

ARCHDIOCESE OF BIRMINGHAM DIOCESAN EDUCATION SERVICE

GUIDANCE AND ADVICE TO GOVERNING BODIES

SUPPORTING THE SELECTION PROCESS FOR HEADTEACHERS

Introduction

- The DES provides advice to governing bodies with respect to individual governors fulfilling their role and responsibilities for the appointment of headteacher and deputy headteachers in our diocesan Catholic schools.
- This written advice is available to be shared with employers.

Context

- The governing body of a Catholic VA school is the employer of all staff contracted to work in that school.
- There is a statutory responsibility on the governing body to carry out a proper legal process for recruiting and selecting a headteacher and deputy headteachers.
- Governors are able to request time off work to carry out these duties. Note the following section from the Guide to the Law for School Governors published by the government Department for Education (DfE).

TIME OFF FROM WORK 5. Under Section 50 of the Employment Rights Act 1996 employers must give employees who are school governors reasonable time off to carry out their duties. The employee and employer have to agree on what is reasonable time off. Among the points they should discuss are:

- how much time is required overall to perform the duties;
- whether the employee is also being given time off from work for other activities;
- the particular circumstances of the employer's business;
- the likely effect that the employee's absence may have on it.

PAYMENT FOR TIME OFF 6. Employers may give time off with pay but do not have to do so. This is for discussion between the employee and the employer. For further information see the guidance for time off for public duties on the Department for Business Innovation and Skills website.

SETTLING DISAGREEMENTS 7. If the employee and employer cannot agree on any of these questions, either of them can ask for help from the Advisory Conciliation and Arbitration Service (ACAS), which will try to settle any differences informally. An employee who is still not satisfied may complain to an Employment Tribunal.

Support

- The DES provides this guidance for governors who support the selection process for a headteacher or deputy headteacher.
- The information can be shared with employers.