



Terms of Reference – Governors' Staff Discipline and Dismissal Committee

Name of Committee	Governors' Staff Discipline and Dismissal Committee
Membership/ Quorum	<p>Normally 3 named members of the governing body (to be drawn from the whole governing body and asked in turn), and cannot include the Executive Headteacher. The nominated governors will need to be able to confirm that they are not tainted in respect of the case under determination.</p> <p>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. In exceptional circumstances, a meeting of the committee can proceed with only 2 named governors in attendance.</p>
Delegated Power	<p>To hear representations from an employee and determine whether or not that employee should cease to work at the school or a lesser sanction should be imposed. The Committee will operate in accordance with the School Staffing (England) Regulations 2009 and any subsequent amendments, which apply to all maintained schools. The Committee will hear representations in cases where it is inappropriate for the Executive Headteacher to make the determination or the Chair of Governors determines that the matter should be referred to the Committee. The Executive Headteacher has been given delegated powers to dismiss by the full governing body.</p>
Purpose	<p>To hear representations concerning the potential dismissal of an employee or the imposition of a lesser sanction and determine an appropriate outcome within their delegated powers.</p> <p>The committee may be meeting to consider sanctions or dismissal in relation to capability (health or performance), misconduct, redundancy, statutory prohibition or for some other substantial reason.</p>
Chair	<p>The members must appoint a member of the committee to chair proceedings. The chair must be a member of the governing body and cannot be the Executive Headteacher or a member of staff employed to work at the school.</p>
Meetings	<p>As required, when it is appropriate for the governors to consider that a member of staff should cease to work at the school or for a lesser sanction to be imposed.</p>
Reporting	<p>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 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.</p>
Rights of attendance	<p>In maintained schools, the Local Authority has a right to attend in an advisory capacity all hearings where the dismissal of a member of staff is to be contemplated. 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.</p>



The Federation of Bedenham & Holbrook Primary Schools

Clerk/ minutes	<p>The governing body or chair of the committee should appoint a clerk to take notes of the proceedings. The clerk cannot be a member of the governing body, or 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. These 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 the signed minutes must be provided to Education Personnel Services.</p>
Approved at FGB	<p>10/09/2018</p> <p>Documents which have been reviewed and discussed at FGB and require amendments may be approved by email after the meeting. On occasion, it may be necessary for governors to review and approve a document which covers a non-statutory responsibility by email between meeting. In this case, the comments will be recorded at the next FGB when the approval can be ratified</p>
Date of Next Review	<p>September 2018</p>