

Procedures for Dealing With a Complaint Against a Governor

The following approach is recommended to governing bodies.

It should be noted that a governor must be disqualified if one of the disqualification criteria applies (available separately).

Recommended approach

1. Informal stage

The Chairman of Governors to discuss the difficulty or dispute with the governor concerned and, if possible, resolve the issue with whatever guidance, warning or rebuke is necessary.

If the issue has not been resolved informally, or is thought to be sufficiently serious that the informal stage is inappropriate....

2. Formal stage

- a) The Chairman of Governors should seek information in writing from the governor about the difficulty or dispute and the reasons for it. The governor should be given an opportunity to respond in writing to any allegation. The issue may be able to be closed at this point, with guidance, a warning or rebuke, either orally or in writing depending on the seriousness of the issue.
- b) If the Chairman of Governors is not satisfied with the response, then an investigation should be held. The Chairman of Governors should appoint an Investigating Officer. This should be someone impartial and not involved in the difficulty or dispute in any way; it could be a member of staff or another governor, but need not be anyone associated with the school.
- c) The Investigating Officer to investigate the issue, taking evidence from ALL interested parties. As interviews are likely to be a part of this process another person should accompany the Investigating Officer. The investigation should be documented in full, including notes of interviews that should be checked back for accuracy with the interviewee. If a child is involved, the child should not be interviewed without a parent/carer also being present.
- d) The Investigating Officer should report back in writing to the Chairman of Governors.
- e) The Chairman of Governors to decide on the appropriate course of action. This could be:
 - (i) guidance, warning or rebuke, either orally or in writing depending on the seriousness of the issue.
 - (ii) Recommend to the governing body suspension for a period of up to six months. Suspension can only be made if one or more of four grounds apply (see Annex). Any motion to suspend must be specified as an agenda item of a governing body meeting for which at least seven days notice has been given. Before the governing body votes to suspend the governor, the governor proposing the suspension must give their reasons for the suspension. The governor who is proposed for suspension must be given the opportunity to make a statement in response before s/he withdraws from the meeting and a vote is taken. The DfES state that a vote to suspend should only be taken as a last resort.

In the case of appointed governors *and* in exceptional circumstances only:

(iii) Recommend to the governing body that, in the case of:

- a community (co-opted) governor, the governor be removed.
- an appointed governor, (normally LEA or Foundation), a recommendation be made to the appointing body to remove the governor.

In either case, the governing body must pass resolutions to remove him or her at two separate meetings. These meetings must be at least 14 days apart. Seven days' notice of each meeting must be given. Recommendation for the removal of the governor must be a specific agenda item on the agenda for both meetings. At least one-half of the members of the governing body must be present at both meetings. Before the vote at the second meeting, the governor proposing the recommendation for removal of the governor must state the reason for the proposal, and the governor who is proposed for removal must be given the opportunity to make a statement in response.

In the case of an appointed governor, if the proposal is agreed then the recommendation for removal is to be made to the appointing body. The appointing body will consider the recommendation within their policy and determine whether or not removal be agreed. This decision will be communicated to the governing body.

This power must be used 'reasonably and lawfully'

ANNEX: Grounds for suspension

The governing body can only suspend a governor if one of the following grounds apply:

1. The governor is paid to work at the school and is the subject of disciplinary proceedings in relation to their employment; or
2. The governor is the subject of any court or tribunal proceedings, the outcome of which may be that s/he is disqualified from continuing to hold office as a governor under schedule 6 of the Constitution Regulations; or
3. The governor has acted in such a way that is inconsistent with the schools' ethos or with the religious character and has brought or is likely to bring the school or the governing body or his office of governor into disrepute; or
4. The governor is in breach of its duty of confidentiality to the school or to the staff or to the pupils.

NB:

- a) A governor who has been suspended must be given notice of any meetings and must be sent agenda, reports and papers for any meetings during their suspension.
- b) The period of suspension of up to six months may be extended, but only after the process has been repeated.

Source: The School Governance (Procedures)(England) Regulations 2003