

# **Yatton Federated Schools Staff Disciplinary/Dismissal Appeals Panel (Panel B)**

## **Terms of Reference 2016**

### **Purpose**

To consider any appeals against decisions by the Headteacher/Staff Disciplinary/Dismissal Committee.

### **Membership**

The Panel shall consist of three eligible governors, selected from the pool of governors by the Clerk after consultation with the Chair of Governors, or, if the Chair of Governors has a direct interest in the matter to be determined, the Vice Chair of Governors

Every governor (other than the Headteacher and staff governor(s)) is eligible for membership. Associate Members are also eligible for membership of this committee (maintained schools only).

No governor may therefore sit on the panel if they have had a prior involvement in the matter to be determined or in the circumstances surrounding it. Any personal relationship with individuals involved would also be a bar to a governor sitting on a panel/committee.

Governors must declare any personal or pecuniary interests

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

### **Quorum**

The quorum shall be three.

### **Meetings**

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

### **Chair**

The Chair of the panel/committee will be appointed by the governing body or the panel (providing the governing body delegates the responsibility)

### **Clerking**

All meetings must be clerked. 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**

The employee(s) may appeal in writing to the Chair of Governors within five working days of receiving the original written decision. All hearings shall be in private and minuted. The employee(s) shall be given at least seven working days' notice in writing of the appeal hearing. The employee(s) shall be entitled to attend the appeal hearing, to be accompanied by a work colleague 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. All relevant papers must be circulated, by all parties, to all parties, in advance of the appeal

hearing. The Committee shall consider its decision in private except for the presence of the clerk and the appeal committee's advisor. Private deliberations shall not be minuted. Where possible the decision of the appeals committee shall be communicated verbally at the end of the appeal hearing. In any case the decision shall be confirmed in writing to the employee within 5 working days of the hearing. The Appeal Committee's decision will be final, notwithstanding the employee's right in law.

### **Delegated Functions**

- To elect a chair from one of their number
- To hear redundancy appeals
- To make decisions on redundancy appeals
- To make decision in relation to warnings issued under any employment procedure, dismissal on any grounds, or in respect of a unresolved grievance or a pay dispute.
- To hear appeals against decisions by the Headteacher in relation to staff discipline and dismissal. The Appeals Committee may:
  - Accept the appeal and remove the penalty imposed
  - Accept the appeal and impose a lesser penalty
  - Reject the appeal and confirm the penalty imposed
  - or, exceptionally, increase the penalty

**These Terms of Reference were accepted and approved by the Board of Governors**