

SCHEDULE

Regulation 9

Transitional dismissal and disciplinary procedures

1. In this Schedule “relevant period” means the period prescribed in section 108 of the Employment Rights Act 1996(1).

2.—(1) Pending the commencement of section 29(1) of the Employment Act 2002(2) the following will apply.

(2) Before the governing body determines that a member of staff should cease to work at the school or be dismissed, it must—

- (a) give that person an opportunity to make representations as to any action it proposes to take (including, if he so wishes, oral representations to such person or persons as the governing body may appoint for the purpose), and
- (b) have regard to any representations made by him.

(3) In the case of schools to which Part 2 of these Regulations applies and members of staff to whom regulation 26 applies, the governing body must make arrangements for giving any person, in respect of whom it has made a determination that they should cease to work at the school, an opportunity to appeal at a hearing before at least three governors and notify the authority of the outcome of the hearing within seven days.

(4) In the case of schools to which Part 3 of these Regulations applies, the governing body must make arrangements for giving any person it has decided to dismiss, an opportunity to appeal at a hearing before at least three governors.

(5) In the case of collaborating schools to which Part 4 of these Regulations applies—

- (a) the collaborating governing bodies must make arrangements for giving any person in respect of whom they have made a determination that they should cease to work at a relevant school, an opportunity to appeal at a hearing before at least three governors, and notify the authority of the outcome of the hearing within seven days, and
- (b) the collaborating governing bodies must make arrangements for giving any person who they have decided to dismiss from a relevant school an opportunity to appeal at a hearing before at least three governors.

(6) Nothing in paragraphs (2) to (5) applies to a person who—

- (a) is due to cease work at the school by reason of the termination of his contract of employment by effluxion of time (unless the member of staff has been employed for a period of four or more years),
- (b) has not been continuously employed at the school for the relevant period, or
- (c) has failed to meet any staff qualification requirements.

(1) 1996 c. 18.

(2) 2002 c. 22.