

WEAVERS' FEDERATION



Suspension and Dismissal Guidance



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1. Introduction

- 1.1 This guidance applies to schools where the Council is the legal employer. It is intended to support Headteachers and Governing Bodies and their HR Providers in understanding and fulfilling their responsibilities under these arrangements.
- 1.2 This document does not apply to Foundation Schools, Foundation Special Schools, Voluntary Aided Schools or Academies.
- 1.3 Where this document sets out that a School is required to give information to the Council the **only permitted** route to give such information is by email to the email address set out below.
- 1.4 Nothing in this document relieves the School of its duties to report concerns to the Council's LADO, the Disclosure and Barring Service or the Teachers Regulation Agency.
- 1.5 This document should be read alongside the school's own change management, disciplinary and capability procedures.

2. Suspension of any staff

Legal Background

- 2.1 Regulation 19 of the School Staffing (England) Regulations 2009 requires the School to immediately inform the Council if it has:
 - a) suspended any person
 - i) employed to work at the school or
 - ii) engaged otherwise than under a contract of employment to work at the school
 - b) ended the suspension.

2.2 Notifying the Council :

Schools must email notification of all suspension start and end dates to schoolshr@towerhamlets.gov.uk, regardless of any notification made to the LADO. The email must include the employee's name, job title, school, the allegations, and all relevant dates.

3. Recommending Dismissal or Selection for Redundancy

Legal Background

3.1 Regulation 14 of the School Staffing (England) Regulations 2009 says that a representative of the Council may attend and offer advice at all proceedings relating to the selection or dismissal of any teacher and that the School must consider any advice offered.

3.2 Dismissal

Dismissal includes

- a) Ending of probationary periods for members of support staff
- b) Dismissal on notice for redundancy, sickness absence or poor performance
- c) Dismissal for no longer having legal right to work in the UK
- d) Dismissal for being barred from working with children or as a teacher
- e) Dismissal on notice for misconduct
- f) Dismissal without notice for gross misconduct
- g) Expiry of fixed term contracts, if ending before agreed date

3.3 Notifying the Council

When the School invites an employee to a meeting which may result in that employee's dismissal or their selection for redundancy it must copy that invitation and the related documents to schoolshr@towerhamlets.gov.uk

3.4 Dismissal of any staff

Legal Background

3.5 Regulation 20 of the School Staffing (England) Regulations 2009 says that where the School determines that any person employed or engaged by the Council to work at the School should cease to work there, the School must notify the Council in writing of its determination and the reasons for it.

3.6 If the person concerned is employed or engaged to work solely at the School (and does not resign), the Council should within 14 days terminate the person's contract with the Council, giving such notice as is required under that contract; or terminate without notice because of gross misconduct.

3.7 If the person concerned is not employed or engaged by the Council to work solely at the School, the Council must require the person to cease to work at the School.

4.4 Risk to School

If the School does not comply with the requirement to notify the Council, the School will be liable for the person's salary until such time as the Council terminates the contract.

3.8 Dismissal

Dismissal includes:

- a) Ending of probationary periods for members of support staff
- b) Dismissal on notice for redundancy, sickness absence or poor performance
- c) Dismissal for no longer having legal right to work in the UK
- d) Dismissal for being barred from working with children or as a teacher
- e) Dismissal on notice for misconduct
- f) Dismissal without notice for gross misconduct.
- g) Expiry of fixed term contracts, if ending before agreed date

3.9 Notifying the Council

The School must send its **draft** outcome letter to schoolshr@towerhamlets.gov.uk and ensuring the outcome letter states clearly:

- a) the personal email address of the employee;
- b) the personal postal address of the employee;
- c) the School has determined that the employee should no longer work at the School;
- d) the reason why it has made that determination;
- e) the employee's job title;
- f) the contractual or statutory minimum notice to which the employee is entitled if being dismissed on notice.

4. Process

If a recommendation has been made to dismiss an employee, or if a potential dismissal situation is anticipated, please ensure that the following steps are followed:

- 4.1 Notify the Local Authority of the potential dismissal case by emailing schoolshr@towerhamlets.gov.uk with relevant case documents. A Local Authority representative may attend formal dismissal proceedings when the council is the employer. For detailed guidance, refer to the school's change management, disciplinary, and capability policies and procedures.
- 4.2 After the formal meeting, if the Governing Body/Headteacher recommends dismissal, an email must be sent to schoolshr@towerhamlets.gov.uk advising of the dismissal. This email should include the information in **3.9**.
- 4.3 The Local Authority will take action to confirm the decision to dismiss within **eight working days** of the date that the notification was issued by the Governing Body.
- 4.4 Council will forward the confirmation of dismissal to the school to send to the employee. The dismissal becomes effective at the point the Director of Education issues this confirmation.
- 4.5 The School must notify its payroll provider separately of the date the employment is to end.

4.6 Schools to whom this guidance applies who have not adopted the Council's model policies should update their equivalent.

4.7 If the employee appeals, the school should inform the Council of the outcome by emailing Schoolshr@towerhamlets.gov.uk.

4.8 Notify the Council if the potential dismissal case is relevant to a teacher, to make consideration for Teachers' Notice Period and Resignation dates.

5 Effective Date of Dismissal

The effective date of dismissal is the date specified in the Local Authority's dismissal notice, not the date of the governing body's decision. Schools must take this into account when planning timescales, payroll changes, and handover arrangements.

6 Further Information

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

School should refer this guidance to the relevant HR provider.

Quick glance at the dismissal process

