

CEFN SAESON COMPREHENSIVE SCHOOL

STAFF DISCIPLINARY AND DISMISSAL COMMITTEE¹

Purpose of the committee

The committee is established to deal with staff disciplinary and dismissal matters, in accordance with the school's relevant procedures.

Membership

Not less than three members of the governing body. Non-governors may be appointed but they do not have a vote, except:

Where there are allegations of child protection, the membership of the committee must be as follows:

- *two governors; and*
- *one non-governor member with voting rights who is not:*
 - *a governor at the school; or*
 - *a parent of a current or former pupil at the school; or*
 - *a current or former member of staff at the school; or*
 - *a person currently employed at the Local Authority that maintains the school.*

The full governing body will be required to meet to appoint the non-governor member where there are allegations of child protection.

Disqualifications

The Headteacher.

Associate pupil governors.

Staff and teaching governors should not sit on this Committee in order they are not compromised

Restrictions on persons taking part in proceedings

- It is recommended that the chair of the governing body is not a member of this committee due to the likelihood of prior knowledge.
- Any member of the committee who may be tainted or has a direct interest or involvement in the case in question.
- Teacher and staff governors and any other member of staff who may be a governor.²

Election of chair

Appointed by the Governing Body.

Members of staff and registered pupils at the school cannot be a chair of a committee.³

Clerk

This committee is required in law to have a clerk. The person clerking may be the same person that is the clerk to the governing body or it may be a different person. Given the confidential nature of the issues being considered by this committee, it is preferable that a member of the school staff is not the clerk for this committee⁴. The clerk should also record the discussion and decision of the chair of governors and headteacher or chair of governors and another governor when they receive an investigation report.

¹ Circular No 002-2013. Guidance for schools and local authorities on implementing effective staff disciplinary and dismissal procedures. Welsh Government

² Regulation 63 and Schedule 7 of The Government of Maintained Schools (Wales) Regulations 2005

³ Regulation 54(5) of The Government of Maintained Schools (Wales) Regulations 2005

⁴ Appointment of clerk - Regulation 42 of The Government of Maintained Schools (Wales) Regulations 2005

Quorum

The quorum for this committee shall be at least three governors or two governors plus an independent non-governor for child protection allegations.⁵

Delegated Powers

Full delegated powers for decisions are granted to this committee by the governing body on 9th September 2021

Meetings

The committee shall meet as required.

Minutes of all meetings will be taken and retained by the clerk or the person acting as clerk. Any records or minutes relating to disciplinary procedures should be carefully safeguarded and kept confidential.

The decisions of the committee will be brought to the full governing body for information when the appeal process has been carried out (if appropriate).

Terms of Reference

- To review the staff disciplinary and dismissal policy to ensure it is relevant and complies with statutory requirements and guidance from the Welsh Government in Circular 002/2013, and negotiate with local school staff union members on any proposed changes before recommending it to the governing body;
- To consider and make decisions about matters relating to the following, in accordance with the school’s procedure for Redundancy;
- To consider and make decisions about matters relating to the following, in accordance with the school’s procedure for behaviour that is considered to be gross misconduct that could result in dismissal. This could include a referral at Stage 3 of the capability procedure;
- To ensure the membership of the committee is properly constituted and impartial and that members have no direct interest in the case being considered;
- To consider all the evidence presented including the investigation report and any evidence from witnesses and reach balanced decisions based on evidence;
- The chair of the committee is responsible for setting the arrangements and order of business for the day of the hearing;
- To seek professional advice from the Local Authority, Diocesan Authority or others, as necessary;
- The outcome from the committee hearing may be:
 - the allegation is unproven and no action is taken; or
 - the misconduct constitutes lesser misconduct and an appropriate sanction is given; or
 - the misconduct constitutes gross misconduct and an appropriate sanction is given which may be dismissal;
- To attend relevant training as appropriate.

Date reviewed and adopted: 12th September 2023

Date of next review: September 2024

Signature of chair of governors:

⁵ Regulation 55(9) of The Government of Maintained Schools (Wales) Regulations 2005 and Regulation 8(3) of The Staffing of Maintained Schools (Wales) Regulations 2006