



Federation of Bedenham and Holbrook Primary Schools, Gosport

Terms of Reference – Governors' Appeal Committee

Title	Appeal Committee
Membership/ Quorum	<p>3 named members of the governing body (to be drawn from the whole governing body and asked in turn). In exceptional circumstances and where the initial hearing was heard by either a headteacher or a committee of two governors, the appeal committee could proceed with two members. The appeal committee cannot include the Executive Headteacher or a member of the first committee who heard the matter and made a determination at first instance. The nominated governors will need to be able to confirm that they are not tainted in respect of the case under determination. Regulations prevent a school employee from being a member of a committee dealing with the pay or performance of another member of staff. Where an appeal is not connected to these things, a school employee could be a member. However, in setting up arrangements for convening committees governors will want to consider whether a member of staff would be seen as sufficiently impartial to act. If staff members are included in the “pool” they will need to be particularly careful, when approached by the clerk to serve on an appeal committee, to declare any conflict of interest and withdraw from the process if necessary.</p>
Delegated Power	<p>To hear representations concerning an employee’s appeal against the decision of the Executive Headteacher or governor committee and determine whether or not to uphold that appeal. The Committee will operate in accordance with the School Staffing (England) Regulations 2009 which apply to all maintained schools. The Committee may also impose a lesser sanction, provided that this is permissible within the terms of the contract, but may not increase the sanction imposed by the Executive Headteacher or Governors’ Discipline/Dismissal Committee.</p> <p>The appeal committee will also act as the Governors’ Grievance Committee hearing representations concerning an employee’s grievance where this has not been resolved earlier in the Grievance Procedure, and in respect of disputes regarding pay where an employee disputes a decision made by the school’s pay committee.</p> <p>When an appeal has been received, it may be necessary to convene a meeting of the committee prior to the appeal hearing. Such circumstances would include determining whether an appeal is out of time and/or determining whether the grounds of the appeal are sufficient to warrant progress to an appeal hearing.</p>
Purpose	<p>The purpose of the appeal hearing is for the appeal committee to hear the point(s) of appeal and determine whether the original decision and any sanction imposed should be upheld, reduced or overturned.</p> <p>The appeal may be in relation to warnings issued under any employment procedure, dismissal on any grounds, to make a determination in respect of an unresolved grievance or in respect of a pay dispute.</p>
Chair	<p>The committee members must appoint a member of the committee to chair proceedings. The chair must be a member of the governing body</p>



	and cannot be the Executive Headteacher or a member of staff employed to work at the school.
Meetings	As required, when an employee registers an appeal against a decision of the Executive Headteacher or governor committee under formal employment procedures.
Reporting	To report the decision to the next full meeting of the governing body following the committee decision. The report will normally be restricted to the outcome of the proceedings and will need to be confidentially minuted. It is excluded from the usual rules concerning publication of governing body proceedings as it refers to a named member of staff.
Rights of attendance	In maintained schools where the authority is the employer, the Local Authority has a right to attend in an advisory capacity meetings of the appeal committee where the appeal concerns an appeal against dismissal. In all other cases, the LA can attend where such advisory rights have been granted. Where advice is provided the Governors' Committee must consider this advice in reaching a decision. Education Personnel Services will perform this role through the Adviser, in Hampshire maintained schools.
Clerk/ minutes	<p>The governing body or chair of the committee should appoint a clerk to the appeal committee to attend hearings of this committee and take notes of the proceedings. The clerk cannot be a governor, the Executive Headteacher or a member of the committee.</p> <p>The clerk to the committee shall keep notes of the proceedings of the hearing. Once the notes have been agreed they will be signed by the chair of the committee at the earliest possible opportunity and retained on file in the usual way. The notes are confidential and excluded from the usual rules concerning publication of governing body proceedings as they relate to a named member of the school's staff. However, once all processes concerning the individual case have been concluded the notes may be accessed by other members of the governing body. For Hampshire maintained schools, a copy of these signed minutes must be provided to Education Personnel Services.</p>
Approved at FGB	12/9/16
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