

Guidance on Dismissal Procedure in Schools

Introduction

Legislation for all community and maintained schools states that the Governing Body and the Senior Leadership Team are responsible for the recruitment and dismissal of staff. However, in accordance with the School Staffing Regulations, the Local Authority (LA) is ultimately the employer for these education establishments and therefore any dismissal must be confirmed by the Local Authority before it is effective.

Any staff dismissal from Hackney community and maintained schools must be confirmed by the Director of Education at Hackney Learning Trust.

Scope

This guidance applies to all staff employed by community and maintained schools. Foundation, voluntary aided, foundation special schools and academies do not need to consult the Local Authority.

A dismissal relates to incapacity to work due to ill health, conduct and redundancy, and therefore relates to the following policies: -

- Disciplinary
- Managing Absence
- Capability
- Organisational Change

This does not apply to fixed term contracts as the dismissal date is determined at the beginning of the contract; appropriate notice must still be given in line with employment legislation.

Procedure

If a decision is taken to dismiss an employee, please ensure you follow the steps below:

1. Following a formal process, the Headteacher or Chair of the Panel will be required to notify the employee of its recommendation and reasons for dismissal in writing within 5 working days. The Human Resources team at Hackney Learning Trust can assist with this and provide a letter template. This letter must also be copied to the Head of Human Resources, Deputy Head of HR or your HR Business Partner at Hackney Learning Trust.
2. The Local Authority must take action to confirm the decision to dismiss within 10 working days of the date that the notification was issued by the Governing Body.

3. The Head of Human Resources, Deputy Head of HR or HR Business Partner will make arrangements to notify the Director of Education within 2 working days from receipt of the notification letter from the Governing Body.
4. The Director of Education at Hackney Learning Trust will prepare and send a letter to the employee confirming the decision made by the Governing body within 8 working days. Dismissal is effective at this point.

Further Information

If the member of staff being dismissed is under school teachers pay and conditions, it is vital that the school or nursery give consideration to teachers' termination dates and allow sufficient time for the above procedure.

If the school uses an alternative HR provider, please refer this guidance to them.

Further information and support is available from the HR team at Hackney Learning Trust.