

## Special Committee

### Terms of Reference – 2023-24

#### 1. Purpose

<b>Scope</b>	<ul style="list-style-type: none"> <li>• The Board shall establish a Special Committee to receive an initial Investigating Officer’s Report and advise the Corporation on whether there is a case to answer, related to the following: <ul style="list-style-type: none"> <li>○ Disciplinary matters related to Senior Post Holders.</li> <li>○ Appeals from staff and students.</li> </ul> </li> <li>• The Board shall establish a Special Committee to consider disciplinary matters related to Senior Post Holders and appeals from staff and students, with a view to report to the Board as appropriate.</li> </ul>
--------------	--

#### 2. Committee Composition

<b>Core Membership</b>	<ul style="list-style-type: none"> <li>• The Special Committee will consist of three Independent Members of the Board who shall be elected by the Board, having regard to Governor availability for the duration of any one particular appeal.</li> <li>• Governors appointed to consider disciplinary matters must not be the same Governors who have received the Investigating Officer’s initial report.</li> </ul>
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>• Co-opted Members may <u>not</u> be appointed to this committee.</li> <li>• The Chair, Principal, Staff and Student Members of the Board are not eligible for membership of the Special Committee.</li> <li>• Where possible, unless it is reasonably impracticable to avoid, no person may sit on the committee who has been involved in any way in any action relating to the case to be considered leading up to the reference to the committee.</li> </ul>
<b>Committee Chair</b>	<ul style="list-style-type: none"> <li>• The Special Committee will elect one of its members to be its Chair.</li> </ul>
<b>Lead Officer</b>	<ul style="list-style-type: none"> <li>• Director of People</li> </ul>
<b>Other Attendees</b>	<ul style="list-style-type: none"> <li>• Investigating Officer</li> <li>• Director of Governance, who will also act as Clerk to the Committee.</li> <li>• A member of People Services will Clerk the Committee if the matter pertains to the Director of Governance (Senior Post Holder).</li> </ul>

#### 3. Meetings & Quoracy

<b>Frequency</b>	<ul style="list-style-type: none"> <li>• The Special Committee will meet as and when required.</li> </ul>
<b>Quorum</b>	<ul style="list-style-type: none"> <li>• <b>All three members present.</b></li> </ul>
<b>Minutes &amp; Recommendations</b>	<ul style="list-style-type: none"> <li>• Meeting minutes (excluding confidential items) will be circulated to all members of the Board, via the Governor’s portal (Diligent Boards).</li> <li>• Any recommendations for approval will be tabled for ESCG Board consideration at its earliest convenience.</li> </ul>

#### 4. Authority

<b>Remit</b>	<ul style="list-style-type: none"> <li>• The Special Committee is authorised by the Board to investigate any activity within its terms of reference.</li> <li>• It is authorised to seek any relevant information it requires from any member of staff of the Board or any relevant third parties, and all members of staff are directed to co-operate with any reasonable request made by the Committee.</li> <li>• The Chair of the Special Committee will have overall responsibility in respect of any decisions made following the disciplinary meeting.</li> <li>• The Special Committee must adhere to the scope, purpose and the general principles specified within the Senior Post Holder Disciplinary Procedure.</li> </ul>
<b>Specialist Advice</b>	<ul style="list-style-type: none"> <li>• The Special Committee is authorised and required to obtain legal or other independent professional advice and to secure the attendance of those with relevant experience at any meeting of the Committee.</li> </ul>

#### 5. Responsibilities

<b>Scope</b>	<ul style="list-style-type: none"> <li>• To receive the Investigating Officer's Report into disciplinary matters related to Senior Post Holders and appeals from staff and students.</li> <li>• The Special Committee will also consider appeals from Senior Post Holders related to matters of grievance, suspension or dismissal.</li> <li>• Action taken by the Special Committee will be in accordance with the ESCG Disciplinary procedures for Senior Post Holders.</li> <li>• If, upon completion of an investigation, there are reasonable grounds to believe that a Senior Post Holder has committed an act of misconduct, or that they are not meeting acceptable performance standards, the Special Committee will invite the Senior Post Holder to attend a disciplinary meeting.</li> <li>• Action taken by the Special Committee will be in accordance with ESCG Disciplinary Procedures for Senior Post Holders.</li> </ul>
<b>Reporting Arrangements</b>	<ul style="list-style-type: none"> <li>• Where the Director of Governance is also a member of staff at the institution, the Director of Governance is to be treated as a senior post-holder.</li> <li>• Where appropriate, the Board shall appoint an appropriate person to fulfil the tasks of the Director of Governance.</li> </ul>

#### 6. Related Policies

- ESCG Disciplinary Procedure for Senior Post Holders
- Grievance Procedure for Senior Post Holders

#### 7. Review & Approval

- *Committee Review & Recommendation for Approval* *30<sup>th</sup> October 2023*
- *ESCG Board Approval* *14<sup>th</sup> December 2023*