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 & school organisation**

When a vacancy arises, there is often an opportunity for the governing body to review the current leadership arrangements and think about whether an alternative model might suit the needs of the school better.

Before the governing body decides to go ahead with the recruitment process, governors should carefully consider the needs of the school and the different types of leadership models which might be appropriate given the school's size, status, age-range, locality and school improvement position.

### **Executive leadership**

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

Local Authority and Diocesan advisers will be able to provide examples of Memorandum of Understanding (MoUs) which set out the arrangements for Executive Headteachers which define the collaborative agreements between two or more schools

### **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 school.

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.

### **Co-Headship**

Occasionally, it may be appropriate for a governing body 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 and Local Authority representatives.

### **Substantive Headteacher**

Often governing bodies who have employed substantive headteachers in their school 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 governing body consider the needs of the school carefully 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.

A governing body 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 school's context.

**It is strongly recommended that representatives from the Local Authority and the Diocese are invited to these initial planning meetings to be able to help and support the governing body in their decision making.**

## **SECTION C – Protocols for appointments**

### **Delegation and Ratification**

It is important that governors understand that the whole governing body is responsible for approving the appointment of a headteacher (known as ratification) in an extraordinary meeting of the full governing body which is normally held immediately following the end of the selection process.

Although the governing body can choose to run the appointment process itself, normally the governing body delegates this responsibility for the recruitment and appointment process to a smaller panel of governors which is especially convened for this purpose. In Voluntary-Aided (VA) Church schools this panel should have a majority of Foundation governors on the panel, for example three out of five governors should be Foundation governors appointed by the DBE, the Diocesan Bishop and/or the local PCC.

In Voluntary-Controlled (VC) Church schools, this is not a requirement however, it is good practice to ensure that the Foundation governors and the local incumbent (parish priest) is also represent is their ex-officio capacity to ensure that good links are maintained between the local parish and the Church school.

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 whole governing body at the ratification meeting so that the whole governing body can approve the appointment.

Only once the governing body has approved the appointment of the preferred candidate, should a contractual offer be made to the candidate.

It is highly unusual that a governing body refuses to appoint the recommended candidate (as this authority has been delegated) however in this event, if the Diocesan and LA representatives support the appointment of the preferred candidate, both the diocese and the Local Authority would write to the governing body and issue a formal warning to the governing body which could lead to the removal of delegation from the school by the Local Authority.

### **National external advertising**

The School Staffing Regulations Act 2009 states that all headteacher posts should be advertised nationally and externally (outside of the school) unless there are exceptional circumstances. A member of the school's existing staff (known as an internal candidate) who might be interested in the post is not considered exceptional circumstances.

The governing body 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 (for example by using a Local Authority's internal job vacancy board) as well as placing the advert on the school's own website.

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

### **Recruitment timescales and advertising rounds**

Given the current national shortage of headteachers and the specific needs of a Church school in requiring a leader who can promote the Christian ethos of the school, 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 immediately 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 governing body and the timescales for applications to be extended in order to see if it is possible to attract a larger field of candidates.

Governing bodies should take advice from their personnel HR adviser and also seek the views of the Local Authority and Diocesan representatives before shortlisting.

The School Staffing Regulations Act (2009) states that the Local Authority (and the Diocese if given advisory rights) can write to the governing body to inform the governors of any applicant who is deemed not suitable or qualified for a headteacher post. The Governing Body must take

note of this advice and unless there is an exceptional reason, the applicant should not be shortlisted.

### **Internal applicants/candidates**

Sometimes a member of staff (normally a Deputy Head, Acting Head or Assistant Head) will apply for the role of substantive headteacher when it is advertised.

Although applications from internal applicants should always be considered by the shortlisting panel, the application should always be judged against the published person specification to ensure that it meets the criteria.

Under no circumstances should an internal application be shortlisted for interview on the basis that they are an existing member of staff or senior leader already working in the school. This might form the basis of their experience but this alone should not be a deciding factor.

Internal applicants often report that they often find the application process awkward and uncomfortable as they are usually known to governors and panel members. Internal applicants need to be treated fairly and objectively by the appointment panel and reminded that no guarantee or outcome from the shortlisting or interview process can be promised by the governors who will assess the application on merit alongside other applications.

### **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.

### **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 school appointment, governors 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. Voluntary-Aided (VA) schools are entitled to ask and seek this information as part of their assessment of the Genuine Occupational Requirement (GOR).

All offers of employment should always be made subject to references, appropriate medical checks and 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.

## **Conflicts of interests**

The Governing Body must nominate and appoint members of the governing body to serve on the appointment panel with the delegated authority to undertake the recruitment process.

All governors, panel members and local authority/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 governor 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 governor.

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.

## **The Role of the Local Authority and Diocesan Representatives**

Local Authority and 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.

Where the vacancy is for a headteacher the selection panel must inform the LA of the candidates that they intend to interview and the LA has seven days to make any formal objection to candidates whom they believe to be unsuitable.

The appointing panel could only appoint such a person after they have considered the LA's representations. If they were to decide that, despite the comments of the LA, they still wished to appoint the candidate, they must bring the LA's views to the attention of the full governing body when they meet to confirm the appointment.

**Before any governing body contemplates appointing a candidate about whom the LA has expressed serious reservations they should seek the advice of their diocesan director of education.**