

**ELLESMERE PORT CATHOLIC HIGH SCHOOL      Appendix A**  
**DISMISSAL PROCEDURE**

**1      PURPOSE AND SCOPE**

- 1.1      This procedure may be applied to all school employees.
- 1.2      The purpose of the procedure is to ensure that employees are advised of the reason for the ending of their contract, have the opportunity to discuss this with their Headteacher/manager /Chair of Governors, and have the right of appeal if they consider they have been unfairly treated.
- 1.3      It will apply when employees are dismissed by the school/Council in circumstances where either other procedures (such as Discipline and Capability) do not apply or where the dismissal is not exempt under the Employment Act 2002 (e.g. constructive dismissal or where the dismissal is because continued employment would contravene a legal duty or requirement).

**2      TERMS/DEFINITIONS**

- Manager -                                      The Manager carries out Steps 1 and 2. S/he is –
- a) a senior member of the school’s staff; or
  - b) the Headteacher, where a senior member of staff is the subject of the Procedure or no senior member of staff is available; or
  - c) the Chair of Governors, where the Headteacher is the subject of the procedure.
- Appeal Group -                                      The Appeal Group carries out Step 3 and should be –
- a) the Headteacher, where Steps 1 and 2 were carried out by a senior member of the school’s staff; or
  - b) a committee or group of school governors, excluding the Chair of Governors and any member of the school staff, where Steps 1 and 2 were carried out by the Chair of Governors.
- Working day -                                      in the case of a teacher, a “working day” is one of the 195 days in the school year on which a teacher is required to be available for work. Where a process cannot be completed before a school closure, it will resume in the

following term, unless the parties agree otherwise. In the case of support staff, a “working day” is a day on which s/he is contracted to be available for work.

### **3 PROCEDURE**

#### **3.1 STEP 1**

The Manager will write to the employee detailing the circumstances that may result in their dismissal (e.g. end of a temporary contract). The Manager will invite the employee to a meeting to discuss this and advise them that they may be represented by their trade union or other representative of their choice at that meeting.

#### **3.2 STEP 2**

The meeting will provide the opportunity for an open discussion about the potential dismissal and the employee will be given the opportunity to state why they feel the dismissal may be unfair. The Manager will listen to the arguments and confirm any decision in writing, advising the employee of their right of appeal.

If they wish to appeal, the employee must write to the Manager informing them of their intention to appeal against the decision to dismiss within 10 working days of receipt of the formal notification of this decision.

#### **3.3 STEP 3**

The Appeal Group will arrange to hear the appeal within 20 working days of receipt of the notification from the employee that they wish to appeal.

The decision of the Appeal Group be final and will be communicated to the employee within 5 working days of the appeal hearing.

Termination of employment will not be delayed pending an appeal. However, if as a result of an appeal, or for any other reason, the dismissal is withdrawn, the reinstatement of the employee will be backdated to the point of the dismissal and continuity of service will be maintained.

### **4 TIMESCALES**

4.1 Timescales may exceptionally be extended by mutual agreement.

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