**COMMITTEE FRAMEWORK DOCUMENT**

**HIGH ERCALL PRIMARY SCHOOL**

**FIRST COMMITTEE**

1. **Terms of Reference**

The committee's responsibilities in relation to the First Committee are set out in schedule 5, 7, 8.

2. **Membership**

The membership of the committee will be:

*Ex officio – Vice Chair*

*2 Governors*

When the committee deals with its responsibilities the membership of the committee can be extended to include the headteacher as an additional ex officio member/other named governors.

3. **Appointment**

Except for any ex officio members, members will be appointed annually at the autumn term meeting of the governing body.

Should a vacancy arise, a successor will be appointed by the governing body at its next meeting and members so appointed will serve until the next annual review.

Unless the governing body has decided otherwise, the committee will elect its own chair (and vice-chair if appropriate) annually.

The governing body will appoint the clerk to the committee who cannot be the headteacher.

4. **Reserves**

The committee, when necessary, can call upon any governor, who is not otherwise ineligible, to fill any gaps in the normal membership.

5. **Quorum**

The quorum for any meeting of the committee shall be three.

6. **Meetings**

The committee will meet as and when necessary to fulfil its responsibilities.

Meetings of the committee will be convened by the clerk to the committee and seven days notice will be given with an explanation of the purpose of the meeting. The chair of the committee may agree shorter notice as necessary on occasions.

7. **Proceedings**

The committee shall be conducted in accordance with the School Governance (Procedures) (England) Regulations 2003 and with any other regulations, amendments or directions as may be issued from time to time.

Minutes shall be kept of each meeting which shall be presented to the next meeting of the committee for approval and signature by the chair of the committee. These minutes shall be kept in the committee's minute book. A copy of the minutes will be submitted to the next meeting of the governing body.

8. **Review**

The Core Committee will meet annually to review its: establishment, constitution, membership and terms of reference. It will report its recommendations to the autumn termmeeting of the governing body to assist the governing body in carrying out its statutorily required annual review of committees.

**SCHEDULE 5**

## **TERMS OF REFERENCE - FIRST DECISION**

## **(STAFF DISMISSAL, DISCIPLINARY, EMPLOYMENT ISSUES AND APPEALS AGAINST DISCIPLINARY OR OTHER ACTION TAKEN BY THE HEADTEACHER SHORT OF DISMISSAL RESPONSIBILITIES)**

To make the initial determination that a person employed to work at the school should have their contract of employment with the governing body terminated or should not have that contract renewed (except where dismissal is pursuant to a direction of the LA).

Note: The above responsibility will be undertaken by the committee in the following situations:

* where the headteacher does not have delegated responsibility to make the initial determination in cases of dismissal\*
* where the headteacher does have delegated responsibility to make the initial determination in cases of dismissal but is unable to exercise that responsibility
* where the headteacher is him/herself the subject of the initial determination in the case of dismissal**.**

1. Under the disciplinary or, any other relevant procedure, to consider recommendations for dismissal made by the headteacher.

2. Under the employment protection scheme, to consider the dismissal of staff on the grounds of redundancy.

3. To determine dismissals on ill health grounds in accordance with the school’s adopted guidelines

4. Under the headteacher disciplinary or other relevant procedure to consider the dismissal of the headteacher.

1. Either, under the disciplinary, or, any other relevant procedures, to hear staff

appeals against decisions in cases falling short of dismissal.

1. Under the headteacher disciplinary, or, any other relevant procedure, to decide upon disciplinary action against the headteacher.
2. To hear representations in relation to a decision made under (2) (3) (4) (5) or (7) above.

9. To fulfil the appropriate role under the school’s grievance procedures.

10. To fulfil the appropriate role under the school's harassment procedures.

11. To hear staff appeals against leave of absence decisions made by the

headteacher and/or the personnel (general) responsibilities committee.

1. To deal with any other matters where a ‘first decision’ is required.

### Footnote:

* \*Regulations expect governing bodies to have delegated responsibility to headteachers to undertake the day to day management and discipline of staff including the making of initial dismissal decisions. Only in the very limited circumstances should the governing body retain responsibility for disciplining and dismissing staff.
* It is recommended that the membership of this committee is kept to three, as any appeal committee must have at least the same number of members as the committee whose decision is the subject of appeal.
* It is recommended that the committee should be chaired by the vice-chair of the governing body so that the chair of the governing body can be reserved for any ultimate staff dismissal appeals stage.
* It is recommended that staff governors are not appointed to this committee.
* Members of the appeals committee cannot be members of the ‘first decision’ committee.
* It is recommended, in the Committee Document, that rather than naming reserves the provision should be included to call upon any governor who is not otherwise ineligible.

**SCHEDULE 7**

## **TERMS OF REFERENCE - PUPIL DISCIPLINE**

1. To consider in cases of fixed period exclusions of 5 days or fewer in any one term (including in aggregation) any representations made by the parent. The committee cannot direct reinstatement

Note: The governing body has discretion to agree to a meeting to discuss the exclusion if the parent so requests. As the committee is likely to have to call a meeting to consider any representations LA advice is that in those cases where the parent has requested such s/he be invited to attend the meeting. There is no statutory time-limit for such meetings but the committee should consider responding promptly to such parental requests.

1. To review any exclusion that would result in the pupil concerned missing a public examination.

Note: If the review meeting cannot be held before the date of the examination the chair of the governing body (not the chair of the committee) can use his/her urgency powers to consider the exclusion and decide whether or not to reinstate, or to use the discretion to allow the excluded pupil onto the school premises for the sole purpose of taking the public examination. Parents have the right make oral representations to the committee/chair of governors as the case may be.

1. Where a parent requests a meeting in an individual case of fixed period exclusion of more than 5 but not more than 15 school days in one term (including in aggregation) to review the exclusion imposed by the headteacher. Any such meeting must be convened between the 6th and 50th school day after receiving the notice of exclusion*.*
2. To review cases of permanent exclusion, or, of fixed period exclusions of more than 15 days in any one term (including in aggregation), at a meeting convened between the 6th and 15th school day after the date of receiving the exclusion notice. In carrying out a review the committee cannot increase the severity of an exclusion but can uphold an exclusion; or direct reinstatement either immediately or by a particular date.

Notes:In relation to review meetings convened under 5 or 6 above: -

* the parent, headteacher and LA officer must be invited to the meeting convened at a time and place convenient to all parties. Should the time limits, exceptionally, not be met the duty to review remains and decisions are not invalidated even if made out of the statutory time limits.
* Written statements (including witness statements) should be asked for and circulated, at least 5 days in advance of the review meeting, together with a list of all those to be present at the meeting to all parties.
* A lunchtime exclusion is deemed to be a fixed period exclusion equivalent to half a school day.

1. To prepare the committee’s submission should the parents (or pupil if 18 or over) appeal to an independent appeals panel against a decision not to direct reinstatement and to make any necessary arrangements for the committee’s attendance/ representation at the independent appeals panel hearing.
2. To recommend to the governing body appropriate arrangements to enable it to fulfil its duty to provide suitable full-time education to pupils excluded for a fixed term from the prescribed day.

Footnote:

* It is advised that the committee membership is kept to three governors and that staff governors are not appointed.
* The headteacher cannot be a member of the committee when it considers individual cases of pupil exclusion. This is because the decisions being considered by the committee will always be those made by the headteacher, who will, when required, need to present his/her side of the case to the committee. However the headteacher can act as adviser to the committee when general issues of pupil discipline, behaviour policy and the monitoring of exclusions are discussed*.*
* It is recommended that the Committee Framework Document under reserves should use the provision to call upon any governor who is not otherwise ineligible rather than naming reserves
* In relation to consideration of parental representations about fixed term exclusions the committee’s decision is final. There is no further level of appeal.
* In individual cases of permanent exclusion, if parents are dissatisfied with the committee’s decision a further right of appeal exists to an independent appeals panel set up by the Local Authority.

**SCHEDULE 8**

**TERMS OF REFERENCE - COMPLAINTS**

1. On behalf of the governing body to consider any formal complaints which the headteacher and chair of governors have been unable to resolve under the school’s complaints procedure because:

* they have not been able to be resolved by the school's staff up to and including the headteacher, or
* the complainant is dissatisfied with the outcome of the school staff’s (including the headteacher's) consideration,
* the complaint is about the headteacher and the complainant cannot or does not wish to raise it directly with the headteacher.

2. In relation to a formal written complaint to acknowledge it, investigate the complaint and send a suitable response to the complainant.

3. To monitor annually the formal complaints received and to recommend to the governing body any changes to the school’s policies, practices or procedures.

4. To review annually the school’s complaints procedure and the relevant prospectus entry, and recommend to the governing body any changes considered necessary.

Footnote:

* It is recommended that the committee dealing with complaints responsibilities is kept small. The minimum three governors is suggested*.*
* If complaints responsibilities are given to a committee with more than three members it is suggested that a sub-committee of three members be established from the main committee membership to deal with complaints. The governing body will need to establish this sub-committee.
* It is recommended that the headteacher, and staff (teacher or non-teacher) governors should not be members of the committee.
* It may not be appropriate to have the chair of governors on the complaints committee given the chair is often involved in the earlier stages of the complaints procedure.