

STANDING ORDER 2: Appointment, suspension and dismissal of colleagues¹

1. INTRODUCTION

- 1.1. According to the Articles of Association ('the Articles')², the Court of Governors ('the Court') is responsible for:
- a) *"the appointment, assignment, appraisal, grading, suspension, dismissal and determination of the pay and conditions of service of the Vice-Chancellor and the Holders of Senior Posts³ as may be decided by the Court of Governors in accordance with the Procedures laid down by the Court of Governors"*⁴.
 - b) determining the *"procedures for the appointment of Colleagues and the pay and conditions of employment for all Colleagues"*⁵.
 - c) making *"rules relating to the conduct, discipline, suspension, dismissal and grievances of Colleagues"*⁶.
- 1.2. The Court has the power to delegate certain of its powers; the Court shall not delegate *"the appointment of the Holders of Senior Posts"*⁷.
- 1.3. This standing order was formally approved by resolution of the Court on 2 October 2024.

2. PURPOSE AND SCOPE

- 2.1 The purpose of the standing order is to:
- (i) identify the policies and procedures that form the rules made by the Court in relation to appointment, grievance and discipline for colleagues other than the Holders of Senior Posts;
 - (ii) determine any Holders of Senior Posts additional to those listed in the Articles;
 - (iii) confirm the process for the appointment and dismissal of Holders of Senior Posts;

¹ Throughout the document 'colleagues' and/or 'staff' refer to all employees of the University of Westminster.

² University of Westminster Articles of Association (October 2024)

³ The Holders of Senior Posts are the Vice-Chancellor, the Deputy Vice-Chancellors and the University Secretary and Chief Operating Officer (University Secretary).

⁴ Article 4.1.5, Articles of Association (October 2024).

⁵ Article 19.1, Articles of Association (October 2024).

⁶ Article 19.2, Articles of Association (October 2024).

⁷ Article 8.2.6, Articles of Association (October 2024).

- (iv) explain how the Court and, where relevant, the University will deal with situations where the conduct or behaviour of Holders of Senior Posts falls below the required standards;
- (v) confirm the process for the appointment of the Company Secretary and the Clerk to the Court ('the Clerk') and the;
- (vi) explain how the Court and, where relevant, the University will deal with situations where the conduct or behaviour of the Company Secretary or the Clerk falls below the required standards; and
- (vii) designate certain post-holders to whom the Vice-Chancellor, with the prior approval of the Court, may delegate the power to suspend or dismiss any colleague other than the Holders of Senior Posts and the Company Secretary.

2.2 Unless specifically provided otherwise, where more than one post-holder is listed each post-holder may act individually.

2.3 Grading and the determination of the pay and conditions of service are outside the scope of this standing order. For information on these responsibilities please refer to Standing Order 4: Committee structure, terms of reference and protocols.

3. POLICIES AND PROCEDURES FOR THE APPOINTMENT OF COLLEAGUES

3.1. Full guidance on the process for recruitment and selection of colleagues and links to the relevant important policies are available on [the intranet](#).

4. GRIEVANCE AND DISCIPLINARY POLICIES AND PROCEDURES (GENERAL)

4.1 The Court will make rules, to be outlined in the Grievance policy and procedure, to establish a fair and transparent process for all colleagues to obtain timely resolution to concerns or problems relating to their employment.

4.2 The Court will make rules, to be outlined in the Disciplinary policy and procedure, to deal with situations where the conduct or behaviour of colleagues other than Holders of Senior Posts falls below the required standards. The Disciplinary policy and procedure provides rules in respect of suspension and dismissal of colleagues. In specific circumstances, this is supplemented by other policies such as the Redundancy policy and the Capability policy.

4.3 Holders of Senior Posts are excluded from the University's Disciplinary policy and procedures. Except for the specific provisions stated in this standing order, the disciplinary policy and procedures for Holders of Senior Posts will equate to the Disciplinary policy and procedure for other colleagues.

5. DEFINITION AND DETERMINATION OF HOLDERS OF SENIOR POSTS

5.1 Holders of Senior Posts are defined in Article 27.1 as the Vice-Chancellor and President, the Deputy Vice Chancellor/s, University Secretary and the holders of such other senior posts as the Court of Governors may from time to time determine.

5.2 The Court of Governors does not currently designate any post-holders as being Holders of Senior Posts other than those stated in Article 27.1.

5.3 The Court of Governors may resolve to change the title of any post-holder detailed in the Articles and if such resolution is passed the relevant provisions of the Articles shall be deemed to apply to the renamed post holder, unless the Court of Governors resolves otherwise.

- 5.4 Where a role determined as a Holder of a Senior Post is appointed on a temporary basis, the acting/interim post-holder is not a Holder of a Senior Post under the Articles⁸.
- 5.4.1 The Vice-Chancellor, with support from colleagues in People, Culture and Wellbeing (PCW), leads on recruitment to such posts and has authority to approve temporary appointments to posts that otherwise would be defined as Holders of Senior Posts.
- 5.4.2 Any temporary appointment to the role of Vice-Chancellor (other than an appointment made under paragraph 8.2 of this standing order) is subject to approval by the Court of Governors on the recommendation of the Governance and Nominations Committee.
- 5.4.3 A temporary appointment to a senior post other than that of Vice-Chancellor is subject to review by the Vice-Chancellor after no longer than 12 months.
- 5.4.4 A temporary appointment to the post of Vice-Chancellor is subject to review by the Chair of the Court/Chair, Governance and Nominations Committee after no longer than 12 months.
- 5.4.5 Temporary appointments to any post defined as a Holder of a Senior Post may not exceed 24 months without the agreement of the Chair of the Court/Chair, Governance and Nominations Committee.

6. APPOINTMENT OF HOLDERS OF SENIOR POSTS

- 6.1 The Governance and Nominations Committee is responsible for overseeing succession and proposals for appointment of Holders of Senior Posts⁹.
- 6.2 Colleagues in PCW - with the Vice-Chancellor where appropriate - lead on planning for these appointments and will advise the Committee. PCW recruitment plans are expected to include the timing and scope of the search, assurance that the search and interview process is inclusive, the format of the selection process, and membership of the selection panel.
- 6.3 The selection process for a Holder of a Senior Post will usually include a search and interview process.
- 6.4 PCW are expected to follow these principles for the selection panel:
- 6.4.1 As a minimum, the Chair of the Court ('the Chair') (or their nominee) will represent the Court on the panel.
- 6.4.2 The Vice-Chancellor or a Deputy Vice-Chancellor will usually be a member of the panel.
- 6.4.3 For the avoidance of doubt, the panel shall not consist of all members of the Court or just members of the Court and may include persons who are neither a member of the Court nor a colleague at the University.
- 6.4.4 The panel will propose a preferred candidate to the Governance and Nominations Committee who will decide whether to make a recommendation to the Court for approval.
- 6.5 If PCW consider that one or more of these principles do not apply they will report this to the Governance and Nominations Committee before the panel is confirmed.

7. ASSIGNMENT OF RESPONSIBILITIES FOR HOLDERS OF SENIOR POSTS

- 7.1 The assignment of responsibilities is defined with a job description.

⁸ Article 27.1, Articles of Association (October 2024)

⁹ Governance and Nominations Committee Terms of Reference

- 7.2 The Court is responsible for the assignment of responsibilities for the Vice-Chancellor. The Court will be assisted by colleagues in PCW in the production and evaluation of the job description.
- 7.3 The Court delegates to the Vice-Chancellor assignment of responsibilities for holders of senior posts other than the Vice-Chancellor. The Vice-Chancellor will be assisted by colleagues in PCW in the production and evaluation of job descriptions.

8. SUSPENSION OF HOLDERS OF SENIOR POSTS

- 8.1 The Chair, or in the absence of the Chair a Deputy Chair to the Court ('a Deputy Chair')¹⁰, may suspend a Vice-Chancellor from duty, with pay, for misconduct. The Chair shall report such suspension in writing to the Court within two working days or as soon thereafter as is practicable.
- 8.2 On suspension of a Vice-Chancellor the Chair to the Court will usually nominate a Deputy Vice-Chancellor to assume the role of Acting Vice-Chancellor.
- 8.3 The Vice-Chancellor (or, if the Vice-Chancellor is implicated or absent, the Chair) may suspend other Holders of Senior Posts from duty, with pay, for misconduct. The Vice-Chancellor or Chair shall report such suspension in writing to the Court within two working days or as soon thereafter as practicable.
- 8.4 The post-holder shall be entitled to receive from the Vice-Chancellor or Chair written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
- 8.5 Suspension on full pay is not considered a disciplinary sanction and does not imply that the outcome of the investigation or hearing has been pre-determined. Suspensions will be kept under review and every effort will be made to ensure that the suspension is not unnecessarily protracted.
- 8.6 The post-holder has a right of appeal to the Deputy Chairs to the Court (or to the second Deputy Chair to the Court if a Deputy Chair made the decision to suspend). Ordinarily, the Deputy Chairs shall restrict themselves to matters of procedure. The Deputy Chairs have the right to uphold or overturn the suspension, and to apply lesser or greater sanctions if deemed appropriate. The decision of the Deputy Chairs shall be final.

9. DISMISSAL OF HOLDERS OF SENIOR POSTS

- 9.1 The Court delegates decisions on dismissal of Holders of Senior Posts to a Special Committee of the Court ('the Special Committee').
- 9.2 If the Vice-Chancellor or the Chair consider that it may be appropriate for the Court to dismiss a Holder of a Senior Post, the Vice-Chancellor or Chair shall refer the matter to a Special Committee, which shall be convened as soon as practicable to examine the facts and otherwise investigate the grounds for potential dismissal.
- 9.3 The Special Committee shall consist of three independent members of the Court. The allocation of members to the Special Committee shall be agreed by the Court¹¹ and shall not include the Chair of the Court if they made the referral. The members of the Special Committee shall nominate one of their number to take on the role of Chair of the Special Committee.
- 9.4 The Chair of the Special Committee may prepare an investigation report or may appoint an Investigation Officer to carry out an investigation and report on their findings prior to the hearing.

¹⁰ For the remainder of this document references to the Chair include a Deputy Chair that has acted in the absence of a Chair. If a Deputy Chair acts through delegated authority of the Chair in any procedure, they will undertake the responsibilities of the Chair throughout and must not undertake any responsibilities of a Deputy Chair within the procedure.

¹¹ The membership of any Special Committee referred to in this standing order may be agreed by a simple majority of governors - not including the Chair if they made the referral - and by email for expediency.

- 9.5 The post-holder shall have the right to make representations to the Special Committee, including oral representations for which they may be accompanied and represented by a friend, colleague or an accredited trade union official/representative. Legal representation is not permitted at any meeting of the Special Committee.
- 9.6 The post-holder will receive in writing prior to the hearing the following information:
- The date, time and location of the hearing
 - The nature of the allegation(s)
 - The name of the governor chairing the hearing
 - Confirmation of the right to be accompanied at the hearing
 - Confirmation that a PCW representative will attend the hearing
 - The investigation report (in complex cases)
 - Any other supporting documents or information, as decided by the Chair of the Special Committee
- 9.7 The Special Committee shall take such action as it considers appropriate, which may include dismissal of the post-holder.
- 9.8 The Court shall make rules for the conduct of the Special Committee and for the procedures to be followed. Generally, the Special Committee will follow the University's normal rules for disciplinary panels.
- 9.9 Subject to the terms of this standing order, the Chair of the Special Committee has full discretion to give or make any directions, arrangements or decisions as they deem necessary for the prompt dealing with the disciplinary issue.
- 9.10 The post-holder has a right of appeal to the independent members of the Court, with the exclusion of those on the Special Committee. Ordinarily, the independent members shall restrict themselves to a review as to whether the decision to dismiss was reasonable, as opposed to a reconsideration of the decision itself. The independent members have the right to uphold or overturn the dismissal, and to apply lesser or greater sanctions if deemed appropriate. The decision of the independent members shall be final.
- 9.11 For the avoidance of doubt, these provisions do apply for an individual appointed as a Vice-Chancellor on a temporary basis, but do not apply for any other Holders of Senior Posts appointed on a temporary basis (for whom the University's Disciplinary policy applies).
- 9.12 Colleagues in PCW and the University's lawyers will provide support during the process to the Chair of the Court (or the Vice-Chancellor if they made the referral), members of a Special Committee, members of an Appeal Committee and independent members of the Court.

10. APPOINTMENT OF THE COMPANY SECRETARY AND THE CLERK

Appointment of the Company Secretary

- 10.1 Subject to the provisions of the Companies Act 2006, the Court may or may not appoint a Company Secretary.
- 10.2 The Court determines that the Company Secretary shall normally be appointed for an indefinite period that will end when the individual resigns or retires or is suspended or dismissed from their substantive role.
- 10.3 The Company Secretary shall have a dual reporting line – operational line management will be undertaken by the Vice-Chancellor (or their nominee) with a separate and direct reporting line to the Chair of the Court.
- 10.4 The Court usually appoints the University Secretary to the role of Company Secretary.

- 10.5 The Company Secretary has a dual reporting line – operational line management as University Secretary will be undertaken by the Vice-Chancellor and the Company Secretary has a separate and direct reporting line to the Chair of the Court.
- 10.6 In the event of a governance breakdown, the University Secretary/Company Secretary will undertake independent and direct communication at senior levels with the Office for Students and the Charity Commission as necessary.

Appointment of a Deputy Company Secretary

- 10.7 The Court may additionally appoint a Deputy Company Secretary.
- 10.8 The Deputy Company Secretary will be able to exercise any of the powers of the Company Secretary in the absence of the Company Secretary.
- 10.9 The Court determines that the Deputy Company Secretary shall normally be appointed for an indefinite period that will end when the individual resigns or retires or is suspended or dismissed from their substantive role.
- 10.10 The Court usually appoints the Director of Finance to the role of Deputy Company Secretary.

Appointment of the Clerk

- 10.11 The Court may also appoint a Clerk to the Court¹², who is usually also the Head of University Governance.
- 10.12 The Court delegates the appointment of the Clerk to the University Secretary.
- 10.13 The Chair of the Court (or their nominee) will usually represent the Court on the selection panel.
- 10.14 The Clerk has a dual reporting line – operational line management will be undertaken by the University Secretary (or their nominee) and the Clerk has a separate and direct reporting line to the Chair of the Court.

11. DISCIPLINARY POLICY AND PROCEDURES FOR THE COMPANY SECRETARY AND THE CLERK

- 11.1 Except for the specific provisions for dismissal specified in paragraphs 11.2 to 11.12 below the Company Secretary and the Clerk are subject to the University's Disciplinary policy and procedures.

Dismissal of a Company Secretary

- 11.2 The Court delegates dismissal of the Company Secretary to a Special Committee of the Court ('the Special Committee').
- 11.3 If the Vice-Chancellor or the Chair consider that it may be appropriate for the Court to dismiss the Company Secretary, the Vice-Chancellor or the Chair shall refer the matter to the Special Committee, which shall be convened as soon as practicable to examine the facts and otherwise investigate the grounds for potential dismissal.
- 11.4 The Special Committee shall consist of three independent members of the Court. The allocation of members to the Special Committee shall be agreed by the Court¹¹ and shall not include the Chair if they made the referral. The members of the Special Committee shall nominate one of their number to take on the role of Chair of the Special Committee.
- 11.5 The Chair of the Special Committee may prepare an investigation report or may appoint an Investigation Officer to carry out an investigation and report on their findings prior to the hearing.

¹² Article 17, Articles of Association (October 2024)

- 11.6 The post-holder shall have the right to make representations to the Special Committee, including oral representations for which they may be accompanied and represented by a University colleague or an accredited trade union official.
- 11.7 The post-holder shall receive in writing prior to the hearing the following information:
- The date, time and location of the hearing
 - The nature of the allegation(s)
 - The name of the governor chairing the hearing
 - Confirmation of the right to be accompanied at the hearing
 - Confirmation that a PCW representative will attend the hearing
 - The investigation report (in complex cases)
 - Any other supporting documents or information, as decided by the chair of the Special Committee
- 11.8 The Special Committee shall take such action as it considers appropriate, which may include the dismissal of the Company Secretary. Dismissal of the Company Secretary does not constitute dismissal from the post-holder's substantive role (usually University Secretary). The University may or may not undertake the usual disciplinary procedure in respect of the Company Secretary's substantive role.
- 11.9 The Court shall make rules for the conduct of the Special Committee and for the procedures to be followed. Generally, the Special Committee will follow the University's normal rules for disciplinary panels.
- 11.10 Subject to the terms of this standing order, the Chair of the Special Committee has full discretion to give or make any directions, arrangements or decisions as they deem necessary for the prompt dealing with the disciplinary issue.
- 11.11 The post-holder has a right of appeal to the independent members of the Court, with the exclusion of those on the Special Committee and the exclusion of the Chair if they made the referral to the Special Committee. Ordinarily, the independent members shall restrict themselves to a review as to whether the decision to dismiss was reasonable, as opposed to a reconsideration of the decision itself. The independent members have the right to uphold or overturn the dismissal, and to apply lesser or greater sanctions if deemed appropriate. The decision of the independent members shall be final.
- 11.12 If the Company Secretary has been appointed on a temporary basis, and PCW consider that an alternative process is appropriate, they will make a recommendation to the Governance and Nominations Committee for approval.

Suspension or dismissal of a Clerk to the Court

- 11.13 The Court delegates suspension and dismissal of the Clerk to the Court to the University Secretary.

12. SUSPENSION AND DISMISSAL OF OTHER COLLEAGUES

- 12.1 The Vice-Chancellor, or a colleague to whom with the prior approval of the Court they have delegated this power, may, with the exception of any specific provisions outlined in the Articles or this standing order, suspend or dismiss any colleague and, if the Vice-Chancellor (or colleague with delegated authority) decides that the circumstances are such that they are entitled so to dismiss by virtue of the conduct of that colleague, that dismissal may take immediate effect without any need for prior notice.
- 12.2 Procedures for the suspension and dismissal of colleagues, and for the consideration of appeals against such dismissals, shall be specified in the policies and procedures made from time to time by the Court after consultation with colleagues¹³. The rules for dismissal should include rights of representation and the right to appeal.

¹³ [Disciplinary policy and procedure](#)

- 12.3 The Court determines that the following post-holders have delegated authority from the Vice-Chancellor to suspend and dismiss colleagues; this excludes suspension and dismissal of holders of senior posts who can only be suspended and dismissed according to the provisions in this standing order.
- 12.3.1 Holders of Senior Posts (as designated in paragraph 5 above)
 - 12.3.2 Heads of Colleges
 - 12.3.3 Heads of Schools
 - 12.3.4 Research Institute Directors
 - 12.3.5 Associate Heads of Colleges
 - 12.3.6 Colleagues within Professional Services at grade level two and above except for the Director of PCW and the two Deputy Directors – Human Resources¹⁴.
- 12.4 If any of the posts to which the Vice-Chancellor has delegated the power to suspend or dismiss (including any Holders of Senior Posts) is occupied by an agency worker or a consultant, the individual is not empowered to suspend or dismiss colleagues.

13. MONITORING AND REVIEW

- 13.1 The Court will monitor this standing order and review its effectiveness annually. The standing order may be amended by the Court from time to time.

¹⁴ Court of Governors 28 November 2018, Minute 234.16.2