



“Working together to fulfil potential”

The procedure for managing concerns or complaints about a governor

Ratified: 28.2.18

Reviewed: Spring 2020

Introduction

- Governing boards are corporate bodies and, as such, no individual governor has any special powers, except for the Chair of Governors who may act on behalf of the governors when clearly it would be in the best interests of the governing board to do so.
- The power that lies with governing boards does so corporately and decisions are reached by a majority of governors present voting, after discussion.
- Whilst governors are required to hold the school and senior managers within the school to account, they should do so constructively and from a position of trust.
- Governors are required to promote high standards within the school.
- Governors do not bring a mandate from the group that may have selected, or elected, them to the governing board.
- Although governors are volunteers, they are obliged to follow the principals that underpin the standards of those holding public office. These are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- Governing bodies are strongly advised to have adopted a governors’ Code of Conduct and our governing board has done so. This is to ensure that all our governors know the agreed way of working and behaving in order that their work can focus on the key role of school improvement and any concern regarding a governor’s conduct is challenged at the earliest opportunity. Our governor’s sign up to the code of conduct at the start of each year and new governors when they are first appointed / elected to the governing board as part of their induction.
- Occasionally concerns may arise relating to the behaviour and / or actions of an individual governor and this procedure is our governing board procedure for what to do in the event of this happening, and to ensure that all members of a

governing board are treated fairly and equally, irrespective of gender, age, race, disability, religion and belief, sexual orientation or gender reassignment.

General principles

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing board;
- where advice is needed in managing a complaint against a governor this should be sought from the clerk to the governing board/trust;
- where help and support is needed in managing a complaint against a governor, this could be sought from another school governing board/trust board;
- The involvement of the Local Authority (as a maintained school) or trust board (as an academy) should be sought where the issues cannot be resolved internally by the school or the expertise of carrying out investigations is required.

Categories of complaints

- Complaints against governors can be categorised as those from:
 - other governors on the governing board;
 - members of the public, including parents;
 - members of the school staff.
- Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the governing board, which would normally fall to the chair to manage.
- Where the complaint is made against the chair then:
 - it could be passed to the vice chair; or
 - by agreement of the governing board, passed to the chair of another school governing board to investigate.
- The governing board need to consider to what extent the internal investigation of a complaint against a governor by another governor generates a conflict of interest or prejudice.
- No member of the school staff, including the headteacher, should be involved in the investigation of a complaint against a governor other than as a witness.

The procedure

This procedure is for complaints from members of the public, parents and governors.

1. All complaints must be in writing, which includes email.
2. The chair must inform the governor against whom the complaint is made, the content of the complaint and how it is to be managed and should do this within 5 working days of the receiving the complaint.
3. All complaints must be reported to the governing board as soon as is practicable, however the information must be restricted to:
 - the date the complaint was received; and
 - against which governor the complaint is made.
4. Unless otherwise agreed by the governing board, the complaint should be managed by the chair.
5. The chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
6. It may be that due to the nature of the complaint, the chair can resolve the issue at the initial meeting and no further action be taken. This outcome should be reported in writing immediately to the governor who the complaint is against and the governing board. This should be done within 20 working days of the receipt of the complaint.
7. Where the complaint cannot be resolved at the initial meeting with the complainant, the chair will need to meet with the governor concerned and put to them the complaint in order for them to make a response. The meeting should take place within 20 working days of the complaint.
8. The chair will write a letter to the complainant providing an outcome to their complaint. This should be done within 15 working days of the meeting held with the governor whom the complaint is made against.
9. The outcome of the complaint could be that:
 - the complaint is dismissed;
 - the complaint is upheld in part or whole and a letter of apology is sent to the complainant,
 - the complaint is detrimental to the reputation of the governing board and the governor concerned is invited to resign;
 - the governor is suspended;
 - the governor is removed from the governing board.

Procedure for managing complaints from school staff against governors

1. The member of staff should report their complaint to the headteacher who will then report it to the chair. Staff should not be submitting a complaint against a governor without notifying the headteacher.
2. Staff may seek advice from their professional association to determine whether their issue constitutes a complaint or a formal grievance under the school's grievance procedure.
3. The procedure then follows as for complaints from members of the public, parents and governors as listed above.

Procedure for managing complaints against the chair

1. Good practice supports this process being undertaken by an independent third party. A chair from another governing board would be a sensible approach to adopt and our governing board will in the first instance approach a chair of a governing board from one of our cluster schools/academy trust schools.
2. The procedure then follows as for complaints from members of the public, parents, governors and staff as listed above.

Recording the outcome of the complaint

The outcome of a complaint needs to be recorded in the minutes of the governing board meeting as follows:

Agreed: That a complaint was made against a governor and investigated by [insert name] the outcome being [insert details of the outcome].

Suspension, removal and resignation

1. Where a governor was at fault and the complaint so serious that was upheld such that the person should no longer serve as a governor, the expectation would be that the person would resign.
2. Should the governor not resign and their continuation as a governor affect the reputation and work of the governing board, the governor can be suspended.

The procedures for suspending a governor in a maintained school are attached in **Appendix A**. The procedures for academies are outlined in the academy's Articles of Association.

3. In some circumstances it may be necessary to remove the governor from the governing board in order to resolve the issue. Such an action may be taken as a consequence of a complaint or by the governor's own inappropriate behaviour.

The procedures for removing a governor in a maintained school are attached in **Appendix B**. The procedures for academies are outlined in the academy's Articles of Association.

4. Where the complaint is made against the chair, the governing board has the power to remove him from office. This also includes the vice chair.

Appendix A: Suspension of governors (taken from *The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 – Regulation 17*)

Suspension of governors

17.—(1) Subject to paragraphs (2) to (4), the governing body may by resolution suspend a governor for all or any meetings of the school, or of a committee, for a fixed period of up to 6 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;

(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 under Schedule 6 to the Constitution Regulations 2007 or Schedule 4 to the Constitution Regulations 2012;

(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 body or the office of governor into disrepute; 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.

(2) 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.

(3) 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 regulation 16(b).

(4) Nothing in this regulation may be read as affecting the right of a governor who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of their suspension.

(5) A governor may not be disqualified from continuing to hold office under paragraph 5 of Schedule 6 to the Constitution Regulations 2007 or paragraph 9 of Schedule 4 to the Constitution Regulations 2012 for failure to attend any meeting of the governing body while suspended under this regulation.

Appendix B: The DfE guidance for the removal of governors (taken from The constitution of governing bodies of maintained schools and local authorities in England – August 2017)

C.5 Removal of governors (regulations 20 - 24A)

Foundation governors may be removed from office by the person who appointed them. The appointing body must give written notice of the removal to the clerk to the governing body and to the governor concerned. Governing bodies may suspend¹³ but not remove any foundation governor. Where a governing body has any concerns over the effectiveness or behaviour of a governor appointed by another body, they should bring their concerns to the attention of that body. It would then be for the appointing body to consider whether the information brought to light is sufficient to change their opinion of whether the individual concerned has the skills to contribute to effective governance, which was the basis of their original appointment decision, and if not to remove the individual and appoint someone else who does.

The governing body 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 (for details see C.6 below). That person must give the clerk and the governor concerned written reasons for the request.

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 body and to the governor concerned.

The governing body may remove co-opted governors and partnership governors (for details see section C.6). A partnership governor may also be removed by the governing body at the request of the nominating body (for details see section C.6 below).

The governing body may also remove an appointed or an elected, parent or staff governor.

It is advised that every effort be made to avoid potential difficulties later by informing prospective election candidates, or appointees, of the nature of the role. It is advised that their agreement is secured to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. A code of conduct is expected to detail (within the parameters of relevant regulations and this guidance) the circumstances in which the governing body may suspend or remove a governor. Good training, a thorough induction and effective chairing are also vital in helping to prevent situations occurring in the first place. It is advised that induction includes a clear setting out of the expectations of the governor role.

Governing bodies are expected only to exercise the power to remove an elected governor in exceptional circumstances where the actions or behaviour of the elected governor warrants removal rather than suspension. The power should not be used

simply to remove dissenting or challenging voices. Good governance involves asking courageous questions and offering appropriate professional challenge. A diverse range of viewpoints contributes to healthy debate and good decision making; and

13. Regulation 17 of the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

avoids governing boards becoming inappropriately dominated by a single narrow perspective.

The five year disqualification term for removal reflects the expectation that the power to remove an elected governor will only be used in exceptional and serious circumstances (and such seriousness will depend on the facts of the case). Examples which could give rise to removal are where:

- a. there have been repeated grounds for suspension¹⁴;
- b. there has been serious misconduct. Governing bodies should decide what constitutes serious misconduct based on the facts of the case. However, it is expected that any actions that compromise the Nolan principles, if sufficiently serious, would be considered in scope of this reason for removal;
- c. a governor displays repeated and serious incompetence; for example where an elected governor is unwilling or unable, despite all appropriate support, to develop the skills to contribute to effective governance; or where attendance is so irregular that the governor is unable to make any meaningful contribution to the work of the board;
- d. the governor has engaged in conduct aimed at undermining fundamental British values of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs; and/or;
- e. the actions of the governor are significantly detrimental to the effective operation of the governing body, distracting it from its core strategic functions; and/or the actions of a governor interferes with the operational efficiency of the school thereby wasting a significant amount of headteacher and /or senior leadership time.

C.6 Procedure for removal of governors by the governing body (regulation 25)

Removal by a governing body of a co-opted governor, partnership governor, ex-officio foundation governor, appointed parent governor or elected parent or staff governor is effected by resolution of the governing body but only if:

- the removal is confirmed by a resolution passed at a second meeting of the governing body 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.

Where the governor concerned is an ex-officio foundation governor, or is, a partnership governor whose removal has been requested by the nominating body, the

14. The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 14 set out the grounds on which governing bodies can suspend governors including where 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 body or the office of governor into disrepute.

additional condition is that the governing body considers the reasons for removal and gives the governor concerned the chance to make a statement in response.

Where the governor concerned is a co-opted governor, a partnership governor, elected parent or staff 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 make a statement in response.

Governing bodies are expected to provide an appeals procedure to enable any removed governor to test the reasonableness of the governing body's decision to remove them. It is advised that an independent panel conducts the appeal, which could include a governor from another school, and/or a suitable official from the local authority, or a suitable diocesan representative.

It is advised that any governor subject to removal is provided with written details of the case against them ahead of any meeting, and it is advised this includes details of how their case is being handled, and the timeframes involved. They must then be given sufficient time and support to respond.