

*These notes refer to the Employment Relations Act 1999
(c.26) which received Royal Assent on 27 July 1999*

EMPLOYMENT RELATIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Miscellaneous

Section 40: Dismissal of school staff

311. This section brings provisions of the School Standards and Framework Act 1998 into line with the recent reduction of the qualifying period for claiming unfair dismissal. On 1 June 1999, the [Unfair Dismissal and Statement of Reasons for Dismissal \(Variation of Qualifying Period\) Order 1999 \(SI 1999/1436\)](#) came into effect, and reduced from two years to one the length of continuous service an employee requires before being eligible to bring a claim of unfair dismissal.
312. Two provisions of the School Standards and Framework Act 1998 (paragraph 27(3) of Schedule 16 and paragraph 24(4) of Schedule 17) make exceptions to the provisions requiring schools to give staff facing dismissal the right to make representations and the right to appeal. These exceptions, based on the situation before 1 June 1999, are for staff who do not have two years' continuous employment. This section amends them to refer to whatever qualifying period is in force under the 1996 Act at the time, so no further changes to the 1998 Act will be needed if the qualifying period is changed again.