

Committee Terms of Reference

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Made by the Corporation 17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE AUDIT COMMITTEE (AC) TERMS OF REFERENCE (TOR)

1. Introduction - The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government as approved by the Corporation;
 - b. Post 16 Audit Code of Practice (Published 02.03.17)(Updated 29.03.18);
and
 - c. Corporation Policies.

Amendment of these TORs remains with the Corporation. The Corporation has to establish an AC, details of their delegated powers (paras 2&3) do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

2. The authority and responsibilities of the Committee. The Committee:
 - a. may investigate any activity within its terms of reference;
 - b. has the right of access to obtain all the information and explanations as necessary, from whatever source, (associated expense of >£1000 requires Corporation approval);
 - c. must pay due awareness for independence when considering the appointment of members;
 - d. should include individuals with an appropriate mix of skills and experience to facilitate effective completion of the associated duties and responsibilities. Collectively, members of the committee, (either full or up to two lay) should have recent, relevant experience in risk management, finance and audit and assurance; and
 - e. must not adopt an executive role.
3. To meet these specific issues the Committee is to:
 - a. assess and provide the Corporation with an opinion on the:
 - (i) adequacy and effectiveness of the college's audit arrangements;
 - (ii) governance framework;
 - (iii) risk management and control, in particular arrangements for the review of its responsibility and assurance provision for the Risk Management (RM) processes, including the
 - Risk Register;
 - Assurance Matrix;
 - RM Framework;

- (iv) processes for the effective and efficient use of resources;
 - (v) solvency of the institution and the safeguarding of its assets;
- b. advise the Corporation on the appointment, reappointment, dismissal and remuneration of the financial statements and regularity auditors and other assurance providers, including internal auditors (IAS) and establish that all such assurance providers adhere to relevant professional standards;
- c. ensure effective coordination between the IAS, the funding auditor and the financial statements auditor;
- d. consider and advise the Corporation on:
 - (i) the audit strategy for the financial statements auditor and the regularity auditor; and
 - (ii) the audit strategy and annual internal audit plans for the IAS;
- e. inform the Corporation of any additional services provided by the financial statements, regularity and other audit and assurance providers and explain how independence and objectivity were safeguarded;
- f. advise the Corporation on internal audit assignment reports and annual reports and on control issues included in the management letters of the financial statements auditor (including regularity work) and the funding auditor and management's responses to these;
- g. monitor, within agreed timescales, the implementation of recommendations arising from the management letters and reports of the financial statements and regularity auditor, and of any reports submitted by other providers of audit and assurance services to the college;
- h. consider and advise the Corporation on relevant reports by the National Audit Office (NAO) and the funding agencies, and, where appropriate, management's response to these;
- i. establish, in conjunction with college management, relevant annual performance measures and indicators, and to monitor the effectiveness of the IAS and financial statements auditor through these measures and indicators and to decide, based on this review, whether a competition for price and quality of the audit service is appropriate;
- j. oversee the college's policies on fraud and irregularity and whistleblowing, and ensure the proper, proportionate and independent investigation of all allegations and instances of fraud and irregularity; that investigation outcomes are reported to the Audit Committee; that the external auditors (and IAS where appointed) have been informed, and

that appropriate follow-up action has been planned/actioned, and that all significant cases of fraud or suspected fraud or irregularity are reported to the chief executive of the appropriate funding body;

(Significant fraud is usually where one or more of the following factors are involved;

- (i) there is likely to be great public interest because of the nature of the fraud or the people involved;*
- (ii) the sums of money are in excess of £10,000 or specifically, and only, in relation to the 16-19 Bursary Fund a lower limit of £5,000 applies here; or*
- (iii) the particulars of the fraud are novel or complex)*

k. produce an annual report for the Corporation. The annual report must summarise the committee's activities relating to the financial year under review; including any significant issues arising up to the date of preparation of the report, and any significant matters of internal control included in the management letters and reports from auditors or other assurance providers. It must include the committee's view of its own effectiveness and how it has fulfilled its terms of reference. The report must include the audit committee's opinion on:

- (i) the adequacy and effectiveness of the college's audit arrangements;
- (ii) its framework of governance, risk management and control;
- (iii) its processes for securing economy, efficiency and effectiveness; and
- (iv) its opinion on the adequacy of arrangements for Assurance, Solvency and the Safeguarding of Assets.

The annual report must be submitted to the Corporation before the Statement of Corporate Governance and Internal Control in the accounts is signed. A copy of the Audit Committee's annual report must to be submitted to the relevant funding body with the annual accounts:

and

l. (if appropriate) recommend the Statement of Corporate Governance and Internal Control to the Corporation for approval.

4. Relationship with the Corporation The Corporation expects that the Audit Committee will complete and/or advise on audit-associated matters as detailed in the Audit Codes of Practice and other relevant documents. The role of the Audit Committee is to advise the Corporation on the adequacy and effectiveness of the College's systems of internal control and its arrangements for risk management, control and governance.

5. Relationship with the Principal (Accounting Officer) It remains the Principal's responsibility to ensure daily operational control framework, however the internal and external auditors, together with the Audit Committee, contribute by provision of advice and assurance.

6. Meetings

a. Auditors - Committee meetings shall, if requested by any involved party, be preceded by a private session between the Internal and External Auditors and external members.

b. Frequency - The Committee shall meet as required but normally not less than once a term unless the Chair in consultation with the Clerk agrees that there is insufficient business.

c. Special Meetings - The Clerk, when instructed only by the Chair, or in his absence, by the Vice or acting Chair, shall call Special meetings of the Committee. At such meetings the agenda shall normally be limited to consideration of a single or related item. Standing items shall not be included in the agenda.

7. Chair, Membership and Quorum

a. Chair - The Chair of the Audit Committee shall be elected from the membership. If the Chair is absent from a committee meeting, then the meeting shall nominate a Chair for that meeting.

b. Membership - The Committee shall comprise:

(i) at least four Corporation Members nominated by the Corporation and confirmed every year at the first meeting of the academic year.

(ii) up to two lay members recommended and approved by the Corporation for a period not exceeding three years.

In attendance:

(iii) the VPFR (or his representative); and

(iv) the Clerk to the Corporation.

By open invitation:

(v) the Principal; and

(vi) representatives of the appointed Internal and External Auditors and nominated by the firms concerned.

The following shall be excluded from Membership:

(vii) Corporation members with interests in the College;

(viii) senior postholders;

- (ix) elected staff or student members;
 - (x) the Chair of the Corporation; and
 - (xi) members of the Finance and Resources Committee.
- c. The Committee shall be quorate with two members (of whom one must be a Corporation member).
8. Agendas for Meetings - The agenda shall be agreed between the VPFR, the Committee Chair and the Clerk.

A Sunley
Chair
17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE CURRICULUM, QUALITY AND STANDARDS (CQS) COMMITTEE TOR

1. Introduction - The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government as approved by the Corporation; and
 - b. Corporation Policies.

Amendment of these TORs remains with the Corporation. The Corporation has chosen to establish a CQS Committee to review, monitor and advise on curriculum-related matters and safeguarding of young people and adults at risk enrolled at the College, detail of their delegated powers (Para 6) do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

2. The Authority and Responsibilities of the Committee.
The Committee:
 - a. may investigate any activity within its terms of reference; and
 - b. seek information from any College employee (all of whom are directed to co-operate with such enquiry.

3. Meetings
 - a. Frequency - The Committee shall meet as required but normally not less than four times in each academic year unless the Chair in consultation with the Clerk agrees that there is insufficient business.
 - b. Special Meetings - The Clerk when instructed only by the Chair, or in his absence, by the Vice or acting Chair, shall call Special meetings of the Committee. At such meetings the agenda shall normally be limited to consideration of single or related items. Standing items shall not be included in the agenda.
 - c. Access - The nature of business conducted by the Committee can be sensitive and confidential. Applications to attend meetings are to be submitted to the Chair of the Committee to be received at least 14 days in advance of the planned meeting date. The application must explain the reason for the request; only in exceptional cases will permission be given.

4. Chair, Membership and Quorum
 - a. Chair and Vice Chair - The Chair and Vice-Chair (if required) of the CQS Committee shall be elected from the membership at the first meeting of each academic year. If the Chair, or Vice-Chair, is absent from a Committee meeting, then the meeting shall nominate a Chair for that meeting.

- b. Membership -The Committee shall comprise:
- (i) the Corporation Chair (or designate);
 - (ii) the Principal (or designate);
 - (iii) the elected student members (ex-officio);
 - (iv) up to five Corporation Members nominated by the Corporation and confirmed every year at the first meeting of the academic year. Members are eligible for re-election; and
 - (v) up to two lay members recommended and approved by the Corporation, for no longer than one three-year term.

In attendance:

- (vi) the Clerk to the Corporation;
- (vii) the VPFR (if reqd);
- (viii) the DPCQ; and
- (ix) the APPS (if reqd).

- c. Quorum - The Committee shall be quorate with three members providing that two are full Corporation members.

5. Agendas for Meetings - The agenda shall be agreed between the Principal, the Committee Chair and the Clerk.

6. Delegation of Authority - The Corporation has delegated the CQS Committee to (Recommendations of the Nolan Committee, are to be strictly applied):

- a. advise on the range, adequacy and sufficiency of the curriculum offer;
- b. advise on the quality of education and services provided within the College Directorates and any other collaborative partners;
- c. review and (if appropriate) recommend the annual Quality Improvement Plan (QIP);
- d. consider, advise and appraise whole College performance including but not limited to:
 - (i) retention and withdrawal rates;
 - (ii) examination results;

- (iii) achievement;
 - (iv) sector averages and performance indicator data; and
 - (v) student progression and destinations.
- e. receive and evaluate stakeholder opinion on provision of courses and services;
 - f. consider and recommend academic performance targets;
 - g. review and advise on self-assessment arrangements and to (if appropriate) recommend the College Self-Assessment Report;
 - h. review and advise on inspection reports and advise and oversee associated action plans;
 - i. receive and advise on College Performance Reviews (CPR);
 - j. monitor equality of opportunity and inclusivity;
 - k. receive and (if appropriate) recommend the Annual Safeguarding and Prevent Report;
 - l. receive student experience information and review analyses of student surveys; and
 - m. to conduct any other business as may be delegated by the Corporation from time to time.

A Sunley
Chair
17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE FINANCE AND RESOURCES COMMITTEE (FRC) TOR

1. Introduction - The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government as approved by the Corporation;
 - b. Post 16 Audit Code of Practice (Published 02.03.17)(Updated 29.03.18); and
 - c. Corporation Policies.

Amendment of these TORs remains with the Corporation. The Corporation has chosen to establish a FRC to review, monitor and advise on the College financial health, control and the use of resources. Full detail of their delegated powers is at para 6; these do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

2. The authority and responsibilities of the Committee.
The Committee:
 - a. may investigate any activity within its terms of reference;
 - b. seek information from any College employee, (all of whom are directed to co-operate with such enquiry; and
 - c. has the right of access to obtain all the information and explanations as necessary, from whatever source, (associated expense of >£1000 requires Corporation approval).
3. Meetings
 - a. Frequency - The Committee shall meet as required but normally not less than once each term unless the Chair in consultation with the Clerk agrees that there is insufficient business.
 - b. Special Meetings - The Clerk when instructed only by the Chair, or in his absence, by the Vice or acting Chair, shall call Special meetings of the Committee. At such meetings the agenda shall normally be limited to consideration of single or related items. Standing items shall not be included in the agenda.
 - c. Access - The nature of business conducted by the Committee can be sensitive and confidential. Applications to attend meetings are to be submitted to the Chair of the Committee to be received at least 14 days in advance of the planned meeting date. The application must explain the reason for the request; only in exceptional cases will permission be given.

4. Chair, Membership and Quorum
 - a. Chair and Vice Chair- The FRC Chair and Vice-Chair (if required) shall be elected from the Committee membership at the first meeting of each academic year. If the Chair, or Vice-Chair, is absent from a Committee meeting then the meeting shall nominate a Chair for that meeting.
 - b. Membership - The Committee shall comprise:
 - (i) at least four Corporation Members, (excluding members of the AC) nominated by the Corporation and confirmed every year at the first meeting of the academic year. Members are eligible for re-election;
 - (ii) the Principal;
 - (iii) up to two lay members recommended and approved by the Corporation, for no longer than one four-year term; but
 - (iv) members of the Audit Committee are excluded from membership.

In attendance:

- (v) the Clerk to the Corporation;
 - (vi) the VPFR;
 - (vii) the DPCQ; and
 - (viii) the APPS
- c. Quorum - The Committee shall be quorate with three members providing that two are full Corporation members.
5. Agendas for Meetings - The Agenda shall be agreed between the Principal, the Committee Chair and the Clerk.
 6. Delegation of Authority - The Corporation has delegated the FRC to (Recommendations of the Nolan Committee, are to be strictly applied):
 - a. Financial Management and Financial Statements:
 - (i) review and monitor and (if appropriate) recommend the annual budget and financial plan as required by Funding Agencies;
 - (ii) consider and (if appropriate) recommend the tuition and other fees policies;

- (iii) consider and review the financial performance including consideration and recommendation (at each Committee meeting) of the management accounts;
 - (iv) consider and (if appropriate) recommend the Annual Financial Statement (AFS) Accounts with reference to the External Audit Management Letter;
 - (v) consider and (if appropriate) recommend the Annual Student Union Accounts;
 - (vi) consider, scrutinise and (if appropriate) recommend major projects as detailed in the Financial Regulations;
 - (vii) monitor and report on implementation of major projects; and
 - (viii) monitor student recruitment and consequent financial impact.
- b. Financial Regulations, Banking and Treasury Arrangements and Legal Advice:
- (i) scrutinise and (if appropriate) recommend the Financial Recommendations;
 - (ii) scrutinise and oversee the banking arrangements including borrowing associated matters;
 - (iii) monitor the legal issues of operations and obtain appropriate legal advice when necessary; and
 - (iv) ensure collaborative arrangements comply with the Financial Memorandum.
- c. Property Strategy, Estates, Health and Safety (HAS) and Sustainability:
- (i) ensure the appropriateness of the Property Strategy;
 - (ii) ensure the establishment and implementation of effective strategies for use, repair, maintenance, upkeep and improvement of the estate;
 - (iii) scrutinise and ensure effective HAS compliance; and
 - (iv) monitor and review of an effective sustainability posture.
- d. Human Resources (HR):
- (i) monitor and review staffing costs each year;
 - (ii) evaluate impact of and (if appropriate) recommend any staff pay award;

- (iii) monitor and review the HR Strategy;
 - (iv) monitor and review the Organisational Development Strategy;
and
 - (v) scrutinise and approve HR Policies.
- e. Recruitment:
- (i) monitor, review and (if appropriate) recommend the Marketing Strategy; and
 - (ii) scrutinise, monitor and review the employee/employer engagement and the Business Development Strategies.
- f. Quality Resourcing Solutions Limited (QRS Ltd): review and (if appropriate) recommend the annual accounts for acceptance by the Directors.
- g. Trio Training Ltd: review and (if appropriate) recommend the annual accounts for acceptance by the NCS Directors on the Board.
- h. Information and Communications Technology (ICT): scrutinise, monitor, review and (if appropriate) recommend the ICT Strategy.
- i. Task and Finish Groups (TFG): establish as necessary TFG involving a wide range of members.

A Sunley
Chair
17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE REMUNERATION COMMITTEE TOR

1. Introduction. The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government Order as approved by the Corporation;
 - b. Post 16 Audit Code of Practice (Published 02.03.17)(Updated 29.03.18); and
 - c. Corporation Policies.

Amendment of these TORs remains with the Corporation. The Corporation has chosen to establish a RC to review, monitor and advise on specific issues, full detail of their delegated powers is at para 7; these do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

2. The authority and responsibilities of the Committee
The Committee shall advise on:
 - a. Senior Post Holders' (SPH) (inc the Clerk) remuneration and terms and conditions of service;
 - b. which posts should be designated as SPH; and
 - c. advise on recruitment of SPH.

Additionally, the Committee is authorised to:

- d. seek information from any College employee, (all of whom are directed to co-operate with such enquiry); and
- e. obtain all the information and explanations as necessary, from whatever source, (associated expense of >£2000 requires Corporation approval).

This detail and further of their delegated powers (para 7) do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

3. General Access to Meetings - The nature of business conducted by the Committee is sensitive and confidential. Written applications to attend meetings are to be submitted to the Chair of the Committee to be received at least 14 days in advance of the planned meeting date. The application must explain the reason for the request; only in exceptional cases will permission be given.
4. Meetings
 - a. Frequency. The Committee shall meet as required but normally not less than four times per year unless the Chair in consultation

with the Clerk agrees that there is insufficient business. Meetings generally will occur:

- (i) June/July (Objectives for successive year);
- (ii) Oct/Nov (current year performance);
- (iii) Jan (salaries); and
- (iv) March (mid-year review).

- c. Special Meetings - The Clerk, when instructed only by the Chair, or in his absence, by the Vice or acting Chair, shall call Special meetings of the Committee. At such meetings the Agenda shall normally be limited to consideration of single or related items. Standing items shall not be included in the agenda.

5. Chair, Membership and Quorum

- a. Chair and Vice Chair - The Chair of the RC shall be the Corporation Chair, a Vice-Chair if required shall be nominated and elected at the first meeting in the academic year.
- b. Membership - The Committee shall comprise three non-elected Corporation Members, nominated by the Corporation and confirmed every year at the first meeting of the academic year and the Corporation Chair. Members are eligible for re-election.

In attendance:

The Clerk to the Corporation (excepting when matters re his post are considered.)

- c. Quorum - The Committee shall be quorate with three members, providing that the Corporation Chair is present.

6. Agendas for Meetings - The agenda shall be agreed between the Principal, the Committee Chair and the Clerk.

7. Delegation of Authority - The Corporation has delegated the Remuneration Committee to (Recommendations of the Nolan Committee, are to be strictly applied):

- a. advise on SPH (and the Clerk) remuneration packages, specifically:
 - (i) salary;
 - (ii) benefits in kind;
 - (iii) annual bonus/performance related elements;
 - (iv) pension related matters; and

- (v) terms and conditions for SPH service agreement, particularly the notice arrangements.

these issues to be evaluated annually against:

- (vi) pre-established performance goals and objectives; and
- (vii) an appropriate peer group.

These issues shall be considered against the performance target goals and objectives established before commencement of the relevant period and determine whether such goals and objectives have been achieved at the end of the relevant period in a timely fashion. All elements in sub-paras (i) to (vii) shall be annually reviewed.

- b. advise on compensation, (including pension benefits augmentation) payable after an early termination of employment of a SPH to avoid:
 - (i) rewarding of poor performance; and
 - (ii) fair treatment if early termination is not resultant from poor performance; and
- c. report on progress of probationary SPH and determination of a permanent offer.

A Sunley
Chair
17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE SEARCH AND GOVERNANCE COMMITTEE (SGC) TOR

1. Introduction - The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government as approved by the Corporation; and
 - b. Corporation Policies.

Amendment of these TORs remains with the Corporation. The Corporation has chosen to establish a SGC and full detail of their delegated powers is at para 7; these do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

2. Authority - The Corporation has chosen to establish a Search and Governance Committee to;
 - a. make recommendations for appointments including as Corporation members and co-opted;
 - b. advise on appointments to subsidiary company Boards;
 - c. monitor the performance and effectiveness of governance processes; and
 - d. advise on improving those processes.

Additionally, the Committee is authorised to obtain all the information and explanations as necessary, from whatever source, (associated expense of >£1000 requires Corporation approval). This detail and further of their delegated powers (Para 7) do not remove the ultimate responsibility of the Corporation for decisions taken on its behalf.

3. General Access to Meetings - The nature of business conducted by the Committee is sensitive and confidential. Written applications to attend meetings are to be submitted to the Chair of the Committee to be received at least 14 days in advance of the planned meeting date. The application must explain the reason for the request; only in exceptional cases will permission be given.
4. Meetings
 - a. Frequency - The Committee shall meet as required but normally not less than once each term unless the Chair in consultation with the Clerk agrees that there is insufficient business.
 - b. Special Meetings - The Clerk when instructed only by the Chair, or in his absence, by the Vice or acting Chair, shall call Special meetings of the Committee. At such meetings the agenda shall normally be limited to consideration of single or related items. Standing items shall not be included in the agenda.

5. Chair, Membership and Quorum
- a. Chair and Vice Chair - The Chair and the Vice-Chair (if necessary) shall be appointed by the Corporation; notwithstanding, should the appointed Chair be absent or matters relating to remuneration arise then the Corporation Chair shall assume the Chair.
- b. Membership - The Committee shall comprise at least four Corporation Members as follows:
- (i) the Chair of the Corporation;
 - (ii) the Vice-Chairs of the Corporation;
 - (iii) the elected AC Chair;
 - (iv) the elected CQS Chair;
 - (v) the elected FRC Chair;
 - (vi) the Principal; and
 - (vii) up to two lay members for no longer than one four-year term.
- In attendance:
- (viii) the Clerk to the Corporation; and
 - (ix) any other person to provide specialist advice or guidance from time to time.
- c. Quorum - The Committee shall be quorate with three members.
6. Agendas for Meetings - The Agenda shall be agreed between the Principal, the Committee Chair and the Clerk.
7. Delegation of Authority - The Corporation has delegated the Search and Governance Committee to (Recommendations of the Nolan Committee, are to be strictly applied):
- a. Search:
- (i) determine the nomination and selection process for full and co-opted Corporation members;
 - (ii) advise on appointment and re-appointment of external members, the latter will include evaluation of contribution;
 - (iii) advise on committee membership;
 - (iv) advise on appointment to subsidiary company Boards; and
 - (v) review regularly;

- corporate skills, knowledge and experience balance;
 - members' attendance including relevant college events;
 - governance induction and developmental processes; and
 - maintenance of the Register of Members Interests.
- b. Governance:
- (i) advise on governance generally, including any matters referred by the Corporation; and
 - (ii) advise on the annual governance self-assessment process and monitor progress against any associated action plan(s).

A Sunley
Chair
17 October 2018

NEW COLLEGE STAMFORD CORPORATION

THE SPECIAL COMMITTEE (SC) TOR

1. Introduction - The authority for these TORs is contained in the:
 - a. Instruments and Articles of Government as approved by the Corporation;and
 - b. Corporation Policies

Amendment of these TORs remains with the Corporation. The Corporation has chosen as a contingency to establish processes for a SC should formation become necessary.

2. The authority and responsibilities of the Committee
The Committee shall examine the case for dismissal of a Senior Post Holder (or Clerk); and additionally, the Committee is authorised to obtain all the information and explanations as necessary, from whatever source, (associated expense of >£1000 requires Corporation approval). This detail and further of their delegated powers are at para 7 and at Annex A.
3. General Access to Meetings - The nature of business conducted by the Committee is sensitive and confidential and attendance is strictly limited to those called directly by the SC.
4. Frequency - The Committee shall meet within 10 days of a Corporation reference.
5. Chair, Membership and Quorum
 - a. Chair and Vice Chair - The Chair shall be appointed by the Committee at the initial meeting after establishment.
 - b. Membership - The Committee shall comprise:
 - (i) five Corporation members from the non-elected element;

excluding

 - (ii) the Chair, Vice-Chairs and the Principal; and
 - (iii) any member who has any interest in the Committee findings or who has been involved in any way in an investigation or other disciplinary action leading up to the reference of the particular matter referred to the SC, unless it is reasonably impracticable to avoid.

In attendance:

- (iv) the Clerk to the Corporation (unless the Clerk is the subject, in which case an interim clerk shall be appointed to the role and references in these TORs to the Clerk shall refer to that post); and

- (v) any other person to provide specialist advice or guidance from time to time as specifically requested from by the SC.
- c. Quorum - The Committee shall be quorate with five members.
- 6. Agendas for Meetings - The agenda shall be agreed between the Committee Chair and the Clerk.
- 7. Delegation of Authority - When examining the case for dismissal, the Committee shall consider whether the dismissal would be fair and reasonable in the circumstances, influencing considerations may include (but not necessarily limited to) the following:
 - a. any relevant documents and representations;
 - b. the terms and conditions of the senior post holder's employment;
 - c. applicable disciplinary procedures;
 - d. relevant ACAS guidance; and
 - e. relevant legislation including unfair dismissal legislation, equality legislation and the Human Rights Act 1998;

After hearing or reading and considering any such representations, to prepare a written report for consideration by the Corporation, a copy of which will be sent to the person to whom it relates. Such a written report shall be prepared within two calendar months of the mandate on which the SC was convened. Where it is impracticable for the Committee to prepare its report during that period, it will, during that period, prepare an interim report, a copy of which will be sent to the person to whom it relates and which will contain a timetable for the preparation of the full report.

In appropriate circumstances, and always subject to the requirements of the Financial Memorandum or successor document, to negotiate and determine terms of settlement on dismissal of a SPH and to report the outcome of such negotiations to the Corporation and to ensure that the terms of settlement are reported to the College's external auditors

- 8. Procedure for Hearings. The procedure for the Hearing is at Annex A to these TORs.

A Sunley
Chair
17 October 2018

Procedure for Conducting as Special Committee (SC) Hearing

Preliminary

1. The Senior Post Holder (SPH) whose dismissal is to be considered and determined by the SC will be entitled to receive from the SC a written statement of the alleged conduct, characteristics or other circumstances which led to the SPH being considered for dismissal and the SPH will be given a reasonable opportunity to respond to it.
2. When sending the statement at Paragraph 9.1 above, the SC will invite the SPH to attend a meeting with that Committee and no action, except suspension, shall be taken against the SPH until that meeting has taken place.
3. The College representative(s), including but not limited to the Chair and/or Vice Chair and/or Principal, will attend to provide evidence in support of the case.
4. At the Committee's discretion, an external legal representative may be present at the hearing to advise the Committee.
5. At least five working days' notice of the hearing will be given to the SPH and the SC by the Clerk.
6. The Committee will receive a written report from Corporation Chair or a Vice Chair or the Principal, as appropriate, setting out the facts of the case and the grounds for the proposed dismissal. The report will also be made available at least five working days before the hearing to the SPH who will have the opportunity to submit a written statement or other documentation in reply at least two working days before the hearing.
7. The SPH will be informed of their right to be accompanied by a colleague or Trade Union Representative who may present the case on their behalf. The name of the SPH's colleague or Trade Union Representative will be given to the Clerk at least two working days before the hearing.
8. At the hearing, the Committee will first ensure the nature of the referral, the Committee's role and the procedure to be followed, are understood by all persons attending.
9. The purpose of the hearing held by the Committee is to examine the facts, to consider the grounds for dismissal and to take such action as it considers appropriate which may include dismissal. The Committee will communicate its decision to the SPH concerned within five working days

of the hearing and notify the SPH of their right to appeal against the Committee's decision.

The Hearing

10. All College representatives and the SPH will have the opportunity to be heard, produce evidence in support of their cases and question, through the Chair of the Committee, each other's statements and evidence.
11. The evidence of the College representative(s) will be heard first and the SPH will then have the opportunity to respond.
12. The members of the Committee will be able to put questions to the SPH and College representative(s), their representatives and any witnesses called.
13. If the Committee is of the opinion that more evidence should be provided, the hearing may be adjourned for a period of up to five working days.
14. When all the evidence has been heard, both parties shall have the opportunity to summarise their respective cases, starting with the College representative and followed by the SPH, after which both will be required to withdraw from the meeting.
15. The Committee will have full discretion to admit or exclude evidence as it sees fit without following the legal rules for the admissibility of evidence and to vary, as it considers necessary, the procedure to be followed for the hearing.
16. When the hearing has concluded, the Committee will deliberate their findings in private and prepare a written decision.

Appeal

17. The Senior Post Holder has the right to appeal to the Corporation against the decision of the SC and must do so in writing within ten working days of receipt of that decision.
18. Where an appeal is made the Senior Post Holder must be invited to a meeting of the Corporation within ten working days at which the Senior Post Holder may make representations, including oral representations and for the purpose of making oral representations the Senior Post Holder may be accompanied by a colleague or trade union representative.

Reporting Procedures

19. Reports to the full Corporation must include reference to the number of Committee members present at the previous meeting and will usually take the form of minutes and supporting papers.