

DISMISSAL AND SUSPENSION PROCEDURE FOR FULL-TIME TEACHERS IN INSTITUTIONS OF FURTHER EDUCATION

DISMISSAL

1. On it appearing to the governing body of an institution of further education (whether following suspension as hereinafter referred to, or otherwise) that consideration should be given to the dismissal of a teacher, the matter should be remitted to a committee established by the governing body for that purpose. The committee shall consist of 4 members of the governing body and a chairman, who shall be the chairman of the governing body or a member of the governing body nominated by that chairman. In the event of a vote being taken on any matter the chairman of the committee shall be entitled to vote if he wishes to do so. A meeting of the committee shall be convened not less than 10 days after notice thereof has been given to the teacher, in writing, informing him that the question of his dismissal is to be considered. The notice shall specify in full any charge, complaint or adverse report affecting the teacher's conduct which is to be taken into account in that respect, and shall state that he has the right of a personal hearing at that meeting (hereinafter referred to as 'the initial hearing').
2. The teacher shall be entitled to appear, with the assistance of a teachers' union representative or a colleague if he so wishes, at the initial hearing to show cause why the committee should not recommend to the governing body that he should be dismissed.
3. The committee shall not include, as a member or otherwise, any person who was connected with the charge, complaint or adverse report affecting the teacher's conduct or capacity.
4. In the event of the governing body, having considered the findings of the initial hearing, determining that the teacher should cease to work at the college, the teacher shall have the right to appeal to an independent appeals committee as under paragraph 13 before the determination of the governing body is put into effect.
5. Such an appeal must be made in writing, setting out the grounds within 5 working days of being notified of the determination to the Chairman of the Governing Body who shall establish the appeals committee in accordance with paragraph 13. The teacher concerned shall have the right to appeal with a teachers' union representative or a colleague.
6. After considering the decision of the Appeal Committee the governing body shall then decide whether or not to uphold the determination that the teacher should cease to work at the college and shall notify him accordingly.

SUSPENSION

7. The governing body or the principal, in accordance with the approved Articles of Government for the institution of further education, may, in the event of an emergency or allegation of misconduct or for any other urgent cause, suspend a teacher from duty and, if desired, from attendance at the institution.

8. Where it is not possible to convene a meeting of the governing body within 2 working days, the chairman of the governing body may suspend the principal or vice-principal or, in the absence of the principal, any member of the teaching staff. A report of such action must be made to a meeting of the governing body within 5 working days of the suspension.

9. When a teacher is suspended by the principal under the above provision the question of whether he should be dismissed or reinstated or whether his suspension should continue shall be considered as a matter of urgency by a committee of the governing body. The teacher shall be entitled to be notified of the meeting and to attend as if it were an initial hearing.

10. In the event of the suspension continuing following consideration of the matter by a committee of the governing body, the teacher shall be entitled to appeal to the Chairman of the governing body as if the question of his dismissal were at issue.

PAYMENT

11. Whilst a teacher is suspended from duty he shall be entitled to payment of salary as if he were carrying out the basic duties of his grade.

CONFIDENTIALITY

12. The proceedings relating to any hearing, committee or enquiry concerning a teacher's suspension or dismissal shall not be made public without the agreement of the teacher and the governing body concerned.

APPEALS COMMITTEE

13.1 The Appeals Committee shall consist of an Independent Chairman appointed by the Labour Relations Agency and 2 panel members, one nominated by the Staff Side and one nominated by the Employers' side of the Directors' Negotiating Committee or the Lecturers' Negotiating Committee as appropriate. Neither member shall have had a direct interest or involvement in the case.

13.2 The Labour Relations Agency shall also appoint a Secretary to the Appeals Committee who shall be responsible for the setting up and operation of the Committee.

13.3 The Secretary, in conjunction with the Chairman, shall fix a date for the Committee's hearing of the appeal, shall advise the parties accordingly and shall invite nominations to the Committee.

13.4 The Secretary shall also invite the parties to make written submissions to the Committee, such submissions to be received not later than 10 days before the date of the hearing. The Secretary shall distribute copies of the submission to the Committee members and to the other party not later than 5 days before the date of the hearing.

13.5 The Committee shall meet the parties to hear the appeal within 20 working days of the matter being referred to the Labour Relations Agency. The Chairman of the Committee shall determine the order of the oral presentations to the Committee.

- 13.6 The work of the Appeals Committee shall not be invalidated by the absence of one or other of the parties.
- 13.7 The decision of the Appeals Committee shall be given in writing to both parties within 10 working days of the hearing.
- 13.8 The decision of the Appeals Committee shall be final.

Amended LNC 18 May 2000