

PART 2 APPENDIX 2.20

SNCT Code of Practice on Headteacher Responsibility in Recruitment and Selection of Staff

1. The Joint Empowering Schools Agreement published in June 2018, outlined the shared commitment to a number of principles including:
 - headteachers are involved in the design of recruitment and appointment processes;
 - headteachers design the staffing structure that best supports learning and teaching in the school, within the staffing budget delegated to the school by the Local Authority;
 - headteachers choose the staff who work in their school, with due regard to employment law and the contractual obligations of their Local Authority, and;
 - the Local Authority must be able to intervene should any statutory duty, or contractual obligation be in breach.

2. The Empowering School Leaders' Guidance and Headteachers' Charter were published, as agreed drafts, in February 2019 and this Code of Practice has been developed to support the implementation of the principles contained in the Charter. The Charter states that headteachers will:
 - Play **an active role** in designing and reviewing recruitment and staffing approaches, for their own school/s, for the wider Authority.
 - Be **empowered to design** a staffing structure which best supports the school's curriculum and leadership requirements, working within their delegated staffing budget and supported by their Local Authority and SNCT/LNCT agreements, and guidance.
 - **Be integral to the appointment** of staff in accordance with the best interests of children and young people and work in partnership with the Local Authority to ensure good practice in recruitment and appointment, in line with SNCT/LNCT agreements and guidance.

The Local Authority can intervene in a school-level decision if a statutory, contractual, LNCT or financial obligation would be breached. Clear processes and mutually respectful and supportive relationships should be in place to minimise the need for such intervention.

Headteachers, Local Authorities and LNCTs have a shared role in ensuring this Code of Practice operates smoothly and in maintaining the continuity of education provision.

3. **Good practice**

The overarching principles of Good Practice in the procedures for recruitment and selection of staff are to:

- ensure that a collegiate and inclusive approach is applied to recruitment and deployment of staff;
- ensure fair, consistent, transparent and robust procedures are in place to support the recruitment and appointment of staff;
- ensure that the procedures have due regards to applicable LNCT agreements and;
- recognise that LNCT recruitment and selection procedures may need to be reviewed to ensure the role of headteacher is reflected in locally agreed recruitment and selection procedures.

4. Headteachers are involved in the design of recruitment and appointment processes

- The Headteacher, working in conjunction with their Local Authority will:
 - (a) receive appropriate training on recruitment procedures and comply with policies on all employment legislative requirements;
 - (b) use myjobscotland for all internal and external recruitment;
 - (c) ensure that they are familiar with the SNCT Handbook, especially Part 2, The National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals and Part 2: Appendix 2.8 A of the Handbook, the Code of Practice on the Engagement of Short-Term Supply Teachers;
 - (d) ensure that they follow Local Authority guidance, SNCT agreements and applicable LNCT agreements, policies and guidelines;
 - (e) recognise the Local Authority Devolved School Management (DSM) guidance in relation to employees' salaries, including that of Chartered Teachers and Assimilated Teachers
 - (f) ensure they are familiar with Appendix 2.19 of the SNCT Handbook, National Pay and Leave Specification and be aware of the impact of the timing of appointments on pay;
 - (g) in the exercise of their function, and as required by the [Public Sector Equality Duty](#), have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and those who do not and; foster good relations between people who share a protected characteristic and those who do not.

5. Headteachers design the staffing structure that best supports learning and teaching in the school, within the budget available to the school

- The Headteacher shall:
 - (a) follow Scottish Government DSM Guidance in conjunction with Local Authority DSM guidance;
 - (b) ensure that they are familiar the SNCT Handbook Part 2: Appendix 2.8, Code of Practice on the use of fixed term temporary

contracts and any LNCT agreements on the transfer to a permanent post.

- (c) recognise that costs of salary conservation agreements may need to be borne from devolved school management budgets. Recognition of the change in school rolls should be taken into account in this regard
- (d) ensure that they are familiar with LNCT agreements, particularly in relation to staffing models and structures
- (e) ensure they are aware of Job Sizing implications and take account of any potential salary changes
- (f) take account of costs relating to redeploying staff in accordance with Local Authority agreements.

6. Headteachers choose the staff who work in their school (except student and probationer placements), with due regard to employment law and the contractual obligations of their Local Authority

- The Local Authority may:
 - (a) as the employer, require to transfer staff into establishments out with an agreed recruitment process, following consultation and discussion with Headteachers. Such transfers may be required due to a variety of reasons, including but not limited to: health issues, staff identified as surplus, conduct, competence or the Local Authority seeking to deliver its statutory duty in accordance with the Education (Scotland) Act 1980,
 - (b) Local Authorities will allocate students and probationer teachers in line with current arrangements.
- The Local Authority will ensure that headteachers are provided with advice on:
 - (a) employment law, contractual obligations, equalities legislation and any other relevant legislation, statutory guidance, Local Authority guidance and SNCT National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals and applicable LNCT agreements.
 - (b) the specific requirements relating to denominational appointments and parental involvement.
 - (c) the need to recruit and support a diverse workforce and to embed this responsibility firmly into recruitment processes.