**Rainow Primary School**

***Caring, Learning, Achieving.***

TERMS OF REFERENCE FOR THE

STAFF DISCIPLINARY/DISMISSAL COMMITTEE

**Purpose**

## To consider disciplinary matters and dismissals where these functions have not been delegated to the headteacher under the Staffing Regulations, or in the case of discipline, where the Headteacher has had detailed prior involvement.

# Membership

The committee shall consist of at least three eligible Governors. Every Governor and Associate Member [other than the Headteacher, Staff Governor(s) and a pupil] is eligible for membership.

Anyone involved in the investigatory stage may not be involved in making decisions at any subsequent disciplinary hearing.

**The School Governance (Miscellaneous Amendments) (England) Regulations 2015** came into force on 1st September 2015 and made amendments to the School Staffing (England) Regulations 2009. The changes enable governing boards to include associate members on a committee set up to deal with staffing matters under the Staffing Regulations power of delegation. This does not include an associate member who is a pupil or member of staff at the school. Governing boards must ensure where they plan to use associate members on staffing panels that they are properly appointed to the committee and that this decision is recorded in their minutes. They will also need to decide what level of voting rights they will have to ensure that they have the required skills and training to fulfil the role they have been given.

Associate members can be counted towards the quorum required for the relevant staffing committee or panel. They can be included in any of the existing levels of delegation as an addition to, say, the Headteacher/and or one or more governors.

The Committee may have an advisor at all meetings. The advisor is not eligible to vote.

*If 2 or more neighbouring schools wish to create a joint “Disciplinary/Dismissal Committee”, to deal with matters relating to staff appointed to work across their schools or to provide impartiality in dealing with other cases, they may do so under the School Governance (Collaboration)(England) Regulations 2003. Such a joint committee does not exist in its own right, but acts under delegated powers from the collaborating governing bodies.*

## Quorum

Three.

## Meetings

The Staff Disciplinary/Dismissal Committee shall meet on an as required basis.

**Chair**

The committee shall agree a chair for each meeting.

**Clerking**

The clerk to the committee must be a person who is not a Governor of the school(s), an associate member or the Headteacher.

## Decisions

Any decisions shall be made by a simple majority.

## Procedures

1. All hearings shall be in private and minuted.
2. The employee(s) shall be given at least seven working days notice in writing of the hearing.
3. The employee(s) shall be entitled to attend the hearing, to be accompanied by a friend or representative if he/she wishes, to call witnesses in his/her defence where appropriate and to question any witness bringing evidence against him/her.
4. All relevant papers must be circulated, by all parties, to all parties, in advance of the hearing.
5. The Committee shall consider its decision in private except for the presence of the Clerk and the Committee’s advisor. Private deliberations shall not be minuted.
6. Where possible the decision of the committee shall be communicated verbally at the end of the hearing. In any case the decision shall be confirmed in writing to the employee within 5 working days of the hearing.
7. The employee shall have the right of appeal against any decision of the Disciplinary/Dismissal Committee.