

Staff Hearings and Appeals Sub-Committee – Committee A Terms of Reference

Purpose

To hear investigations and decide whether disciplinary action is warranted and if so, the level of sanction appropriate

Membership

The Staff Hearings and Appeals (A) Committee shall consist of at least three eligible Directors. Every Director (other than the Chair & Vice-Chair) is eligible for membership.

Anyone with prior involvement in the matter may not be involved in making decisions at any appeal hearing.

The Committee may have an HR advisor at all meetings. The advisor is not eligible to vote. In the instance of a case involving any disciplinary sanction in relation to the Headteacher/ Head of School or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Education Department may send a representative to advise the Committee.

Quorum

Three

Meetings

The Staff Hearings and Staff Appeals (A) Committee shall meet as required basis.

Chair

The Staff Hearings and Appeals (A) Committee shall agree a chair for each meeting.

Clerking

The clerk to the Staff Hearings and Appeals (A) Committee will be the Clerk to the Board of Directors. Minutes will be kept for reference on the confidential Minutes file and a copy kept on the member of staff HR file.

Decisions

Any decisions shall be made by a simple majority.

Procedure

The Staff Hearings and Appeals (A) Committee will take place at least 5 working days after an investigation report has been sent to an employee.

The hearing shall be held in private and minuted.

The employee(s) shall be entitled to attend the hearing, to be accompanied and represented by a Companion 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, in advance of the appeal hearing.

The Staff Hearing & Appeals (A) Committee shall consider its decision in private except for the presence of the Clerk and HR advisor and where relevant Diocesan Advisor. Private deliberations shall not be minuted. The Committee shall decide whether disciplinary action is warranted and if so, the level of sanction appropriate. In doing so the Committee will explicitly receive and consider HR advice and where applicable Diocesan advice.

The decision of the Committee will be communicated to both parties by the Chair. The decision of the panel will be confirmed in writing to both parties by the Clerk within 5 working day.

Staff Hearings and Appeals Sub-Committee – Committee B Terms of Reference

Purpose

To consider any appeals against decisions by the Disciplinary Manager/Committee A

Membership

The Staff Hearings and Appeals Committee B shall consist of at least three eligible Directors. Every Director (other than the Chair & Vice-Chair) is eligible for membership.

Anyone with prior involvement in the matter may not be involved in making decisions at any appeal hearing.

The Staff Hearings and Appeals Committee may have an HR advisor at all meetings. The advisor is not eligible to vote. In the instance of a case involving any disciplinary sanction in relation to the Headteacher/ Head of School or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Education Department may send a representative to advise the Committee.

Quorum

Three

Meetings

The Staff Hearings and Appeals (B) Committee shall meet as required basis.

Chair

The Staff Hearings and Appeals (B) Committee shall agree a chair for each meeting.

Clerking

The clerk to the Staff Hearings and Appeals Committee will be the Clerk to the Board of Directors. Minutes will be kept for reference on the confidential Minutes file and a copy kept on the member of staff HR file.

Decisions

Any decisions shall be made by a simple majority.

Procedure

The employee(s) may appeal in writing via the Clerk to the Chair of the Board of Directors within ten working days of the Disciplinary Decision Letter having been sent.

The appeal letter must set out the grounds of the appeal in detail and will allow the Clerk to decide with HR advise whether the appeal is to be by way of a rehearing of the case or a review of the disciplinary sanction.

The Staff Hearings and Appeals Committee B will be convened within 20 working days of the appeal letter having been received by the clerk.

The appeal hearings shall be held in private and minuted.

The employee(s) shall be given at least five working days notice in writing of the appeal hearing.

The employee(s) shall be entitled to attend the appeal hearing, to be accompanied and represented by a Companion 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, in advance of the appeal hearing.

The Staff Hearings and Appeals Committee shall consider its decision in private except for the presence of the Clerk and the Appeals Committee's HR advisor. Private deliberations shall not be minuted.

The Staff Hearings and Appeals Committee may:

- uphold the employees appeal and overturn the sanction imposed;
- uphold the decision of the Disciplinary Manager/Committee A
- accept the appeal and impose a lesser penalty and confirm the sanction imposed or,
- exceptionally recommend that the Disciplinary Manager consider increasing the recommended sanction.

Where possible the decision of the Staff Hearing and Appeals Committee B 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 appeal hearing.