
WELSH STATUTORY INSTRUMENTS

2006 No. 873

The Staffing of Maintained Schools (Wales) Regulations 2006

PART 3

Provisions relating to foundation, voluntary aided and foundation special schools

Dismissal of staff

29.—(1) Before making a decision that a person employed to work at the school should have his or her contract of employment with the governing body terminated or should not have that contract renewed, the governing body must—

- (a) make arrangements for giving that person an opportunity of making representations as to the action it proposes to take (including, if he or she 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 or her.

(2) The governing body must also make arrangements for giving any person in respect of whom it has made such a decision an opportunity of appealing against the decision before it gives effect to it.

(3) Where its decision is that a person should have his or her contract of employment terminated, then, subject to any such appeal, the governing body must give effect to its decision by—

- (a) giving the person in question such notice terminating his or her contract of employment as is required under that contract; or
- (b) terminating that contract without notice if the circumstances are such that they are entitled to do so by reason of his or her conduct.

(4) Nothing in this regulation is to be read as referring to a person who—

- (a) is due to cease to work at the school by reason of the termination of his or her contract of employment by effluxion of time; and
- (b) has not been continuously employed at the school, within the meaning of the Employment Rights Act 1996, for a period at least as long as the period for the time being specified in section 108(1) of that Act.