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*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### SCHEDULE 3

#### APPOINTMENT AND DISMISSAL OF SCHOOL STAFF, ETC., DURING FINANCIAL DELEGATION

##### *Dismissal, etc.*

- 8 (1) Where the governing body of any school to which section 44 of this Act for the time being applies determine—
- (a) that any person employed to work at the school should cease to work there; or
  - (b) that the clerk to the governing body should be dismissed;
- they shall notify the local education authority concerned in writing of their determination and the reasons for it.
- (2) If in a case within sub-paragraph (1)(a) above—
- (a) the person concerned is employed to work solely at the school; and
  - (b) he does not resign;
- the authority shall, before the end of the period of fourteen days beginning with the date on which the notification under sub-paragraph (1) above is given in relation to him, either give him such notice terminating his contract of employment with the authority as is required under that contract or terminate that contract without notice if the circumstances are such that they are entitled to do so by reason of his conduct.
- (3) If in a case within sub-paragraph (1)(a) above the person concerned is not employed to work solely at the school the authority shall require him to cease to work at the school.
- (4) In any case within sub-paragraph (3) above no part of the costs incurred by the authority in respect of the emoluments of the person concerned, so far as relates to any period falling after the expiration of his contractual notice period, shall be met from the school's budget share.
- (5) In relation to any such person, the reference in sub-paragraph (4) above to his contractual notice period is a reference to the period of notice that would have been required under his contract of employment with the authority for termination of that contract if such notice had been given on the date on which the notification under sub-paragraph (1) above was given in relation to him.
- (6) In a case within sub-paragraph (1)(b) above the authority shall dismiss the clerk to the governing body on receipt of the notification from the governing body.
- (7) The governing body of such a school shall make arrangements for affording to any person in respect of whom they propose to make any determination under sub-paragraph (1) above an opportunity of making representations with respect to the action they propose to take, including (if he so wishes) oral representations to such

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person or persons as the governing body may appoint for the purpose, and shall have regard to any representations made by him.

- (8) The governing body of such a school shall also make arrangements for affording to any person in respect of whom they have made such a determination an opportunity of appealing against it before they notify the authority of the determination.
- (9) The head teacher (except where he is the person concerned) and the chief education officer of the authority shall be entitled to attend, for the purpose of giving advice, all proceedings of the governing body relating to any determination under sub-paragraph (1) above; and the governing body shall consider any advice given by a person entitled to attend such proceedings under this sub-paragraph before making any such determination.

**Modifications etc. (not altering text)**

C1 Sch. 3 para. 8 amended by S.I. 1989/1503, art. 25(3)

- 9 (1) Subject to sub-paragraph (2) below, a local education authority shall not dismiss a person employed by the authority to work solely at a school to which section 44 of this Act for the time being applies except as provided by paragraph 8 above.
- (2) Sub-paragraph (1) above shall not apply in any case where the dismissal of the person in question is required under any regulations made under section 27 of the 1980 Act.

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