



BARNLSLEY
Metropolitan Borough Council



Advice and Guidance on Managing Complaints against School Governors

**Barnsley Metropolitan Borough Council
Working in Partnership with the Barnsley
Governors Association**

Date of Publication: March 2012

Introduction

There are no nationally agreed procedures to deal with complaints against school governors. This document is a collaborative approach by the Barnsley Governors Association (BGA) and the Local Authority to provide a procedure for governing bodies to adopt should a complaint be made against a governor. It is acknowledged that all governing bodies are autonomous and, as such, are free to determine their own procedures where these are not set out in legislation.

Any enquiries on this document should be sent to: Steve Brailsford or the Chairperson of the BGA

Background

Governing bodies 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 body to do so. The power that lies with governing bodies does so corporately and decisions are reached by a majority of governors present voting, after discussion.

Whilst governors are required to act as 'critical friends' to the senior managers within the school, 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 body. 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 (see Appendix 1 for a model Code of Conduct). This will ensure that all 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.

It is good practice that when governors are appointed / elected to the governing body they sign the School's Code of Conduct.

Occasionally concerns may arise relating to the behaviour and / or actions of an individual governor. This guidance is designed to advise governing bodies what to do in the event of this happening, and to ensure that all members of a governing body 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 body;
- where help and support is needed in managing a complaint against a governor, this could be sought from another school governing body.

The involvement of the Local Authority 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:

- (i) those from other governors on the governing body;
- (ii) from members of the public which includes parents;
- (iii) members of the school staff.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the governing body, which would normally fall to the Chairperson to manage.

Where the complaint is made against the chairperson then:

- (i) it could be passed to the Vice-chairperson; or
- (ii) by agreement of the governing body, passed to the chairperson of another school governing body to investigate.

The governing body 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.

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 Chairperson must inform the governor against whom the complaint is made, the content of the complaint and how it is to be managed.

- 3 All complaints must be reported to the governing body as soon as is practicable, however the information must be restricted to:
 - (a) the date the complaint was received; and
 - (b) against which governor the complaint is made.
- 4 Unless otherwise agreed by the governing body, the complaint should be managed by the chairperson.

The chairperson may wish to seek advice and support from the Local Authority. This will be provided without charge where the school has purchased the Local Authority's clerking service. Schools may also wish to seek help via the BGA.
- 5 The chairperson 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 chairperson can resolve the issue at the initial meeting and no further action be taken.

This outcome should be reported immediately to the governor who the complaint is against and the governing body.
- 7 Where the complaint cannot be resolved at the initial meeting with the complainant, the chairperson will need to meet with the governor concerned and put to them the complaint in order for them to make a response.
- 8 The chairperson will write a letter to the complainant providing an outcome to their complaint.
- 9 The outcome of the complaint could be that:
 - (i) the complaint is dismissed;
 - (ii) the complaint is upheld in part or whole and a letter of apology is sent to the complainant;
 - (iii) the complaint is detrimental to the reputation of the governing body and the governor concerned is invited to resign;
 - (iv) the governor is suspended;
 - (v) the governor is removed from the governing body.

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 Chairperson. 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 that above.

Procedure for managing complaints against the Chairperson

- 1 Good practice supports this process being undertaken by an independent third party. A chairperson from another governing body would be a sensible approach to adopt.
- 2 The procedure then follows as that above.

However, this would need to be approved by the governing body.

Recording

The outcome of a complaint needs to be recorded in the minutes of the governing body meeting:

RESOLVED

That a complaint was made against a governor and investigated by yyyyyy the outcome being zzzzzz.

Suspension, removal and resignation

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.

Should the governor not resign and their continuation as a governor affect the reputation and work of the governing body, the governor can be suspended (Appendix 2).

In some circumstances it may be necessary to remove the governor from the governing body 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 (Appendix 3).

Where the complaint is made against the chairperson, the governing body has the power to remove him from office. This also includes the Vice-chairperson (Appendix 4).

Code of Conduct for all members of *(insert name of school)* Governing Body

There are certain key principles that underpin the work of governing bodies. These include the 3 main roles:

- To provide a strategic view
- To act as a critical friend
- To ensure accountability

Headteachers and governors work very hard for the benefit of the pupils in their care. It is important to engender positive working relationships if this partnership is to be successful, remembering that in all their work, all governors are equal and share equal responsibility.

A definition of partnership is:

“A working relationship that is characterised by a shared sense of purpose, mutual respect and the willingness to negotiate. This implies a sharing of trust, information, responsibility, skills, decision-making and accountability.”

The following is not a definitive statement of responsibilities but is concerned with the common understanding of broad principles by which the governing body and individual governors will operate.

The Governing Body accepts the following principles and procedures:

General

- 1 We have responsibility for determining, monitoring and keeping under review the broad policies, plans and procedures within which the school operates.
- 2 We recognise that our Headteacher is responsible for the implementation of policy and day-to-day management of the school and the implementation and operation of the curriculum.
- 3 We accept that all governors have equal status, and although appointed by different groups (ie parents, staff, LEA) our overriding concern will be the welfare of the school as a whole.
- 4 We have no legal authority to act individually, except when the Governing Body has given us delegated authority to do so.
- 5 We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all the legal expectations as, or on behalf of, the employer.
- 6 We will encourage open government and should be seen to be doing so.
- 7 We will consider carefully, how our decisions may affect other schools.

Commitment

- 8 We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
- 9 We will each involve ourselves actively in the work of the Governing Body, attend regularly, and accept our fair share of responsibilities, including service on committees or working groups.
- 10 We will get to know the school well and respond to opportunities to involve ourselves in school activities.
- 11 We will consider seriously our individual and collective needs for training and development.

Relationships

- 12 We will strive to work as a team.
- 13 We will seek to develop effective working relationships with our Head, staff, parents, the LEA, and other relevant agencies (including the Diocesan Authorities, where appropriate), and the community.

Confidentiality

- 14 We will observe confidentiality regarding proceedings of the Governing Body in meetings and from our visits to school as governors.
- 15 We will observe complete confidentiality when required or asked to do so by the Governing Body, especially regarding matters concerning individual staff or students.
- 16 We will exercise the greatest prudence if a discussion of a potentially contentious issue affecting the school arises outside the Governing Body.

Conduct

- 17 We will encourage the open expression of views at meetings, but accept collective responsibility for all decisions made by the Governing Body or its delegated agents.
- 18 We will only speak or act on behalf of the Governing Body when we have been specifically authorised to do so.
- 19 In making or responding to criticism or complaints affecting the school, we will follow the procedures established by the Governing Body.
- 20 Our visits to school will be undertaken within the framework established by the Governing Body, in agreement with the Head and staff.
- 21 In discharging our duties we will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school.

Suspension

- 22 If the need arises to use the sanction of suspending a governor, we will do so by following the Procedures Regulations so as to ensure a fair and objective process.

Removal

- 23 We recognise that removing a governor from office is a last resort, and that it is the appointing bodies which have the power to remove those they appoint.
- 24 If the need arises to use the sanction of removing a governor, we will do so by following the Constitution Regulations so as to ensure a fair and objective process.

Our mutual expectations of one another are that the Headteacher should:

- Share information with governors, whether it is good or bad.
- Trust governors to act professionally regarding this information and any discussion that may take place in governing body meetings or committee meetings.
- Be familiar with legislation to help governors to make the right decisions.
- Encourage the governing body to improve (through training and self-review) and be a part of the planning process.
- Know and value individual governor's skills and talents.
- Encourage all governors, new and experienced, to participate fully in the business of the governing body.
- Promote the role of the governor in school and in the community, so that staff and others understand the purpose and responsibilities of the school governor.

The Governor should:

- Attend meetings regularly, making the governing body meeting a priority once per term / half term.
- Read the paperwork prior to the meeting.
- Be prepared to be a member of at least one committee.
- Observe confidentiality and never discuss an individual teacher or pupil at a meeting or the content of a discussion outside the governing body.
- Put the interests of the pupils and staff at the heart of their actions.
- Be willing to learn by visiting the school in an appropriate manner.

- Understand the difference between governance and management and never step over the 'invisible line', remembering also that a governor is not an inspector.
- Be a supportive ear for parents but not the receiver of complaints.
- Be committed to training and agree to undertake appropriate training in order to develop their own skills and support the development of the team of governors.
- Be an ambassador for the school, publicly supporting its aims, values and ethos.
- Never say or do anything publicly that would embarrass the school or the headteacher.

Signed:

Date:

Suspension of a Governor

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

Regulation 15

These Regulations only apply to a maintained school.

A governing body can vote to suspend a governor of any category for a period of up to six months. This power must be used 'reasonably and lawfully'.

Suspension of a governor should be considered where the concern continues, or it is of a more serious nature. Regulations allow for the matter to be dealt with by the governing body.

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.

Governors who have been proposed for suspension must be given the opportunity to make a statement in response before they withdraw from the meeting and a vote is taken.

Governors can only be suspended for one or more of the following reasons:

- they are paid employees at the school and the subject of disciplinary proceedings in relation to their employment;
- they are the subject of a court or tribunal proceedings, the outcome of which may mean disqualification as a governor;
- they have behaved in a way that is inconsistent with the school's ethos or religious character and has brought or is likely to bring the school or governing body of their office of governor into disrepute;
- they are in breach of the duty of confidentiality to the school or staff or to the pupils.

Prior to the meeting

Suspension of a governor must be an item of the agenda for the governing body meeting.

At the meeting

The governor is not allowed to bring a representative to the meeting.

Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution shall, at the meeting, state his (their) reasons for doing so.

The governor who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting.

A vote will be required by a secret ballot and the governor allowed back in the room to witness the count. A resolution is passed by the governing body.

If the majority vote is that the governing body agree to the suspension then the governor is asked to leave the meeting. If the vote is against the suspension of the governor, normal proceedings will continue.

Non-attendance at the meeting

If the governor that is the subject of suspension fails to turn up at the meeting at which suspension is an item on the agenda, the suspension cannot proceed.

A further meeting would need to be arranged (giving full notice) with the item on the agenda again. He would need to be informed in writing of the importance of his attendance at this second meeting to allow him to make a statement. However, if he is not able to attend he can send a statement to the Chair, which the governors will consider at the meeting before making a decision.

The governing body can, at this meeting, make the decision to suspend the governor. This needs to be recorded in the minutes and the governor informed in writing.

Removal of a Governor

**Reference: The School Governance (Constitution) (England) Regulations 2007
Regulations 24, 26 and 27**

These Regulations only apply to a maintained school.

Categories of governors who can be removed from the governing body

Community governors by the governing body.

Appointed parent governors by the governing body.

Sponsor governors by the governing body.

Authority governors by the Local Authority.

Foundation governors by the body who appointed them.

The governing body may not remove staff governors or elected parent governors.

Procedure for removal

- (i) the removal of the governor to be on the agenda of a meeting;
- (ii) those proposing the removal must give the reasons for the removal of the meeting;
- (iii) the governor in question must be given the opportunity to make a statement in response to the proposal;
- (iv) a vote is taken on a resolution to remove the governor in question;
- (v) at a further meeting held not less than 14 days after the first meeting it again must be on the agenda as a resolution to confirm the removal.

Removal of Chairperson from office

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

Regulation 7

These Regulations only apply to a maintained school.

The procedure for the removal of a chairperson applies also to the removal of the vice-chairperson.

Procedure

- 1 The item: To remove the Chairperson from office; must be specified on the agenda of a governing body meeting.
- 2 The governor proposing the removal shall, at the meeting, state his reasons for the proposal.
- 3 The Chairperson shall be given an opportunity to make a statement in response.
- 4 The governing body make the resolution to remove the Chairperson.