

Dealing with complaints against members of the board of governors

A toolkit incorporating:

- helpful guidance
- a model complaints policy and
- a model complaints procedure

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Part 1: About this toolkit

1.0 Introduction and structure of document

- 1.0.1 Occasionally concerns may arise relating to the behaviour and / or actions of an individual governor. This toolkit has been produced to provide governors with essential information about managing complaints made against governors in a fair and consistent manner. This toolkit includes a model policy and model procedure which governors can adapt to suit their needs.
- 1.0.2 The DfE's document 'Best Practice Advice for School Complaints Procedures 2016' advises that a maintained school's complaints procedure should set out the steps to follow in the event that a member of the governing body is the subject of a complaint. This toolkit provides practical advice on the process of dealing specifically with governor complaints, and will help governors, should they wish to put in place a suitable process.

1.1 How the document is structured

- 1.1.1 This document provides a model complaints **policy**, a model complaints **procedure** and **guidance** for dealing with complaints made against a member of a school's / academy's board of governors. The following summarises the difference between these three key elements:

- 1. Guidance:** Guidance is general information for individuals who are tasked with dealing with the administration of a complaint. Guidance is provided in **part 2** of this document.
- 2. Policy:** A **policy** is a summary of the approach the board of governors will take in handling concerns and complaints. A model **policy** is provided in **part 3** of this document that governors can adapt to suit their school's / academy's needs.
- 3. Procedure:** A **procedure** describes how complaints are actually dealt with. A model **procedure** is provided in **part 4** of this document that governors can adapt to suit their school's / academy's needs.

- 1.1.2 This document, in its entirety, forms a toolkit designed for any person involved in dealing with procedural elements of a complaint against a governor (eg complaints investigator, clerk). Whilst this document is not intended for publication, any agreed policy should be published and the procedure should be available upon request.

1.2 Scope of the document

- 1.2.1 This document relates to complaints and allegations against governors. It is acknowledged that such complaints and allegations will normally (but not exclusively) relate to a governor's conduct.

- 1.2.2 It is recognised that some governors undertake voluntary work in schools/academies (e.g. reading support) in addition to their role as governor. Where governors are working in this voluntary capacity and a safeguarding allegation is made, the matter will be investigated in accordance with North Lincolnshire’s “Procedures for managing allegations against people who work with children.”⁽¹⁾
- 1.2.3 This document does not relate to complaints against decisions made by the board of governors. The board of governors’ decisions are normally made collectively*. A complaint against a governing board decision (eg a policy that the board approved) must be made to the chair of governors[†]. The chair of governors will consider the complaint and respond. The chair of governors may choose to refer the matter to the board of governors, if appropriate, prior to responding to the complainant.
- 1.2.4 This document does not relate to complaints about the service the school / academy provides to children, parents and the community. A complaint about the service provided by the school / academy should be made according to the school / academy’s complaints policy.
- 1.2.5 This document does not relate to the removal of governors through resignation, the end of their term of office, changing in governor designation or non-attendance (see Appendix 3).
- 1.2.6 Where processes are in place to deal with dissatisfaction relating to school / academy admissions, statutory assessment of SEN, pupil exclusion, staff grievance and disciplinary, internal whistle-blowing, or other service providers who may use the school / academy, then other relevant agreed procedures must be followed.
- 1.2.7 With reference to specific terminology used throughout this policy, please refer to appendix 2. Certain individuals are disqualified from serving as a governor (see appendix 3).
- 1.2.8 **Academies and Maintained Schools – Suspension of governors.** The DfE⁽³⁾ confirms that the same regulations apply to the suspension governors from maintained schools and academies. These regulations are The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.
- 1.2.9 **Maintained Schools – removal of governors.** The School Governance (Constitution) (England) Regulations (2012), confirm the details for the removal of governors from maintained schools.
- 1.2.10 **Academies – removal of governors.** Reference needs to be made to the relevant academy’s Articles of Association.

* In a limited number of circumstances the chair of governors or, in their absence, the vice chair of governors, may be empowered to make executive decisions.

† Exceptionally, if it is inappropriate to write to the chair of governors, the matter should be referred to the vice chair of governors. If referral to the vice chair of governors is also inappropriate, the matter should be referred to the board of governors’ clerk, explaining why the matter cannot be dealt with by either the chair or vice chair of governors. The clerk will then identify an appropriate member of the governing board to deal with the complaint.

Part 2: General Guidance and Information

2.0 Introduction

- 2.0.1 Should a complaint be made against a governor which is upheld, the board of governors needs to be aware of: (a) what action can be taken and (b) what body has authorisation to take action. This section provides the relevant information.
- 2.0.2 The section then goes on to look at the roles and responsibilities undertaken by people involved in dealing with complaints and the principles which should be adopted regarding the complaints process.

2.1 Actions that can be taken against specific categories of governors

- 2.1.1 There are a range of different categories of governors that can serve on a board of governors. The table below summarises what action can be taken against each type of governor; and the board that may take the action.

Table 2.0 Summary of actions that can be taken against governors

Type of governor	The board of governors authority to:		The appointing board's authority to:		Comments
	suspend	Remove	Suspend	remove	
Co-opted governor	✓	✓	✗	✗	N/A
Parent governors <u>appointments</u>	✓	✓	✗	✗	The governing board may remove an appointed , but not an elected, parent governor.
Parent governors <u>Elected</u>	✓	✗	✗	✗	The governing board may not remove any elected parent governor. (A parent governor is considered to be elected if they stood for election for parent governorship; whether or not a ballot took place is irrelevant for this purpose)
Staff governors	✓	✗	✗	✗	The governing board may not remove any staff governor. See 5.3
LA governors	✓	✗	✗	✓	A LA governor may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing board and to the governor concerned. ^(ref 4) The LA will use their agreed procedure for considering removal of a LA governor.
Foundation governors	✓	✗	✗	✓	May be removed from office by the person who appointed them. The appointer must give written notice of the removal to the clerk to the governing board and to the governor concerned. ^(ref 4) The diocese will use their agreed procedure for considering the removal of a foundation governor.
Ex-officio foundation governor	✓	✓	✗	✗	The governing board may remove any ex-officio foundation governor if requested by the person named in the instrument of government as the person entitled to make such a request. That person must give the clerk and the governor concerned written reasons for the request. ^(ref 4) NB For CofE schools the instrument of government commonly states that the Archdeacon of the Archdeaconry can make the request. Governing Boards must have this request from the Archdeacon before they can begin the removal process.
Partnership governors	✓	✓	✗	✗	N/A

2.1.2 **Elected parent governors** cannot be removed from office – even if it becomes apparent that they are unable to develop the skills to contribute to effective governance or behave in a manner unbecoming the role. Every effort should therefore be made upfront to avoid potential difficulties later by informing prospective candidates of the nature of the role and securing their agreement to a clear set of expectations for behaviour and conduct – as set out in a code of practice (Appendix 1).

2.1.3 **Staff governors:** As with elected parent governors, staff governors cannot be removed from office. Clear expectations of the role and conduct should therefore be communicated and agreed upfront. Where the complaint is in relation to a staff governor, the chair of governors will refer the matter to the head teacher / principal. The head teacher / principal will be asked to assess whether the complaint should be considered under staff policies (eg disciplinary, complaints policy). The head teacher / principal, after following the relevant guidance and investigation, should consider:

- Whether the school/academy’s disciplinary or school/academy’s complaints procedures should be invoked and/or
- Whether to propose the suspension of the governor.

2.2 Legislative requirements for the removal of a governor ⁽⁴⁾:

2.2.1 This section relates to maintained schools with regard to The School Governance (Constitution) (England) Regulations (2012). Academies should refer to their Articles of Association.

2.2.1 **Co-opted governors, partnership governors, ex-officio foundation governors or appointed parent governors:** Removal by a board of governors of a co-opted governor, partnership governor, ex-officio foundation governor or appointed parent governor is effected by resolution of the governing board but only if:

- The removal is confirmed by a resolution passed at a second meeting of the governing board not less than 14 days after the first meeting;
- The removal of the governor has been specified as an item on the agenda of both meetings; and the following additional conditions are satisfied:
 - (a) Where the governor concerned is an ex-officio foundation governor, or is a partnership governor whose removal has been requested by the nominating board, the additional condition is that the governing board considers the reasons for removal and gives the governor concerned the chance to respond.
 - (b) Where the governor concerned is a co-opted governor, a partnership governor or an appointed parent governor, the governor proposing the removal must at the meeting give reasons for the proposal and the governor concerned must have the chance to respond.

2.2.2 **Foundation governors** may be removed from office by the person who appointed them. The appointer must give written notice of the removal to the clerk to the governing board and to the governor concerned.

- 2.2.3 **Local authority governors** may be removed from office by the local authority that nominated[‡] them. The local authority must give written notice of the removal to the clerk to the governing board and to the governor concerned.
- 2.2.4 **Removal of the Chair or Vice Chair from Office:** The Board of Governors may by resolution remove the chair from office, unless the chair has been nominated by the Secretary of State (see section 67 of the EIA 2006). A resolution to remove the chair or vice-chair from office will not have effect unless the matter is specified as an item of business on the agenda for the meeting. Before the governing board resolves to remove the chair or vice-chair from office, the governor proposing the chair or the vice-chair's removal must, at that meeting, state their reasons for doing so and the chair or vice-chair, as the case may be, must be given an opportunity to make a statement in response, before withdrawing from the meeting.
- 2.2.5 **Reasons for disqualification:** The reasons for disqualification of governors are provided in Appendix 3.

2.3 Legislative requirements for the suspension of a governor

- 2.3.1 The governing board may by resolution suspend a governor for all or any meetings of the full governing board, or of a committee, for a fixed period of up to six months on one or more of the following grounds:
- (a) That the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his or her employment; or
 - (b) That the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that the governor is disqualified from continuing to hold office as governor; or
 - (c) That the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought, or is likely to bring the school or the governing board or the office of governor into disrepute. The DfE's Governor Handbook ⁽³⁾ states: "The Boards are able to suspend any governor for acting in a way that is contrary to the ethos of the school. Swift action should be taken to suspend from office any governor that acts to undermine fundamental British values or the board's commitment or ability to deliver on its Prevent duty. The board, or where applicable other appointing board, should also consider removing from office any governor acting in this manner"; or
 - (d) That the governor is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school.

[‡] Local authority governors are nominated by the local authority but appointed by the board for governors. In respect of considering a local authority governor's removal, this duty rests with the local authority.

- 2.3.2 DfE Guidance⁽⁴⁾ on the constitution of maintained schools' governing boards states: "Governing boards should make it clear in their code of practice that governors' details and interests will be published. Any governor failing to provide information to enable the governing board to fulfil their responsibilities may be in breach of the code of practice and as a result be bringing the governing board into disrepute. In such cases the governing board should consider suspending the governor."
- 2.3.3 A resolution to suspend a governor from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting.
- 2.3.4 Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must, at the meeting, state the reasons for doing so, and the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with the regulations.
- 2.3.5 A governor who has been suspended has the right to receive notices of, and agendas and reports or other papers for meetings of the governing board during the period of their suspension.
- 2.3.6 The maximum period for suspension is six months.
- 2.3.7 Suspension may also be used as a precautionary measure whilst other investigations are being undertaken (eg a staff disciplinary investigation) but for the avoidance of doubt it does not imply that misconduct has been established.
- 2.3.8 Only the board of governors has the power to suspend a governor.

2.4 Key roles and responsibilities

- 2.4.1 **Complaints Co-ordinator:** The Complaints Co-ordinator (nominated governor), working with the clerk, is responsible for ensuring the complaints policy is followed, a fair hearing is conducted and that the process is concluded in a timely manner.
- 2.4.1.2 The chair of governors should appoint a Complaints Co-ordinator, ensuring that they are capable of acting without bias or being at risk of undue influence (checking that they have no prior involvement, perceived or otherwise, in the case). If the chair of governors is unable to act because of prior knowledge or involvement or undue influence (e.g. governors who are friends with each other etc.) the vice chair will appoint a co-ordinator. If the vice chair is unable to act because of prior knowledge or involvement in the case, the clerk will identify a suitable person. This role may not be undertaken by any staff governor. The chair / vice chair may appoint themselves as co-ordinators. In the exceptional circumstance that a member of the board is unable to undertake this function, the clerk will seek a governor from another school or academy. Such appointment can be advised by the clerk.
- 2.4.1.3 The Complaints Coordinator will be required to make decisions and recommendations regarding the complaint (see stages 1 of the complaints process). The Complaints Co-ordinator will be required to attend a hearing, if necessary (see stage 2).

- 2.4.2 **Appointing Body:** The organisation responsible for appointing foundation or local authority governors.
- 2.4.3 **Clerk:** The clerk will provide advice to the complaints co-ordinator on procedural matters, provide effective administrative support to the complaints co-ordinator and ensure meetings are properly constituted.
- 2.4.4 **Investigator.** The Complaints Co-ordinator will be responsible for ensuring that the complaint is investigated correctly and fully. In order to undertake this function, the co-ordinator may choose to conduct the investigation themselves or appoint a suitable individual to act on their behalf. If the complaint is in relation to a foundation governor or a local authority governor, the Complaints Co-ordinator may approach the respective organisation to seek a suitable investigator, although the respective organisation cannot be mandated to investigate the complaint. The person appointed to investigate the complaint will be known as the investigator.
- 2.4.5 If requested by the Complaints Co-ordinator (or Appointing Body) the Investigator must be willing to attend any complaints hearings to present their findings.
- 2.4.6 It is recommended that the Investigator has the right skills, knowledge and personal qualities taking into account the nature of the complaint.
- 2.4.7 The role of Investigator is to be fair and objective so that they can reasonably establish the essential facts of the matter and reasonably reach a conclusion on what did or did not happen. An Investigator should do this by looking for evidence that supports / refutes the allegation.
- 2.4.8 It is at the discretion of each Investigator to choose which sources of evidence they should collect. Each investigation will be different and the facts and information that need to be collected will also differ. It would be expected that interviews with the complainant, the governor concerned and any witnesses would be undertaken.
- 2.4.9 As the investigation progresses, other possible sources of evidence may come to light or become relevant. However, an Investigator should remember that they only have to investigate what is reasonably likely to be important and relevant in order to conduct a reasonable investigation.

2.5 Principles regarding the complaints process

- 2.5.1 The principles of dealing with a complaint should include the following:
- Complaints should, where possible, be resolved informally.
 - Complaints need to be considered and resolved as quickly as possible.
 - Subject to both parties' agreement, mediation may be used to try and resolve the complaint. If mediation is unsuccessful, the complaint will proceed in accordance with the policy.
 - Complaints must be lodged within 3 months of the matter arising unless in exceptional circumstances.
 - Formal complaints must be made in writing, although this should not prevent the option to seek an informal resolution.
 - A written log of communications should be maintained by the Complaints Co-ordinator when dealing with complaints. Notes should be taken during all meetings with the complainant. Recording devices will not be used.

- The complainant has the right to receive minutes of meetings.
- Complaints should not be shared with the whole governing board (unless at a meeting where the governing board is hearing the complaint).
- Once the complaint procedure has been exhausted the governing board can confirm the matter is closed.
- Complainants have the right to have new complaints heard.
- The details of the complaint must be kept in strict confidence by the governing board even after the matter has been closed.

Part 3: Complaints Policy

For Information

This policy statement is offered for schools/ academies to adapt to suit their local needs and circumstances and is not prescriptive. Governors may choose to add, delete or amend accordingly. It is suggested that reference be made to the availability of both the policy statement and your procedural documents within the school/academy's prospectus or brochure.

It should be noted that the DfE's Best Practice Advice for School Complaints Procedures (2016), confirms that schools must have a distinct complaints policy which is easily accessible and publicised.

Our policy on dealing with complaints against governors

1. This policy statement sets out our school's / academy's approach to dealing with concerns and complaints against members of the board of governors. Further details of how we handle concerns and complaints are contained in our procedure dealing specifically with complaints against governors, which you can obtain from the school office or our website.
2. We value good relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints informally and promptly, to the satisfaction of all concerned.
3. We welcome feedback on what we do well, or not so well, as a school / academy. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously. In return, we expect complainants to behave respectfully towards all members of the school / academy community. In particular, any disagreement with the governors should not be expressed inappropriately or in front of pupils.
5. All members of the governing board will receive a copy of this policy statement and will be familiar with the board's procedures for dealing with complaints against governors.
6. The school's / academy's procedures will be reviewed regularly and updated as necessary (note: If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy)
7. Governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing board.
8. The DfE advocate resolution of complaints at school / academy level wherever possible.

Part 4: Model Complaints Procedure

Guidance for governors: it is advisable that a board of governors has a **procedure** for dealing with complaints against governors. A **procedure** describes how complaints are actually dealt with. A model **procedure** is provided below, which governors could adapt to suit their school's / academy's needs.

Academies need to refer to their Articles of Association when considering the appropriateness of this model policy, especially in regard to the removal of governors.

4.2 Our school/academy's procedure for dealing with complaints against governors

4.2.1 This document described the procedure that will be followed if a complaint is made against a member of the school/academy's board of governors.

4.3 Concerns versus complaints: resolving informally

4.3.1 "A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'" (DfE's definition). It is hoped that most issues relate to 'low-level' concerns and can be addressed adequately through informal processes.

4.3.2 A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'" (DfE's definition). For clarity, a matter becomes a complaint, when either; an attempt to resolve a concern (see above) has failed and the complainant wishes to escalate the problem; or the complainant explicitly states they want their issue treating as a complaint.

4.3.3 Attempts will be made to resolve the matter informally. Where it has not been possible to address a concern and the person wishes to escalate the matter, they should be referred to stage 1 below. The complaints policy underpins the principles behind this procedure.

4.4 Stage 1

4.4.1 In the first instance, arrangements will be put in place to try and resolve the matter informally, unless this has previously been attempted.

4.4.2 Complaints against staff governors will be referred by the Complaints Co-ordinator to the head teacher/principal. When making a complaint the facts of the case rather than opinion should be stated.

4.4.3 Where it is clear the matter needs to be treated under this complaints procedure (i.e. the matter has escalated beyond a concern), the complaint should be made in writing, unless this is not possible.

4.4.4 Where the complaint relates to a governor, the chair of governors (or representative) will be responsible for co-ordinating the complaint. If the matter relates to the chair of governors, the vice chair of governors (or representative) will be responsible for co-ordinating the complaint. Ultimately the chair/vice chair of governors is responsible for ensuring the policy is carried out effectively, but they can delegate duties (eg investigations, administration etc).

What should happen and when should it happen by?

- 4.4.5 Complaints will be lodged within 3 months from the incident. The chair/vice chair of governors will have the discretion to consider complaints older than 3 months taking into account the reasons for the delay⁵.
- 4.4.6 The complaint should be made in writing to the chair of governors (or vice chair of governors if the complaint relates to the chair of governors). As a minimum, details of the complaint, any action already taken to resolve the complaint and what actions might help resolve the problem should be included.
- 4.4.7 On receipt of the complaint, the chair / vice chair will appoint the Complaints Co-ordinator (which may be the chair or the vice chair).
- 4.4.8 The Complaints Co-ordinator will arrange for an acknowledgment to be sent to the complainant within 5 school days, confirming that the matter will be looked into and, if necessary, requesting a discussion with the complainant. It is good practice to advise the complainant how to access the complaints policy and procedure.
- 4.4.9 Arrangements will be made for any complaint to be made and considered initially on an informal basis. The Complaints Co-ordinator will try and resolve complaints informally if possible.
- 4.4.10 The complainant should be provided with an opportunity to meet with (or via telephone discussion) the Investigator to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf, or provide support.
- 4.4.11 Likewise, the governor (complained against) should be provided with the opportunity to meet with (or via telephone discussion) the investigator so they can understand the nature of the complaint and provide information.
- 4.4.12 If the matter cannot be resolved through provisional meetings / discussions and fact finding, the Complaints Co-ordinator will ensure that a thorough investigation is carried out and will keep records of all meetings, telephone conversations and any other evidence. The investigator should produce a written report including evidence collected.
- 4.4.13 Once all the relevant facts have been established, the Complaints Co-ordinator will provide a report to the chair of governors (vice chair if the complaint relates to the chair) who will consider the report. The chair will decide whether to uphold or dismiss the complaint. They will communicate their findings to:

The complainant: The chair of governors will write to the complainant within 15 school days confirming whether they have upheld or dismissed their complaint (in full or part) and the reasons for the decision. Whatever the outcome, from the complainant's perspective, the case will be closed at this point.

⁵ The DfE 2016 guidance states that where a policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure should reflect this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

The governor: The chair of governors will write to the governor within 15 school days confirming whether they have upheld or dismissed their complaint and the reasons for the decision. Additionally the chair of governors should confirm one of the following options if the complaint was upheld (in full or part):

- (a) Depending upon the category of governor, that the matter will be referred to the board of governors or appropriate body, with recommended action for suspension or removal.
- (b) That the matter will not progress any further and the board of governors will be informed of the outcome.
- (c) That the matter will not progress, however training is recommended and the board of governors will be informed of the outcome.

4.5 Stage 2

4.5.1 If it is proposed by the chair of governors that a governor should be suspended or removed then, depending upon the category of governor (see table 2.0) **only one** of the following options will be followed:

- (A) The case will be referred to the board of governors for consideration of suspension or removal (noting that the removal option does not apply to elected governors)
- (B) The case will be referred to the appropriate body (foundation or local authority) for consideration of removal.

4.5.2 A case can only be heard by one body. For example, if a complaint against a foundation governor was heard by the board of governors for suspension, it should not subsequently be heard by the appointing body for removal (or vice versa). Therefore, the chair of governors should refer the case to the organisation that has the authority to implement the recommendation (i.e. suspension or removal).

4.5.3 With reference to paragraph 4.5.1: If the chair of governors decides that the case should be considered by the board of governors, then option A (4.5.3.1) applies; if the chair of governors decides that the matter should be considered by the appointing body, then option B (4.5.3.2) applies.

4.5.3.1 Option A: Consideration by the board of governors

4.5.3.2 The Complaints Co-ordinator will arrange (normally via the clerk) for the board of governors to meet within 20 school days to consider the recommendation. All parties (not the complainant) should be notified at least 5 school days before the meeting, informing them of the date, time and place. The agenda (see Appendix 1) and invitation should be sent to all parties 5 school days in advance, specifying the item of business and the background papers.

4.5.3.3 The panel should approach the matter with an open unbiased mind, listening carefully, considering the evidence and exploring all the issues thoroughly. The governors sitting on the panel need to be aware of the guidance being followed and the procedure for the hearing. The governor proposing the resolution to suspend or remove (normally the chair of governors) will be given an opportunity to state the reasons for their proposal; likewise, the governor who is the subject of resolution must be given an opportunity to make a statement in response.

4.5.3.4 The terms of reference for board of governor meeting are as follows:

“The board of governors have the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. The board should consider if the governor has breached either: the governors’ code of practice, acted in a manner inconsistent with the ethos or religious character of the school / academy or acted in a way likely to bring the school/academy, the governing board or their office as a governor into disrepute. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.”

4.5.3.5 Having considered the case the board will consider whether to:

- dismiss the complaint in whole or part; or
- uphold the complaint in whole or part;
- to specify support, training etc.

4.5.3.6 If the panel uphold the complaint in whole or part, they must then decide on the appropriate action to be taken, which is:

- suspension or removal of the governor (noting that the latter option is not available for certain categories of governors); or
- that no further action should be taken.

4.5.3.7 If a governor is not removed, consideration can also be given to external support (i.e. from the diocese, local authority or other established networks) which may include mediation or training.

4.5.3.8 The clerk will notify the governor of the decision within 5 school days of the decision being made. The decision will be made in writing and will confirm the reasons for the board’s decision. Outcomes from the hearing will not be made public, but if the governor is removed from the governing board the school/academy’s website must be updated.

4.5.3.9 The decision of the panel or committee shall be final. For removal, the resolution is confirmed by a further resolution, passed at a second meeting of the governing board not less 14 days after the first meeting.

4.5.3.10 Option B: Consideration by the appropriate body (foundation or local authority)

4.5.3.11 If a complaints case involves either a local authority governor or foundation governor and the chair of governors recommends the governor’s removal, the matter should be referred directly to the nominating / appointing body for consideration.

4.5.3.12 The Complaints Co-ordinator will notify the governor, and the board of governors of this decision in writing. The Complaints Co-ordinator (and chair of governors if not the same person) will provide the appropriate organisation with the investigation report and offer to attend their internal hearing / process. The Complaints Co-ordinator will ask that the appropriate body resolves the matter within 20 school days and notifies the Complaints Co-ordinator and the governor of the outcome, and the reasons for the decision. The Complaints Co-ordinator will notify the governing board.

4.5.3.13 The appropriate body will have their own procedures to deal with the removal of foundation or local authority governors. It is recommended that the nominating/appointing body invites the governor who is subject to complaint to their hearing/process.

4.5.3.14 Other Arrangements

4.5.3.15 Any panel or committee considering complaints must be clerked. The clerk would be the contact point for the complainant and ensure all agenda, procedures and documentation are circulated in advance and an accurate record of proceedings is maintained. The outcome of a complaint needs to be recorded in the minutes of the next governing board meeting.

APPENDIX A TYPICAL AGENDA FOR CONSIDERING SUSPENSION / REMOVAL OF GOVERNOR

A: Introductions and Confirmation of Process

1. Welcome
2. Apologies
3. Consider declaration of interests
4. To confirm the order of the procedure and process and roles of individuals

B: Presentation of case to suspend / remove the governor

5. Presentation of information by the Chair of governors / Complaints Co-ordinator
6. Questions on matters of fact by the governor
7. Questions on matters of fact by the governing board

C: Presentation of information by the governor:

8. Presentation of information by the governor (including witnesses)
10. Questions on matters of fact by Chair of governors / Complaints Co-ordinator
11. Questions on matters of fact by the governing board

D: Summing up

13. Summing up by the Chair of governors / Complaints Co-ordinator
14. Summing up by the governor

E: Decision making

15. The proposer and the governor withdraw.
16. Consider whether to suspend the governor for all or any meetings of the school /academy, or of a committee, for a fixed period of up to 6 months. May make recommendations.

The removal is confirmed by a resolution passed at a second meeting of the governing board not less than 14 days after the first meeting

APPENDIX 1 – GOVERNOR CODE OF PRACTICE

The Board of Governors

The board of governors is the school's accountable body and is responsible for the conduct of the school and for promoting high educational standards. The board aims to ensure that children are attending a successful school providing them with a good education and supporting their well-being. The board of governors:

- Sets the strategic direction of the school by:
 - setting the values, aims and objectives for the school
 - agreeing the policy framework for achieving those aims and objectives
 - safeguarding and promoting the welfare of all children and young people
 - setting targets and ensuring all statutory duties are met
 - agreeing the school improvement strategy including approving the budget and staffing structure
- Challenges and supports the school by monitoring, evaluating and reviewing:
 - the implementation and effectiveness of the policy framework
 - progress towards achieving ambitious outcomes for ***all*** children and young people
 - the implementation and effectiveness of the school improvement strategy
 - the budget and the staffing structure
- Ensures accountability by:
 - signing off the school's own self-evaluation report
 - responding to Ofsted reports when necessary
 - holding the head teacher and leaders at all levels to account for the performance of the school
 - ensuring parents and pupils are involved, consulted and informed as appropriate
 - making information available to the community
- Appoints and performance manages the head teacher who will deliver the aims (through the day to day management of the school, implementation of the agreed policy framework and school improvement strategy, and delivery of the curriculum) and report appropriately to the board of governors

The Role of the Governor

In law, the board of governors is a corporate body, which means:

- no governor can act on her/his own without proper authority from the board,
- all governors carry equal responsibility for decisions made; and
- although appointed through different routes (i.e. parents, staff, local authority, co-opted, Foundation) the overriding concern of all governors has to be the welfare of the children and the school as a whole

The Role of the Head Teacher

To enable governors to carry out these duties effectively the head teacher will:

- respect governors and value their skills, experience and contribution to the board
- facilitate decision making by providing transparent, clear, concise and relevant information
- contribute to the induction, training and development of governors enabling them to become an active part of the life of the school

General

We understand the purpose of the board of governors, the role of governor and head teacher as stated.

We are aware of and accept the Nolan seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

We accept that we have no legal authority to act individually, except when the board has given us delegated authority to do so, and therefore we will only speak on behalf of the board when authorised.

We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.

We will encourage transparency whilst respecting the need for confidentiality in certain circumstances.

We accept collective responsibility for all decisions made by the board of governors or its delegated agents.

We will not speak against majority decisions outside the board meeting.

We will consider carefully how our decisions may affect the community and other schools.
We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school.
Our actions within the school and the local community will reflect this.
In making or responding to criticism or complaints we will follow the established procedures.

Commitment

We acknowledge that accepting office as a governor involves a significant time and energy commitment.
We will each involve ourselves actively in the work of the board of governors, and accept our fair share of responsibility, including service on committees or working groups.
We are committed to attend all meetings having read any paperwork provided and on the rare occasion we are unable to attend, to provide an explanation in advance.
We will actively support collaboration, partnership working and support from other agencies where this is considered of benefit to the pupils.
We will get to know the school well and respond to opportunities to involve ourselves in school activities.
Our visits to school will be arranged in advance with the staff and undertaken within the framework established by the board of governors and agreed with the head teacher.
We will consider seriously our individual and collective needs for training and development, and will undertake relevant training to ensure our effectiveness as a board of governors.
We are committed to actively supporting and challenging the head teacher.
We will communicate with the head teacher in a positive and constructive way.

Relationships

We will strive to work as a team in which constructive working relationships are actively promoted.
We will express views openly, courteously and respectfully in all our communications.
We will support the chair in their role of ensuring appropriate conduct both at meetings and at all times.
We are prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
We will seek to develop effective working relationships with the head teacher, staff and parents, the local community, the local authority and other relevant agencies.

Confidentiality

We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school.
We will exercise the greatest prudence at all times when discussions regarding school business arise outside a board meeting.
We will not reveal the details of any board of governors' vote.

Conflicts of Interest

We will record any pecuniary or other business interest that we have regarding the board of governors business and understand this information will be made available on the school's website.
We will declare any pecuniary or personal interest which could be conceived as a conflict of interest in a matter under discussion at a meeting, and offer to leave the meeting for the appropriate length of time.
Failure to reveal information to enable the board to fulfil their responsibilities may be in breach of this code.

Breach of this Code of Practice

If we believe this code has been breached, the issue will normally be raised with the Chair, or where appropriate an alternative governor.
In certain circumstances we may raise the issue directly with the local authority which may decide to investigate the matter as a *whistleblowing* issue.
The Chair or an independent person will investigate the matter further.
This would lead to the appropriate action being undertaken in accordance with the relevant legislation.

APPENDIX 2 - TERMINOLOGY

An independent person	A person that has no previous knowledge of the complaint. This may include a member of the governing board
Appointed Representative	A person nominated by either the local authority or diocese to consider any issues in respect of complaints against a local authority governor or foundation governor respectively
Board of Governors	The governing board
Clerk	The clerk is responsible for arranging the independent panel meeting, undertaking administrative duties and recording hearings
Complainant	The person who is formally making the complaint
Complaints Co-ordinator	The person responsible for overseeing the administration of the complaint process and ensuring an investigation is undertaken fairly. Elements of the process may be delegated
Hearing	A private meeting that is arranged so that the complaint can be considered
Investigation	An investigation is a fact-finding exercise to collect all the relevant information on a matter. A properly conducted investigation can enable the Investigator to fully consider the matter and then make an informed decision on it
Investigator	The person who has been given the responsibility to investigate the complaint

APPENDIX 3 - GROUNDS FOR DISQUALIFICATION (MAINTAINED SCHOOLS) ⁽⁴⁾

This section relates to all maintained schools. For academies, reference may need to be made to the articles of association or incorporating into standing orders.

People may be disqualified from serving as a governor for a number of reasons. The grounds for disqualification fall into three broad categories:

- General grounds;
- Grounds that apply to particular categories of governor; and
- Grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

- Registered pupils cannot be governors.
- A governor must be aged 18 or over at the time of election or appointment.
- A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

A person is disqualified from being a partnership governor if they are:

- A parent of a registered pupil at the school;
- Eligible to be a staff governor at the school;
- An elected member of the LA; or
- Employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing board of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing board. This does not apply to the head teacher or to foundation governors appointed by virtue of their office.

A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- Is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a

disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)

- Has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any board is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- Is barred from any regulated activity relating to children
- Is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- Is disqualified from working with children or from registering for child-minding or providing day care
- Is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- Has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- Has received a prison sentence of two years or more in the 20 years before becoming a governor
- Has at any time received a prison sentence of five years or more
- Has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
- Refuses a request for the clerk to apply to the Disclosure and Barring Service for a criminal records check.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing board.

REFERENCES

- 1 North Lincolnshire's Local Safeguarding Children's Board: Procedures for managing allegations against people who work with children. Updated February 2013. <http://www.northlincs.gov.uk/people-health-and-care/information-for-professionals/safeguarding-procedures/lscb/>
- 2 SI (No2688) The School Governance (Roles, Procedures and Allowances) (England) (Amendment) Regulations 2013. <http://www.legislation.gov.uk/uksi/2013/2688/made>
- 3 DfE (Nov 2015), Governor Handbook for Trustees of Academies and Multi Academy Trusts and Governors of Maintained Schools. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481147/Governance_handbook_November_2015.pdf
- 4 DfE (Aug 2015) The constitution of governing bodies of maintained schools Statutory guidance for governing bodies of maintained schools and local authorities in England. file:///C:/Users/Steve/Downloads/The_Constitution_of_Governing_Bodies_of_Maintained_Schools_Stat_Guidance....pdf
- 5 DfE (Jan 2016), Best Practice Advice for School Complaints Procedures 2016. Departmental advice for maintained schools, maintained nursery schools and local authorities. <https://www.gov.uk/government/publications/school-complaints-procedures>
- 6 UK Houses of Parliament, Commissioner's Office (April 2012): Procedural note: Parliamentary Commissioner for Standards Procedure for Inquiries <http://www.parliament.uk/documents/documents/Procedural-Note-April-2012.pdf>.

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Governor Services