

Status: Point in time view as at 20/11/1998.

Changes to legislation: Education Act 1996, Cross Heading: Dismissal, etc. is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 14

STAFFING OF COUNTY, CONTROLLED AND SPECIAL AGREEMENT SCHOOLS WITH DELEGATED BUDGETS

Modifications etc. (not altering text)

C1 Sch. 14 extended (1.4.1999) by S.I. 1999/711, reg. 4

Dismissal, etc.

- 23 (1) Where the governing body 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 in writing of their determination and the reasons for it.
- (2) If in a case within sub-paragraph (1)(a) the person concerned is employed to work solely at the school (and he does not resign), the authority shall, before the end of the period of 14 days beginning with the date on which the notification under sub-paragraph (1) is given, either—
- (a) give him such notice terminating his contract of employment with the authority as is required under that contract, or
 - (b) 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) 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 a case within sub-paragraph (1)(b), the authority shall dismiss the clerk to the governing body on receipt of the notification from the governing body.
- 24 (1) Where paragraph 23(3) applies, no part of the costs incurred by the local education authority in respect of the emoluments of the person concerned, so far as they relate to any period falling after the expiration of his contractual notice period, shall be met from the school's budget share.
- (2) The reference in sub-paragraph (1) to the person's contractual notice period is 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 paragraph 23(1) was given.

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- 25 (1) The governing body shall—
- (a) make arrangements for giving any person in respect of whom they propose to make a determination under paragraph 23(1) an opportunity of making representations as to the action they propose 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.
- (2) The governing body shall also make arrangements for giving any person in respect of whom they have made a determination under paragraph 23(1) an opportunity of appealing against it before they notify the local education authority of the determination.
- 26 (1) The head teacher (except where he is the person concerned) and the chief education officer of the local education authority shall be entitled to attend, for the purpose of giving advice, all proceedings of the governing body relating to a determination under paragraph 23(1).
- (2) The governing body shall consider any advice given by a person who is entitled to attend such proceedings under this paragraph before making a determination under paragraph 23(1).
- 27 (1) The local education authority shall not dismiss a person employed by them to work solely at the school except as provided by paragraph 23.
- (2) Sub-paragraph (1) does not apply in a case where the dismissal of the person in question is required under regulations under section 218(6) of the ^{M1}Education Reform Act 1988 (regulations prohibiting or restricting employment or further employment of teachers etc. in cases of misconduct or on medical or educational grounds).

Marginal Citations

M1 1988 c. 40.

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