



Teachers Managing Absence (F8) Toolkit
TMA07:
Appeals Process



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Capability Dismissal – Appeal Process

Introduction

Under the Teachers Managing Absence Policy (F8) there is no right of appeal until such times that a Teacher/Associated Professional is terminated on the grounds of capability/ill health. A Teacher/Associated Professional who is dismissed from their employment with the Council on the grounds of capability will have the right to appeal to the NLC Education Employee Appeals Sub Committee.

Where a Teacher/Associated Professional considers, the process has not been applied correctly, they can raise this under the Councils' Grievance Framework for Teachers.

There is a separate appeal process for Teachers/Associated Professionals that wish to appeal the decision not to grant them ill health retirement or only awarded Partial Incapacity Benefits. This appeal is made to the Scottish Public Pensions Agency under the Internal Dispute Resolution Procedure. Further information can be found in the Teachers Managing Absence (F8) Toolkit TMA 09 – Ill Health Retirement.

Section 1: Appeal to NLC Education Employee Appeals Sub Committee

- The Teacher/Associated Professional or their representative must submit the appeal in writing to Fiona Whittaker, Chief Officer (People Resources), Civic Centre, Windmillhill Street, Motherwell, ML1 1AB preferably by email at Whittakerf@northlan.gov.uk.
- The appeal should be sent within ten working days of receipt of the written notification of the decision to dismiss.
- The Teacher/Associated Professional, or their representative must state the grounds on which the appeal is based.
- The Chief Officer (People Resources) will then liaise with Committee services to make arrangements for the appeal to be heard and the Teacher/Associated Professional will be notified of the arrangements in writing.