

At the Court at Buckingham Palace

THE 10th DAY OF JUNE 1987

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

WHEREAS there was this day read at the Board a Report of a Committee of the Lords of Her Majesty's Most Honourable Privy Council, dated the 1st day of June 1987, in the words following viz:-

"YOUR MAJESTY having been pleased, by Your Order of the 28th day of July 1980, to refer unto this Committee the humble Petition of Her Majesty Queen Elizabeth The Queen Mother, the Lord Annan and Committee of Management of the University of London Institute of Education, praying for the grant of a Charter of Incorporation constituting a University College by the name and style of 'Institute of Education, University of London':

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that a Charter may be granted by Your Majesty in terms of the Draft hereunto annexed."

HER MAJESTY, having taken into consideration the said Report and the Draft Charter accompanying it, was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, and it is hereby ordered, that the Right Honourable Douglas Hurd, one of Her Majesty's Principal Secretaries of State, do cause a Warrant to be prepared for Her Majesty's Royal Signature for passing under the Great Seal a Charter in conformity with the said Draft which is hereunto annexed.

G. I. de Deney

The text that follows incorporates

- 1 Modifications to the Statutes, made by the University Commissioners, approved by Statutory Instrument; Order No. 1045 on 31 March 1993, in respect of a new Statute 17 and consequential amendments to other Statutes.
- 2 An amendment to the Charter approved by the Queen in Council and amendments to the Statutes approved by the Privy Council on 12 February 1997.
- 3 An amendment to the Charter approved by the Queen in Council and amendments to the Statutes approved by the Privy Council on 5 August 2005.
- 4 Amendments to the Charter approved by the Queen in Council on 9 May 2006 and amendments to the Statutes approved by the Privy Council on 5 April 2006.
- 5 Amendments to the Charter approved by the Queen in Council and amendments to the Statutes approved by the Privy Council on 14 December 2006.

ELIZABETH THE SECOND

by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS an humble Petition has been presented unto Us by Our most dearly beloved Mother Queen Elizabeth, The Queen Mother, formerly Chancellor of our University of London, Our right trusty and well beloved Noel Gilroy, Lord Annan, Officer of Our Most Excellent Order of the British Empire, formerly Vice-Chancellor of Our University of London and by the Committee of Management of Our University of London Institute of Education, praying that We should constitute and found a University College within Our County of Greater London for the advancement of knowledge, the diffusion and extension of arts, sciences and learning especially as related to the study of Education, the provision of liberal, professional and scientific education and to grant a Charter with such provisions in that behalf as shall seem to Us right and suitable:

AND WHEREAS We have taken the said Petition into Our Royal Consideration and are minded to accede thereto:

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal and of Our especial grace, certain knowledge and mere notion have willed and ordained and by these Presents do, for Us, Our Heirs and Successors, will and ordain as follows:

1. There shall be and there is hereby constituted and founded within Our said County a University College by the name and style of "Institute of Education, University of London," hereinafter referred to as "the Institute."
2. The members of the Council, the members of the academic staff and of the non-academic staff as defined in the Statutes, the students of the Institute and all such other persons as may pursuant to this Our Charter and the Statutes of the Institute become members of the Institute are hereby constituted and from henceforth for ever shall be one body politic and corporate, with perpetual succession and a Common Seal, by the name and style of "Institute of Education, University of London."
3. The objects of the Institute shall be to promote for the public benefit learning and research in all branches of knowledge, especially in Education and related fields, to make available to the public the results of such research and to provide instruction and to organise postgraduate courses of study in Education and related fields and to award degrees, diplomas, certificates and other academic awards in the name of the Institute of Education, University of London.
4. The Institute, subject to this Our Charter and the Statutes and to the Statutes and Regulations of Our University of London (hereinafter referred to as "the University") shall in furtherance of the foregoing objects but not otherwise have the following powers:
  - (1) To provide instruction in such branches of learning as may be determined by the Institute and to prepare students for degrees,

diplomas, certificates and other academic awards and distinctions of the University, and degrees, diplomas, certificates and other academic awards and distinctions of the Institute, including any degrees, diplomas, certificates or other academic awards or distinctions in conjunction with another academic institution or institutions.

- (2) To make provision for research and for the advancement and dissemination of knowledge.
- (3) To prescribe the conditions under which persons shall be admitted to the Institute and to any particular course of study therein.
- (4) To draw up and to provide schemes of study, instruction and examination and to conduct examinations.
- (5) To award degrees, diplomas and certificates and to make other academic awards to persons who shall have pursued a course of study approved by the Institute and shall have passed the examinations or other tests prescribed by the Institute, including any degrees, diplomas, certificates or other academic awards or distinctions in conjunction with another academic institution or institutions.
- (6) To revoke any degree, diploma, certificate or other academic award if at any time it shall be discovered and proved to the satisfaction of the Institute that there was any irregularity in the events or circumstances leading to the grant of that degree, diploma, certificate or other academic award.
- (7) To establish and to abolish academic, administrative and other posts, and to make and to terminate appointments to them and to remunerate them.
- (8) To institute and award fellowships, scholarships, studentship, associateships, exhibitions, bursaries, prizes, and other aids to study and research.
- (9) To confer the status or title of Visiting Professor or other similar status or title.
- (10) To make provision for the good order necessary for the proper functioning of the Institute
- (11) Subject to the approval of the University, to admit, affiliate or incorporate in the Institute any other charitable institution whose purposes are not repugnant to the provisions of this Our Charter.
- (12) To co-operate with, and to make forms of association with, any other Institution or organisation whose purposes are not repugnant to this Our Charter.
- (13) To establish, maintain and govern residential and catering accommodation for members of the Institute and for others.
- (14) To provide for the printing and publication of research and other works which may be issued by the Institute.

- (15) To determine, demand and receive fees, subscriptions and deposits.
  - (16) To acquire, own, maintain, manage and dispose of property.
  - (17) To allow the use of Institute premises by other persons or bodies for educational purposes on such terms as may be thought fit and for other purposes on payment of proper consideration.
  - (18) To give guarantees on behalf of staff and other persons employed by the Institute for payment of any sums of money on the performance of any contract or obligations by any company, body, society (including a building society) or person, whether in pursuance of continuing arrangements or not.
  - (19) To solicit, receive and administer grants, subscriptions, donations, endowments, legacies, gifts and loans of any property whatsoever real or personal, and to act as trustees for or in relation to any such endowments, legacies and gifts.
  - (20) To enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever and in the same manner as an individual may manage his own affairs.
  - (21) To take over from the University the property and liabilities hitherto entrusted to, vested in or incurred by the University by or in connection with the performance by the University of its functions in relation to the Institute.
  - (22) To obtain through Our College of Arms a grant of Armorial bearing which shall be duly recorded in Our said College.
  - (23) To do all such other lawful acts, including the promotion of a Bill in Parliament, whether incidental to the powers aforesaid or not, as shall further the objects of the Institute.
5.
    - (1) There shall be a Council of the Institute (hereinafter referred to as "the Council") which shall be the governing body of the Institute and shall have general control over the conduct of its affairs.
    - (2) The Council shall be responsible for the management and administration of the finances and property of the Institute and shall have the control and use of the Common Seal.
    - (3) The Council shall have all such powers and duties as may be conferred upon it by the Statutes.
  6. There shall be a Senate of the Institute (hereinafter referred to as "the Senate") which shall be the formal academic authority of the Institute, responsible, subject to the powers of the Council as provided in this Our Charter and the Statutes and to the Statutes and Regulations of the University, for the academic work of the Institute, both in teaching, examining and research and for the regulation and superintendence of the educational activities and good order of the Institute.

7. There shall be an Academic Board of the Institute (hereinafter referred to as "the Academic Board").
8. There shall be a President of the Institute who shall be ex-officio a member of the Council, and shall perform such functions as shall be determined by the Council.
9. There shall be a Director of the Institute who shall be the principal academic and administrative officer of the Institute and ex-officio Chairman of the Senate.
10. The first Director shall be the person named in the First Schedule to this Our Charter.
11. Insofar as it shall further the educational purposes of the Institute, there shall be a Students' Union of the Institute for the benefit of the students of the Institute.
12. The constitution of the Students' Union, its powers and functions and all other matters which it may be thought proper to regulate, shall, subject to the provisions of this Our Charter, be as prescribed in the Ordinances, provided that Ordinances so prescribing may be made only after consultation with the Students' Union and that the Students' Union may propose such Ordinances to be made by the Council.
13. Subject to the provisions of this Our Charter, Statutes may prescribe or regulate as the case may be:-
  - (1) The status, appointment and continuance in office of the President, the Director and other members of the staff of the Institute;
  - (2) The constitution, powers, functions and duties of the Council and the Senate and the Academic Board, the election, appointment and continuance in office of the Chairmen and other members of those bodies, the filling of vacancies among the members of those bodies and other matters relative to those bodies;
  - (3) All such other matters as the Council may deem fit with respect to or for the governance of the Institute, its members and constituent parts or otherwise for the promotion of the objects of this Our Charter.
14. The Statutes set out in the Second Schedule to this Our Charter shall be the first Statutes of the Institute and shall remain in force until they have been amended, added to or repealed in the manner hereinafter prescribed.
15. The Council may by Special Resolution make Statutes for the Institute which may amend, add to or repeal the Statutes for the time being in force: provided that such Statutes shall not be repugnant to the provisions of this Our Charter or to the Statutes and Regulations of Our University of London; and provided further that no such Statutes shall have effect until approved by the Lords of Our Most Honourable Privy Council, of which approval a Certificate under the hand of the Clerk of Our said Privy Council shall be conclusive evidence. Provided further that no such Statutes which affect academic policy or the remuneration and conditions of appointment of the academic staff shall be made until the Senate has been consulted thereon.

16. The Statutes may direct that any of the matters authorised or directed in this Our Charter to be prescribed or regulated by Statute shall be further prescribed or regulated by Ordinance, by Regulation or by decision made by the Council: provided that any such further prescription or regulation shall not be repugnant to the provisions of this Our Charter or the Statutes.
17. Ordinances for carrying out the objects of the Institute may be made by the Council, which shall stipulate when such Ordinances shall come into effect: provided that notice of the proposed wording of each Ordinance and of the date on which it is proposed that it should come into effect shall be given to the members of the Council not less than fourteen days before the date of the meeting of the Council at which it is to be considered: provided further that Ordinances relating to powers reserved to the Senate and to the Academic Board by this Our Charter and the Statutes may be made only after consideration of the views of the body concerned.
18. Ordinances may amend, add to or repeal Ordinances from time to time in force.
19. The Senate shall have power to propose to the Council Statutes and Ordinances to be made by the Council and it shall be the duty of the Council to consider any such Statutes or Ordinances.
20. Subject to the provisions of this Our Charter and the Statutes and the Ordinances, the Senate may make such Regulations relating to teaching, to schemes of study and the award of degrees, diplomas, certificates and other academic distinctions of the Institute, to the conduct of examinations, to the Library of the Institute, to the conditions under which persons shall be admitted to the Institute, to the conditions under which students shall be permitted to continue their studies in the Institute, to the good order of the Institute and to such other matters as it considers necessary or desirable for the purpose of carrying out the objects of the Institute.
21. Regulations may amend, add to or repeal Regulations from time to time in force.
22. It shall be the duty of the Council before determining any question which the Council considers to affect the academic policy of the Institute to consult and take into consideration any recommendation or report thereon of the Senate.
23. It shall be the duty of the Senate to bring before the Council any matter coming before the Senate which the Senate considers to have financial implications or in any way to affect the general well-being of the Institute or its relationship with persons or bodies outside the Institute.
24. No unlawful discrimination or discrimination on grounds of politics shall be shown against any person in determining whether he or she is to be admitted as a member of the Institute, or to hold any advantage or privilege thereof.
25. The income and property of the Institute whencesoever derived shall be applied towards the promotion of the objects of the Institute as set forth in this Our Charter and no part thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise howsoever by way of profit to the persons who are or at any time have been members of the Institute or to any of them or to any person claiming through any of them: provided that nothing

herein shall prevent the payment in good faith of remuneration to any officer or servant of the Institute or to any member of the Council or other person in return for any services actually rendered or to be rendered to the Institute nor shall anything herein prevent any person holding any bona fide scholarship, studentship, lectureship or exhibition established or paid out of the funds of the Institute from being a member of the Council of the Institute: provided further that the procedure for determining the remuneration of Members and staff of the Institute shall be specified in Ordinances which shall include requirements that when such matters are discussed or decided by the Council the number of remunerated members present shall be less than a majority of the quorum for the time being and that no member of the Council shall be present at the discussion of any matter relating to his own remuneration nor shall he participate in the decision thereon.

26. The Council may amend, add to or repeal this Our Charter by a Special Resolution in that behalf and such amendment, addition or repeal shall when allowed by Us, Our Heirs or Successors in Council become effectual so that this Our Charter shall henceforward continue and operate as so amended, added to or repealed. This article shall apply to this Our Charter as amended, added to or repealed in manner aforesaid.

27. For the purpose of this Our Charter, a "Special Resolution" means a resolution passed at one meeting of the Council and confirmed at a subsequent meeting held not less than one calendar month nor more than three calendar months after the former:

Provided that notice of each meeting shall be given in writing to each member of the Council not less than fourteen days before the meeting to be held, and that the Resolution be passed at each meeting by a majority consisting of not less than two-thirds of the members of the Council present.

28. Our Royal Will and Pleasure is that this Our Charter shall ever be construed benevolently and in every case most favourably to the Institute and to the promotion of the objects of this Our Charter.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the thirtieth day of July in the thirty-sixth year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

Oulton

## THE FIRST SCHEDULE

### THE FIRST DIRECTOR

The first Director shall be Professor Denis Lawton, B.A., Ph.D.

## THE SECOND SCHEDULE

### THE STATUTES

#### 1. DEFINITIONS

(1) Unless the context otherwise requires in these Statutes:-

"Academic Board" means the Academic Board of the Institute.

Subject to Statute 17 "Academic Staff" means the Director, the Deputy Director, and all persons holding full-time posts or part-time posts equivalent to one-third time or more as Professor, Reader, Senior Lecturer, Lecturer or member of the Research Staff, or holding such a post at the professorial level, or appointed to such other posts or grades of post as the Council on the recommendation of the Senate may determine.

"Administrative Staff" means those members of the staff, other than academic or library staff, holding full-time posts or part-time posts equivalent to one-third time or more on those grades which are formally related to academic staff grades or appointed to such other posts or grades of post as the Council on the recommendation of the Senate may determine.

"Appointed Day" means the day on which the Charter and these Statutes become effective.

"Charter" means the Charter of the Institute.

"Council" means the Council of the Institute.

"Functions" includes powers and duties.

"Institute" means Institute of Education, University of London.

"Library Staff" means those members of the staff holding full-time posts or part-time posts equivalent to one-third time or more, as Librarian, Deputy Librarian or Assistant Librarian or appointed to such other posts or grades of post as the Council on the recommendation of the Senate may determine.

"Non-academic Staff" means all members of the staff of the Institute who are not members of the academic staff and who hold full-time posts or part-time posts equivalent to one-third time or more.

"Ordinances" means Ordinances made pursuant to the Charter or these Statutes.

"President" means the President of the Institute.

"Regulations" means regulations made pursuant to the Charter, these Statutes or the Ordinances.

"Research Staff" means those members of the staff holding full-time posts or part-time posts equivalent to one-third time or more as Senior Research Officer or Research Officer or appointed to such other posts or grades of post as the Council on the recommendation of the Senate may determine.

"Senate" means the Senate of the Institute.

"Student" means any person registered as pursuing any course of study in the Institute.

"Students' Union" means the Students' Union of the Institute.

"University" means the University of London.

"Year" means a period of twelve months ending on the 31st day of December or on such other date as may be prescribed from time to time by the Ordinances, which may prescribe different dates for different purposes.

- (2) Words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.
- (3) Words defined in the Charter or these Statutes shall have the same meaning in the Ordinances and the Regulations unless the context be repugnant thereto.

## 2. MEMBERS OF THE INSTITUTE

- (1) The following persons shall be members of the Institute:-

The members of the Council.

The members of the academic staff and of the non-academic staff.

The holders of such posts or such titles as shall be prescribed in the Ordinances.

The students.

- (2) The Council, after consideration of the views of the Senate, shall have power to declare such other persons members of the Institute as it shall deem fit.
- (3) The Council shall have power, at the request of a member, to release that person from membership of the Institute.

### 3. THE PRESIDENT

- (1) The President shall be appointed by the Council.
- (2) The President shall be an *ex officio* member of the Council.
- (3) The President shall hold office for three years and shall be eligible for re-appointment.
- (4) The President may resign at any time by writing, addressed to the Council.

### 4. THE DIRECTOR

- (1) The Director shall hold office for such period, under such conditions (subject to Statute 17) and at such remuneration as the Council may determine.
- (2) The successors to the first Director shall be appointed by the Council. The Council, however, shall not make such an appointment except after considering a report from a joint committee of the Council and the Senate.
- (3) The Director shall be responsible to the Council for promoting and maintaining the efficiency, good order and development of the Institute.
- (4) The Director may resign by writing addressed to the Council.
- (5) The Director shall be an *ex officio* member of the Council, the Senate (of which he shall be *ex-officio* the Chair) and of all committees and joint committees of those bodies except the joint committees constituted under paragraph (2) of this Statute.
- (6) The Director may refuse to admit any person as a student, without assigning any reason. If he does so otherwise than in accordance with admission procedures prescribed by Regulations he shall report any such action to the Senate at its next meeting.
- (7) The Director may suspend any student from any class or classes, and may exclude any student from any part of the Institute, and its precincts and other buildings and premises owned or occupied by the Institute for such period as he may determine, provided that the student may at the discretion of the Director be allowed access to the premises of the Students' Union; provided further that the period of suspension shall not extend beyond the first meeting of the Senate after the beginning of the period nor in term-time exceed fourteen days in all; provided further that the Director shall report any such suspension or exclusion to the Senate at its next meeting.
- (8) The Director may delegate all or any of his functions under paragraph (6) or (7) of this Statute to such member of the staff of the Institute as he thinks fit.

## 5. THE APPOINTMENT OF ACADEMIC STAFF

- (1) Subject to the Charter and these Statutes and in accordance with the provisions of the Ordinances, and subject to the Statutes and Ordinances of the University concerning the appointment of Professors and Readers, the Council shall appoint such academic staff as it may deem necessary at such remuneration and (subject to Statute 17) upon such conditions as it may determine.
- (2) Any member of the academic staff may resign by writing addressed to the Secretary.

## 6. THE SECRETARY

- (1) The Council shall appoint a Secretary of the Institute with such duties, at such remuneration and (subject to Statute 17) upon such conditions as the Council may determine.
- (2) The Secretary may resign by writing addressed to the Director.

## 7. THE LIBRARIAN

- (1) The Council may on the recommendation of the Senate appoint a Librarian of the Institute with such duties, at such remuneration and (subject to Statute 17) upon such conditions as the Council may determine.
- (2) The Librarian may resign by writing addressed to the Secretary.

## 8. OTHER MEMBERS OF STAFF

- (1) The Council shall appoint in addition to the staff specified in Statutes 4, 5, 6 and 7 such other members of the staff as it may deem necessary with such duties, at such remuneration and upon such conditions as the Council may determine.
- (2) Any such members of the staff may resign by writing addressed to the Secretary.

## 9. THE AUDITOR

- (1) The Council shall appoint an Auditor. Such Auditor shall be a member of a body of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 389 of the Companies Act 1985 or any statutory modification or re-enactment thereof for the time being in force. No person shall be appointed or remain Auditor who is or any one of whose partners is a member of the Council or the staff of the Institute.
- (2) The Auditor shall hold office for such period as the Council may think fit and shall be eligible for re-appointment, and shall receive such remuneration as may be determined from time to time by the Council.

- (3) The Auditor shall have right of access at all reasonable times to the books, records, accounts and vouchers of the Institute and shall be entitled to require such information and explanation as may be necessary for the performance of his duties.
- (4) The Auditor shall make a report to the Council at least once in each year.
- (5) If the office of Auditor shall become vacant by his death or resignation or any other cause before the expiration of his period of office, the Council shall forthwith appoint an Auditor in his place for the remainder of such period.
- (6) The Auditor may resign by writing addressed to the Secretary.

## 10 CONSTITUTION OF THE COUNCIL

- (1) The Council shall consist of the following persons, namely:-

(a) *EX OFFICIO* MEMBERS

- (i) The President.
- (ii) The Director.
- (iii) The Deputy Director, if appointed.
- (iv) The Chair of the Academic Board.

(b) APPOINTED MEMBERS

The following persons appointed by the Council:-

- (i) Two persons nominated by the University.
- (ii) One Dean nominated by the Director.

If no Deputy Director is appointed: two Deans nominated by the Director.

(c) ELECTED MEMBERS

- (i) Five persons as follows:-
  - One Professor or Reader;
  - One Senior Lecturer;
  - One Lecturer;
 each of the three to be elected by the Professors, Readers, Senior Lecturers and Lecturers. At least two of those elected shall be members of the Senate.

One member of the Research staff elected by the Research staff.

One member of the non-academic staff elected by the non-academic staff.

The procedure for the election of such persons shall be as prescribed in the Ordinances.

- (ii) Two persons elected by the whole student body from among their number, in accordance with procedures prescribed in the Ordinances.

(d) CO-OPTED MEMBERS

Twelve persons, who shall not be students or members of the staff of the Institute, to be co-opted by the Council.

- (2) The Council may invite the Department for Education and Employment, or any successor Department, to send an observer to its meetings.
- (3) *Ex officio* members shall remain members only so long as they hold the offices by virtue of which they became members.
- (4) Elected members shall remain members only so long as they are members of the body which elected them.
- (5) Appointed members, co-opted members and members elected under Statute 10 (1) (c) (i) shall remain members until the end of the third year following their appointment or election or co-option, subject to provision being made for retirement by rotation as prescribed in the Ordinances.
- (6) Members elected under Statute 10 (1) (c) (ii) shall remain members until the end of the second year following their election, provided that no such member shall continue to be a member after he ceases to be a registered student of the Institute.
- (7) Appointed members shall be eligible for re-appointment, but their period of continuous service on the Council shall not exceed nine years in all, except as provided by Statute 11 (2).
- (8) Elected members, other than those elected under Statute 10 (1) (c) (ii), shall be eligible for re-election after a break in their service of at least one year, but their period of service on the Council shall not exceed six years in all.
- (9) Co-opted members shall be eligible for further co-option up to a maximum of nine years continuous service, except as provided by Statute 11 (2).
- (10) Any vacancy among the elected members on the Council shall be filled in accordance with procedures prescribed in the Ordinances.
- (11) The Council shall meet at least three times in each year. The procedures to be followed shall be as prescribed in the Ordinances.

- (12) All acts *bona fide* done by any meeting of the Council or of a committee or sub-committee shall, notwithstanding that it may afterwards be discovered that there was some defect in the appointment of any member of Council or other person attending and voting thereat or that the appointment of any such Councillor or other person had lapsed, be as valid as if every such Councillor or other person had been duly appointed and was entitled to attend and vote.

#### 11. THE CHAIR AND VICE-CHAIR OF THE COUNCIL

- (1) The Council shall appoint from among its members a Chair, not being a member of the academic staff, or of the non-academic staff, or a student.
- (2) The Chair shall hold office for three years and shall be eligible for appointment for a further two terms of three years but shall not be eligible for re-appointment after that time. He shall be a member of the Council without regard to the length of his previous service on the Council.
- (3) The Council shall appoint from among its members a Vice-Chair not being a member of the academic staff, or of the non-academic staff, or a student. He shall preside at meetings of the Council in the absence of the Chair and shall hold office for three years and shall be eligible for re-appointment for two further three-year periods only.
- (4) The Chair and the Vice-Chair shall be ex-officio members of all committees and joint committees of the Council except any committee as may be set up in accordance with Statute 17.

#### 12. POWERS OF THE COUNCIL

The Council shall, subject to the Charter and these Statutes, be the governing body of the Institute and shall have general control over the conduct of its affairs.

Subject to the Charter and these Statutes and to the Statutes and Ordinances of the University, the Council shall, in addition to all other powers vested in it, have the following powers: provided that, before determining any question or taking any decision on the allocation of resources which the Council considers to affect the academic policy of the Institute, the Council shall seek the advice of the Senate.

- (1) To promote the objects of the Institute and to review its teaching, examining and research and the welfare of its students and staff.
- (2) To consult with negotiating bodies recognised by the Council and as defined in the Ordinances through procedures to be specified in the Ordinances on such general matters affecting their members' interests as are within the powers of the Council to determine.
- (3) To govern, manage and regulate the finances, accounts, investments, property, business, and all the financial affairs of the Institute and for these purposes to appoint bankers and other officers or agents.
- (4) To invest any moneys belonging to or held by the Institute in such stocks, funds, fully-paid shares, securities and other investments (including land or

any tenure or any interest therein) as the Council shall, in its absolute discretion, think fit: provided that in the case of moneys held by the Institute as trustees the powers conferred by this paragraph shall be exercised subject to the provision of the law relating to investment by trustees.

- (5) To be responsible for accepting grants from public bodies for the work of the Institute, and to approve the financial conditions on which such grants are accepted.
- (6) To borrow money on behalf of the Institute, and for that purpose to mortgage or charge all or any part of the property of the Institute, whether real or personal, and to give such other security as the Council may think fit.
- (7) To enter into, vary, carry out and cancel contracts on behalf of the Institute.
- (8) To sell, buy, exchange, lease and accept leases of real and personal property on behalf of the Institute.
- (9) To determine fees, subscriptions and deposits.
- (10) To provide, maintain, administer and dispose of land, buildings, fixtures, fittings, furniture, equipment, apparatus, books and any other property as may be deemed appropriate for the furtherance of the objects of the Institute.
- (11) To provide, maintain, administer, regulate and dispose of residential accommodation for the staff and students.
- (12) To receive the annual audited statement of accounts of the Institute, and to receive from the Director a report (at such intervals as the Council shall determine) on the working of the Institute.
- (13) To appoint the President.
- (14) To appoint and to co-opt members to the Council.
- (15) To appoint members to joint committees.
- (16) To delegate upon such conditions as it may from time to time determine any of its powers and duties to the Senate, or the Academic Board or Committees or Sub-Committees formed from its own number or otherwise appointed, or to joint committees, or to officers of the Institute. Provided that nothing in this Statute shall enable the Council to delegate their power to reach a decision under paragraph 10 (2) of Statute 17.
- (17) To appoint a Chair and Vice-Chair of the Council.
- (18) To establish advisory bodies representative of public interest whether national, regional or local, in matters which come within the Council's responsibility.
- (19) To determine the remuneration and the conditions of appointment of all the staff of the Institute.

- (20) To appoint the Director, Deputy Director, Secretary, Librarian, the members of the academic staff and the non-academic staff and all other members of the staff of the Institute.
- (21) To appoint and determine the remuneration of the Auditor.
- (22) To establish or abolish any posts in the Institute: provided that the establishment or abolition of academic and library posts shall be effected only after consideration of the views of the Senate.
- (23) After consideration of the views of the Senate, to recommend to the University the establishment of posts to be held by Professors and Readers of the University.
- (24) On the recommendation of the Senate, to recommend to the University the conferment of the status or title of Professor or Reader, Emeritus Professor, or Teacher of the University and to confer the title of Visiting Professor or such other status or title.
- (25) After consideration of the views of the Senate, to designate as members of the academic staff, administrative staff or library staff such persons as may be appointed to posts or grades of post in the Institute.
- (26) To appoint other persons to work for the Institute, and to determine the payment of honoraria, fees and other remuneration to such persons.
- (27) To remove for such reasons as the Council may think fit: (a) the Chair or the Vice-Chair from office; (b) any member of the Council (other than an ex-officio member) from membership of the Council provided that the resolution to effect the removal shall be passed by a majority consisting of not less than two-thirds of the members of the Council present. No person shall be so removed unless he shall have been given a reasonable opportunity of being heard by the Council and of being represented, subject to such provisions as may be prescribed in the Ordinances, at his own expense by a person of his choice.
- (28) To grant pensions and retirement benefits to or for employees or former employees of the Institute or the former Institute and to the widows, children and other dependants of deceased employees who are in necessitous circumstances; and to pay or subscribe to funds or schemes for the provision of pensions and retirement benefits for employees or former employees of the Institute or the former Institute, their widows, children and other dependants.
- (29) To consider, adjudicate on and, if thought fit, redress any grievance of any of the academic or non-academic staff or of the students of the Institute, subject to the other provisions of these Statutes.
- (30) To make proposals to the Senate on any matter or to refer any matter to the Senate and to ask for reports from the Senate.
- (31) To accept, reject or refer back any recommendation made by the Senate: provided that no such recommendation may be rejected unless the Senate is

informed of the reasons for such rejection and is given an opportunity to comment thereon to the Council.

- (32) After consideration of the views of the Senate, to establish or discontinue academic sections of the Institute, to prescribe their constitution and functions and to modify or revise them.
- (33) On the recommendation of the Senate, to confer the honorary title of Fellow of the Institute, or other honorary title of the Institute.
- (34) On the recommendation of the Senate, to institute fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research.
- (35) On the recommendation of the Senate, to institute and grant degrees, diplomas, certificates and other academic awards, and to revoke any such award if at any time it shall be discovered and proved to the satisfaction of the Council that there was any irregularity in the events or circumstances leading to the grant of that award.
- (36) On the recommendation of the Senate, to grant and confer honorary awards of the Institute.
- (37) On the recommendation of the Senate, to appoint academic representatives of the Institute on other bodies.
- (38) To select a Seal for the Institute and to have the control and use of the Seal.
- (39) To make Ordinances and Statutes.
- (40) To exercise all such powers as are, or may be, conferred on the Council by the Charter, these Statutes, the Ordinances and Regulations and to carry the Charter, these Statutes, the Ordinances and the Regulations into effect.

### 13. CONSTITUTION OF THE SENATE

- (1) The Senate shall consist of the following persons:-

(a) *EX-OFFICIO* MEMBERS

- (i) The Director, who shall be Chair.
- (ii) The Deputy Director, if appointed.
- (iii) The Librarian, if appointed.

(b) ELECTED MEMBERS

- (i) Twenty persons being Professors, Readers, Senior Lecturers or holders of posts at the professorial level, elected by and from among the academic staff as prescribed in the Ordinances.

(ii) Ten persons being Lecturers, elected by and from among their number.

(iii) Three persons being members of the Research Staff elected by and from among their number.

(iv) Four students elected by and from among the student members of the Academic Board.

(c) CO-OPTED MEMBERS

Up to three persons who hold posts in the Institute equivalent to one-third time or more and who are engaged in academic work may be co-opted by the Senate after consultation with the Academic Board in accordance with procedures prescribed in the Ordinances.

- (2) *Ex officio* members shall remain members only so long as they hold the offices by virtue of which they became members.
- (3) Elected members shall remain members only so long as they hold the position by virtue of which they were elected.
- (4) Elected members other than those elected under Statute 13 (1) (b) (iv) shall remain members until the end of the third year following their election subject to provision being made for retirement by rotation according to procedures prescribed in the Ordinances, and shall be eligible for re-election.
- (5) Members elected under Statute 13 (1) (b) (iv) shall remain members until the end of the second year following their election, provided that no such member continues to be a member after he ceases to be a registered student of the Institute, and provided further that a sabbatical officer of the Students' Union is regarded for this purpose as a registered student.
- (6) Co-opted members shall remain members until the end of the third year following their co-option.
- (7) Any vacancy among the elected members on the Senate shall be filled in accordance with procedures prescribed in the Ordinances, to be made on the recommendation of the Senate.
- (8) The Senate shall meet at least once during each term. The procedures to be followed shall be prescribed in the Ordinances.

#### 14. THE POWERS OF THE SENATE

Subject to the powers of the Council contained in Statute 12 the Senate shall be the formal academic authority of the Institute.

The Senate shall seek the advice of the Academic Board on matters of policy before decisions are taken on such matters, or recommendations concerning them are made to the Council.

The Senate shall, subject to the Charter and these Statutes and to the Statutes and Ordinances of the University, in addition to all other powers vested in it, have the following powers: provided that it shall be the duty of the Senate to bring before the Council any matter coming before the Senate which the Senate considers to have financial implications or in any way to affect the general well-being of the Institute or its relationship with persons or bodies outside the Institute.

- (1) To be responsible for setting, enhancing and reviewing the academic quality and standards of all teaching and research degree programmes.
- (2) To approve all teaching, schemes of study, research and examinations leading to awards of the University and to nominate examiners therefor where appropriate.
- (3) To approve and regulate all the teaching, schemes of study, research and examinations leading to Institute awards and the conditions for the granting of the various Institute awards and to appoint examiners therefor.
- (4) To be responsible for such academic and educational work of the Institute as does not lead to an award of the University or of the Institute.
- (5) To regulate the admission of persons to, and their continuance in, schemes of study and research.
- (6) To co-opt members to the Senate.
- (7) To recommend to the Council the institution, granting, conferment or revocation of degrees, diplomas, certificates and other academic awards.
- (8) To recommend to the Council the granting and conferment of honorary awards of the Institute.
- (9) To recommend to the Council the establishment or discontinuance of academic sections of the Institute, to review the research, teaching, staffing and general work of any academic sections of the Institute and to report and make recommendations thereon to the Council.
- (10) To assist and take part in the academic and educational work of the institutions and organisations formally associated with the Institute.
- (11) To approve schemes of study and of examination and to conduct and moderate examinations in institutions or organisations formally associated with the Institute.
- (12) Subject to the approval of the Council, to delegate from time to time to a committee or board representing the academic interests of the institutions formally associated with the Institute, the powers contained in paragraph (11) of this Statute.
- (13) To be responsible for the academic policy of the Institute Library and other general academic services.

- (14) To recommend to the Council the establishment or abolition of posts on the academic and library staffs of the Institute.
- (15) To make recommendations to the Council concerning:-
- (a) the conferment of the status or title of Emeritus Professor;
  - (b) the establishment of posts in the Institute to be held by Professors and Readers of the University;
  - (c) the conferment on a member of the academic staff of the status or title of Professor or Reader or Teacher of the University, of Visiting Professor or such other status or title as may be appropriate;
  - (d) the designation as members of the academic staff, administrative staff or library staff of persons appointed to posts or grades of post in the Institute.
- (16) To recommend to the Council the conferment of the honorary title of Fellow of the Institute and other honorary titles of the Institute.
- (17) To recommend to the Council the institution of fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research.
- (18) To promote and maintain the good order of the Institute, to suspend any student, to exclude any student from any part of the Institute or its precincts, or after a report from the Director to terminate the membership of the Institute of any student or take any other disciplinary action and to determine in what manner disciplinary powers shall be exercised subject to the following provisions:-
- (a) Any student whose membership of the Institute it is proposed shall be terminated on academic grounds as prescribed by the Ordinances shall have notice in writing of the proposal and shall have an opportunity of making representations in writing to the Senate or any committee appointed by the Senate for that purpose.
  - (b) For the purpose of considering a case of disciplinary action on other than academic grounds, the Senate shall appoint a Committee consisting of three members of the academic staff and, if the Students' Union so desires, one student nominated by the Students' Union. Such committee, before recommending to the Senate upon the suspension, exclusion, termination of membership of the Institute, or other disciplinary action in respect of a student on other than academic grounds, shall, at least fourteen days before the hearing, give notice in writing to the student of the proposal to consider his case. The Committee shall also give the student, and shall receive from him, copies of any documents which are being put in evidence, and shall give him an opportunity of being heard in person and of being accompanied at his own expense or, should the Students' Union so

determine, at the expense of the Students' Union, at such hearings by a person of his own choosing who may speak on his behalf.

- (c) Any student suspended or excluded or otherwise penalised under subparagraph (b) above or whose membership of the Institute shall be terminated on other than academic grounds shall have the right to appeal to the Council, which shall appoint a committee including student representatives which shall report to the Council, whose decisions shall be final.
- (d) The procedure for the conduct of hearings provided for in subparagraph (b) of this paragraph shall be prescribed in the Ordinances which shall include provisions enabling the student or the person accompanying him to cross-examine and call witnesses.

The Senate shall report any suspension, exclusion or termination of membership of the Institute to the Council at its next meeting.

- (19) To recommend to the Council the appointment of academic representatives of the Institute on other bodies.
- (20) To delegate its powers to committees of the Senate and to joint committees.
- (21) To appoint members to joint committees.
- (22) To make recommendations to the Council on any matters of interest to the Institute.
- (23) To make regulations in the exercise of powers conferred on the Senate and to carry such regulations into effect.
- (24) Generally to exercise all such powers as are or may be conferred on the Senate by the Charter and these Statutes.

## 15. CONSTITUTION OF THE ACADEMIC BOARD

- (1) The Academic Board shall consist of:-
  - (i) The academic staff.
  - (ii) The library staff.
  - (iii) Eight members of the administrative staff elected by and from among their number.
  - (iv) Four members elected from among their number by those members of the non-academic staff who are not members of the administrative or library staff.
  - (v) Twelve students of the Institute elected by the whole student body from among their number.

- (vi) The holders of such posts as shall be prescribed in the Ordinances.
- (vii) Such persons as may be co-opted by the Academic Board.
- (2) The Chair, who shall be elected by the Academic Board from among its academic staff members, shall hold office for three years and shall not be eligible for immediate re-election.
- (3) Any vacancy among the Elected Members on the Academic Board shall be filled in accordance with procedures prescribed in the Ordinances to be made on the recommendation of the Academic Board.
- (4) There shall be at least one ordinary meeting of the Academic Board during each term.
- (5) The Chair may, at any time at his discretion, and shall, at the request of the Director, or upon the request in writing of not fewer than one-fifth of the members of the Academic Board, stating the purpose for which the meeting is to be called, summon an extraordinary meeting of the Academic Board.

## 16. THE POWERS OF THE ACADEMIC BOARD

The Academic Board shall, subject to the Charter and to these Statutes and to the Statutes and Ordinances of the University, and in addition to all other powers vested in it, have the following powers:

- (1) To advise the Senate concerning any matter which the Academic Board considers to affect the general well-being of the Institute or its relations with persons or bodies outside the Institute.
- (2) To co-opt members to the Academic Board.
- (3) To advise the Senate concerning the institution, granting, conferment or revocation of Institute awards.
- (4) To advise the Senate concerning the granting and conferment of honorary awards of the Institute.
- (5) To assist in the academic and educational work of such institutions as are formally associated with the Institute.
- (6) To advise the Senate concerning the academic policy of the Library of the Institute and other general academic services.
- (7) To advise the Senate concerning the conferment of the honorary title of Fellow of the Institute and other honorary titles of the Institute.
- (8) To advise the Senate on the institution of Fellowships, Studentships, Scholarships, Exhibitions, Bursaries, Prizes and other aids to study and research.

- (9) To consider any matter relating to the academic policy of the Institute, to teaching, schemes of study, research and examinations leading to Institute awards or to awards of the University that may be referred to the Academic Board by the Senate under Statute 14 and to advise the Senate on these matters.
- (10) To advise the Senate concerning the making of regulations and to assist in the carrying of such regulations into effect.
- (11) To advise the Senate on the appointment of academic representatives of the Institute on other bodies.
- (12) To delegate its powers to committees of the Academic Board and to joint committees, and to appoint members to such committees.
- (13) Generally to exercise all such powers as are or may be conferred on the Academic Board by the Charter and these Statutes.

## STATUTE 17

### ACADEMIC STAFF: DISMISSAL, DISCIPLINE, GRIEVANCE PROCEDURES AND RELATED MATTERS

#### **PART I: GENERAL**

#### **1. Application**

(1) This Statute applies to the following:

- (i) the members of the academic staff (except for those excluded from Part II by clause 5(1) below);
- (ii) such other members of staff or categories of staff of the Institute as are brought within its scope by the Council;

and “member(s) of staff” in this Statute means those members of the staff to whom this Statute applies.

(2) This Statute will override any provision in any contract, term or condition of employment which is inconsistent with this Statute, whether dated before or after the commencement of this Statute, but –

- (i) it shall not affect the validity of any waiver under section 197 of the Employment Rights Act 1996, any compromise agreement under section 203 of the Employment Rights Act 1996, or any similar waiver or agreement permitted by law; and
- (ii) it shall not preclude any member of staff deciding or agreeing to terminate employment with the Institute, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.

(3) Parts II to V of this Statute shall not apply to removal from an appointment as Head of School, Dean, Deputy Director or Pro-Director, or such other posts as have been designated by the Council, to which a member of staff has been elected or appointed and which is distinct from that individual’s substantive post, where dismissal from the substantive post is not contemplated, but the Council shall by Ordinance prescribe a procedure for handling such removals prior to the prescribed or normal termination date, which shall include a hearing panel and an appeal panel.

(4) This Statute shall not apply to the Director, except for Part III, which shall, unless the Council, with the Director’s concurrence, resolves otherwise, apply to the Director in post at the time it comes into effect, with such modifications and adaptations as the Council, with the Director’s concurrence, shall prescribe, but it shall not apply to any later Director, even if also the holder of an academic post.

## **2. General principles of construction and application**

- (1) This Statute and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:
  - (i) to ensure that members of staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
  - (ii) to enable the Institute to provide education, promote learning and engage in research efficiently and economically; and
  - (iii) to apply the principles of justice and fairness.
- (2) Where, in any proceedings under this Statute, a member of staff invokes sub-clause (1)(i) above, that claim shall be considered by the person or persons dealing with the matter, and, if it is found that any action has been taken against the member of staff because that member of staff questioned or tested received wisdom or put forward new ideas or controversial opinions, the person or persons dealing with the matter shall cancel that action and it shall be treated as invalid.
- (3) Where there is any issue as to the meaning of “academic freedom” in any proceedings under Parts II, III, IV, V and VI of this Statute, regard shall be had to Sections VI and VII of the Recommendation concerning the Status of Higher-Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997.
- (4) Any reference in this Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as it may have been amended or superseded from time to time.
- (5) In interpreting or construing any provision in this Statute, regard shall be had to the Notes on Clauses on the Revised Model Statute issued by the Universities and Colleges Employers Association (September 2003).

## **3. Dismissal**

- (1) For the purpose of this Statute, “dismissal” shall have the same meaning as in section 95 of the Employment Rights Act 1996.
- (2) A member of staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.
- (3)
  - (i) A dismissal by reason of redundancy (other than the non-renewal of a fixed-term contract) shall be handled in accordance with Part II;
  - (ii) a dismissal for disciplinary reasons shall be handled in accordance with Part III;
  - (iii) a dismissal on health grounds shall be handled in accordance with Part IV; and

- (iv) a dismissal on any other grounds, including the non-renewal of a fixed-term contract, shall be handled in accordance with Part V.

#### **4. Hearing, appeal and grievance panels**

- (1) Any panel established pursuant to clauses 8(1), 10(ii)(d) and (h), 15(2), 18(2) and 20(5) of this Statute shall consist of three persons, none of whom shall previously have had any involvement with the case, at least one of whom shall be a lay member of Council and one a member drawn from a list agreed from time to time by the Senate.
- (2) At any panel within sub-clause (1) above, the member of staff shall be entitled to be represented or assisted by any person.
- (3) Any panel within sub-clause (1) above shall give a reasoned decision in writing which shall be provided to the member of staff and reported to the Council.

### ***PART II: REDUNDANCY***

#### **5. Application**

- (1) The power to dismiss, and the procedures prescribed, under this Part shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 [staff appointed prior to, and not promoted after, 20 November 1987], who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the Statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.
- (2) This Part shall not apply to the non-renewal of a fixed-term contract, which shall be dealt with under clause 15 below.

#### **6. Definition of “redundancy”**

Subject to clause 5(2) above, dismissal by reason of redundancy for the purpose of this Part has the same meaning as in section 139 of the Employment Rights Act 1996.

#### **7. Procedure for dismissal by reason of redundancy**

- (1) The Council shall by Ordinance prescribe the procedures for dismissing members of staff on grounds of redundancy, which shall include the following:
  - (i) a preliminary stage involving consultation with appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and discussion with the staff concerned;
  - (ii) a procedure which is fair and which allows each staff member concerned, having been informed of the selection criteria to be employed, to make written and oral representations on his or her behalf;

- (iii) provision for informing any member of staff dismissed under this Part of the reasons for the dismissal and, where selection has taken place, why he or she was selected; and
  - (iv) authorising the Director or other person to dismiss any member of staff selected for dismissal under this Part and requiring reports of dismissals to be submitted to the Council.
- (2) The procedures following the preliminary stage may be used at any particular time only after the Council has first determined that the circumstances are such that the procedures should be instituted.

## **8. Appeal against dismissal by reason of redundancy**

- (1) The Ordinances shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part.
- (2) The panel shall be entitled to review all aspects of the matter other than the Council's determination under clause 7(2) above.
- (3) The panel shall have the power to reach a final decision on the matter or to remit the matter for further consideration by the body whose decision is being appealed.

## ***PART III: DISCIPLINARY PROCEDURES***

### **9. Grounds for disciplinary action**

Disciplinary action under this Part may be taken, and where found to be appropriate a penalty imposed, in respect of the following:

- (i) conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the Institute;
- (ii) failure, refusal, neglect or inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;
- (iii) conduct of a kind judged to be inappropriate or unacceptable on the part of a holder of the post held by the member of staff, such as (but not confined to) the following:
  - (a) breach of any obligation or duty arising under any of the Institute's regulations regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the member of staff;
  - (b) damage to or improper use of Institute facilities, premises, property or equipment;
  - (c) disruption of, or improper interference with, the activities of the Institute or of any employee, student, Council member or visitor (other than any lawful industrial action);

- (d) violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);
- (e) fraud, deceit, deception or dishonesty in relation to the Institute or any related activity, including research and examining;
- (f) action likely to cause injury or impair safety;
- (g) divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the Institute's Public Interest Disclosure Procedure).

## 10. Disciplinary procedures

The Council shall by Ordinance promulgate disciplinary procedures for members of staff, which shall provide:

- (i) for less serious matters to be dealt with by warnings following a fair and appropriate procedure and for a member of staff to be able to appeal against the imposition of a warning to a person designated by the Director; and
- (ii) for more serious matters, to be dealt with by a procedure which includes provision for the following:
  - (a) fair and reasonable time limits for each stage;
  - (b) investigating complaints and dismissing those found to be without substance;
  - (c) suspension, on full pay, by the Director pending an investigation or hearing where this is necessary;
  - (a) a hearing by a panel, authorised by the Director, at which the member of staff against whom the complaint has been made shall have been informed of the complaint, shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses (but provision may be made for witnesses in appropriate cases to give their evidence behind a screen or from another room or place and for questions to be asked only by a representative);
  - (b) appropriate penalties, which in addition to warnings and dismissal shall, for staff appointed or promoted after the coming into effect of this Statute, include withholding any forthcoming increment in salary, suspension without pay (for up to three months), and reduction in grade and/or loss of title (and "promoted" for the purpose of this provision shall have the same meaning as in section 204 of the Education Reform Act 1988);
  - (c) the award of compensation either to the Institute or to an individual in respect of any loss caused or damage done;
  - (d) designating a member of staff's conduct as constituting "gross misconduct" such as to merit summary dismissal without notice; and
  - (e) a right to appeal against the finding of, or penalty imposed by, the panel, including a finding under paragraph (g) above. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission.

## **11. Code of Practice**

In drawing up the procedures, and in any regulations made or action taken thereunder, regard shall be had to Section 1 of the Code of Practice on Disciplinary and Grievance Procedures (as may be amended or replaced from time to time) issued in September 2000 by the Advisory Conciliation and Arbitration Service (ACAS) and brought into effect by order of the Secretary of State under section 199 of the Trade Union and Labour Relations (Consultation) Act 1992.

## **12. Dismissal**

- (1) The Institute Secretary or other designated officer shall give effect to a decision of a panel that a member of staff should be dismissed:
  - (f) where the panel has designated the conduct as “gross misconduct” such as to merit summary dismissal pursuant to clause 10(ii)(g), the Institute Secretary shall forthwith dismiss the member of staff;
  - (ii) in all other cases, the Institute Secretary shall issue the notice of dismissal or dismiss together with payment in lieu of notice.
- (2) Any dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice.

## **13. Relationship with Part IV**

The Ordinances shall make provision for dealing with a case in progress under this Part where it emerges that the member of staff’s conduct or performance may have been wholly or partly attributable to a medical condition, but any proceedings under this Part shall be valid even if they could have been brought under Part IV, and a member of staff may, subject to the Disability Discrimination Act 1995, be subject to penalty, including dismissal, under this Part notwithstanding the fact that his or her conduct may have been wholly or partly attributable to a medical condition.

## ***PART IV: INCAPACITY ON HEALTH GROUNDS***

### **14. Dismissal on health grounds**

- (1) The Council shall by Ordinance prescribe a procedure for dealing with staff, including dismissal, because of incapacity on health grounds, whether physical or mental.
- (2) The procedure shall include a hearing by a panel, with a right of appeal to another panel, and both panels shall contain an appropriately medically qualified person.
- (3) No member of staff may be dismissed whether under this Part or Part III where that dismissal would contravene the Disability Discrimination Act 1995.

## **PART V: OTHER DISMISSALS**

### **15. Non-renewal of a fixed-term contract**

- (1) The Director, or other person or persons designated by the Director, shall in every case where a fixed-term contract is due to terminate consider whether that contract should be renewed or extended or a contract of indefinite duration should be offered, having consulted the appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and having given an opportunity to the member of staff to make representations.
- (2) A decision not to renew or extend or offer a contract of indefinite duration under the preceding paragraph must be justified on the basis that, in respect of one or more of the following considerations, it is not expedient or desirable to renew or extend the contract or offer a contract of indefinite duration:
  - (i) the availability of funding for the post, or the financial situation;
  - (ii) the individual's performance (following appropriate warnings and counselling);
  - (iii) the need for the post or the duties attaching to the post;
  - (iv) the nature and character of the post;
  - (v) the desirability of making the post permanent and appointing to it after open competition.
- (3) A member of staff whose fixed-term contract is not renewed or extended on termination or is not offered a contract of indefinite duration shall be given full reasons for the decision and shall be entitled to have the decision reviewed by a panel in accordance with a procedure to be prescribed by Ordinance.
- (4) The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.

### **16. Probationary appointments**

- (1) This Part shall also apply to members of staff who have been appointed subject to review after a period of probationary service.
- (2) The Council shall by Ordinance prescribe a procedure under which staff on probation shall be reviewed and shall include provision for non-confirmation in post at the end of the probationary period if their performance is found to be deficient or for any other substantial reason or reasons they are judged unsuitable to be confirmed in post.
- (3) The review referred to in sub-clause (2) may encompass matters which, in other circumstances, would fall to be dealt with under Parts II, III or IV of this Statute.
- (4) The substance of sub-clauses (3) and (4) of clause 15 shall apply to a member of staff who has not been confirmed in post under this clause.

## **17. Dismissal on other grounds**

- (1) This clause covers dismissals on any ground falling within clause 3(2) other than those covered by Parts II, III, IV and clauses 15 and 16 of this Statute (i.e. “some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held” (Employment Rights Act 1996, s. 98(1)(b); “the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment” (s. 98 (2)(d)).
- (2) Dismissals covered by sub-clause (1) above shall be handled in accordance with a procedure prescribed by Ordinance, which shall include the right to be heard by a panel and the right to appeal to a panel.

## ***PART VI: GRIEVANCE PROCEDURES***

### **18. Grievance Procedure**

- (1) The Council shall by Ordinance promulgate a Grievance Procedure for members of staff and in doing so shall have regard to Section 2 of the Code of Practice (as may be amended or replaced from time to time) referred to in clause 11 above.
- (2) The Procedure shall apply to grievances by members of staff concerning their appointments or employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other staff of the Institute, other than those for which provision is made elsewhere in this Statute or in respect of the outcome of any matter dealt with under this Statute, or where the Council has prescribed other procedures, provided those other procedures are no less favourable to the individual than under the Grievance Procedure.
- (3) The Procedure shall provide that consideration of a complaint under the Procedure may be deferred if other proceedings under this Statute concerning the individual and relevant to the application are pending or in progress.
- (4) The Procedure shall provide for the fair and speedy resolution of complaints, informally wherever possible, and for the complainant to be entitled to be assisted by any other member of staff or by a trade union representative at any hearings prior to that under sub-clause (5) below.
- (5) The Procedure shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to have the complaint heard by a Grievance Panel unless the complaint has been ruled frivolous, vexatious or invalid in accordance with the Procedure.