



# **HENDAL PRIMARY**

# **COMPLAINTS PROCEDURE**

**2016 - 2017**

# CONTENT

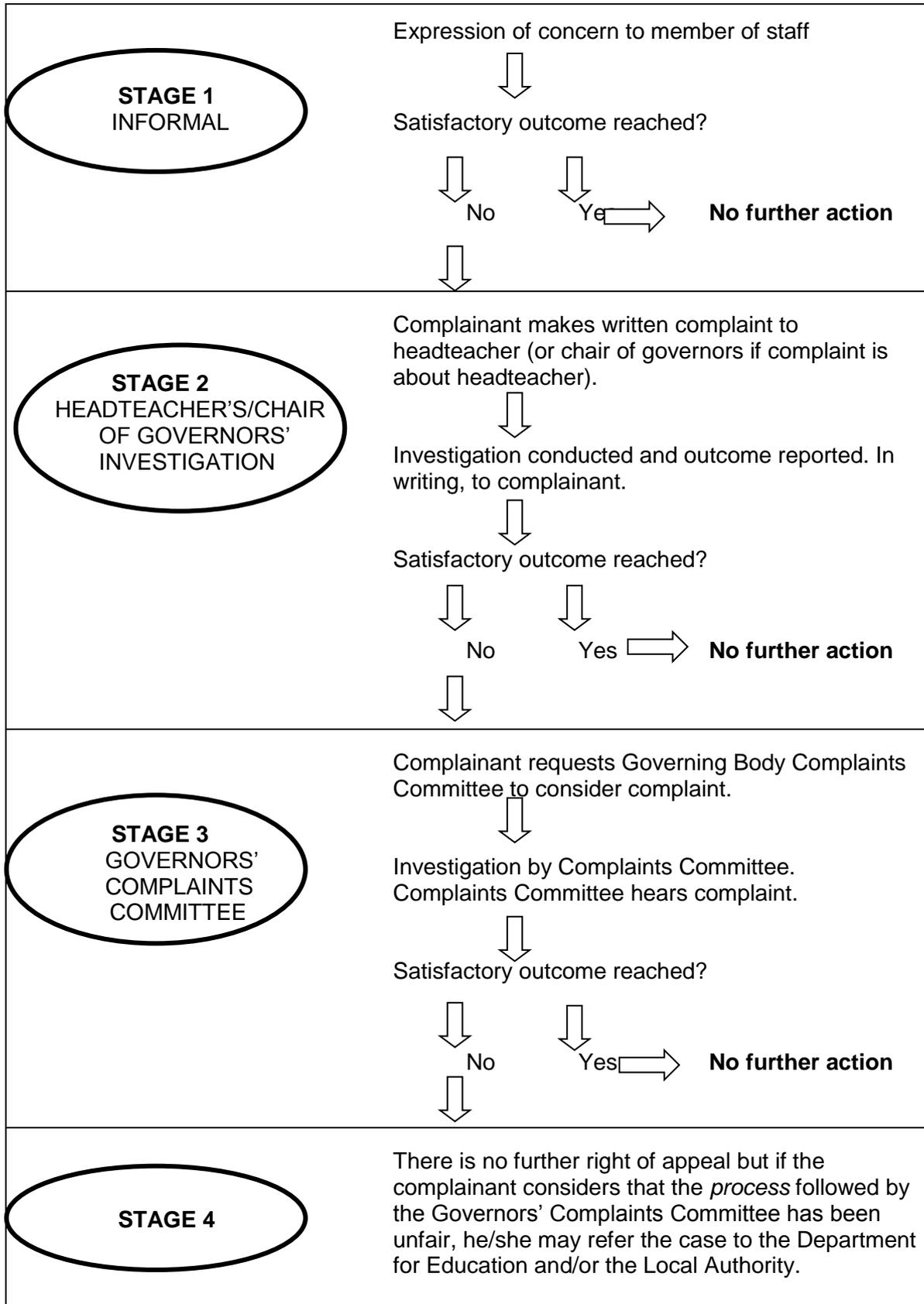
## Page

3. A model procedure for dealing with general complaints (flow chart).
4. A model complaints procedure for schools;
  - i) Introduction
  - ii) General Principles.
6. The First Stage – dealing with the informal complaint and concerns.
8. The Second Stage – formal consideration by the Headteacher (or other appropriate person).
10. The Third Stage (Appeal) – consideration by a Complaints Committee of the Governing Body.
14. Further action
14. Unreasonably persistent complainants
16. Appendix 1: A Model Procedure for the Conduct of a Complaint Hearing at Stage 3
18. Appendix 2: Procedure for dealing with unreasonably persistent complainants.
21. Appendix 3: A suggested approach for dealing with complaints against Governors and other related matters. Appendix 3 also incorporates the following appendices:
  - Appendix A: A Code of Conduct for Governors;
  - Appendix B: Suspension of Governors; and
  - Appendix C: Restrictions Preventing People from Becoming a Parent Governor.

***Please contact the Complaints and Representations Service (Family Services) 01924 302840 for further help and advice.***

**Please Note: The revised Governors' Guide to the Law, published by the Department for Education (DfE) in May 2012, indicates that the School Governance (Constitution) (England) Regulations 2012, which come into effect on 1 September 2012, may have a direct bearing on current governing body powers, duties and procedures. Should any of these changes impact on the contents of this document, this will be communicated to schools via an updated policy.**

# A MODEL PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS



# A MODEL COMPLAINTS PROCEDURE FOR SCHOOLS

## Introduction

School Governing Bodies are under a duty to establish a procedure for dealing with general complaints relating to aspects of the school and to ensure these are publicised to parents and others.

This model procedure is intended to be a good practice guide that will apply to most general complaints received by schools. However, some complaints are subject to separate statutory procedures instead of the general complaints procedure:

Delivery of the national curriculum, religious education or collective worship	Governors agreed complaints procedure applies but complainant has further right of appeal to Local Authority (LA)
Complaint by member of school staff	School grievance procedure
Pupil exclusion	Right to make representations about fixed term exclusions to Governors' Pupil Discipline Committee. Right of appeal to independent panel for permanent exclusion
Admission to school	LA policy on school admissions with right of appeal to independent panel if admission refused
Child protection	LA child protection procedures apply – contact Lead Officer for Child Protection
Statements of Special Educational Needs	LA statutory assessment procedures apply if parent requests a statement. Right of appeal to independent SEN Tribunal
Complaint against a Governor	Please see Appendix C of this document

## General Principles

- The aim of these guidelines is to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- Any complaint raised needs to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be impartially investigated.
- The complaints procedure should be easily accessible and well publicised.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.

- Dates and times of conversations should always be recorded and made available to investigators, as necessary. It is best practice to take minutes of meetings and discussions.
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the Governing Body concludes that disciplinary procedures should be initiated, Governors will consider this as a separate action, as there is an entirely separate procedure for schools to follow in terms of dealing with staff disciplinary matters.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully. However, the sharing of information should be kept to a minimum so not to compromise subsequent stages of the complaints process.
- All staff and Governors should have the opportunity to take part in training to raise awareness of the school's procedures and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school.
- Further guidance on dealing with complaints can be provided by the Complaints and Representations Service for Family Services (01924 302840).

## **1. The First Stage – dealing with informal complaints and concerns**

### **1.1 Guidelines**

- 1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or the Headteacher, depending on whom the complainant first contacts. Where parents approach a Governor at this initial stage, the Governor should refer the parent to the member of staff most likely to be able to help.
- 1.1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. At first, it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take the matter further.

## 1.2 Procedure – Stage 1

- 1.2.1 Parents/carers need to be given an opportunity to discuss their concerns with the appropriate member of staff, who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. It may also be helpful, at this point, to identify what sort of outcome the parent/carer is looking for.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases, this will lead to immediate resolution of the issue.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, or if s/he needs to refer the matter to someone else, s/he will need to make a clear note of the date, name and contact address/phone number of the complainant.

In either case, the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.

- 1.2.4 Where the concern relates specifically to the Headteacher, the parent should be given the opportunity to meet with the Headteacher to discuss and resolve the problem. In some circumstances, the complainant may prefer to contact the Chair of Governors and this should be accommodated.
- 1.2.5 The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.
- 1.2.6 Where no satisfactory resolution has been found **within 10 school working days**, the complainant should be asked if they wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

## 2. The Second Stage – Formal consideration by the Headteacher (or other appropriate person)

### 2.1 Guidelines

- 2.1.1 It should by now have become clear that the concern is a definite complaint. In some cases, the Headteacher will already have been involved in looking at the matter. In others, it will be his/her first involvement. In either case, it will be helpful for the Headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens, at this stage, which could make it difficult for the later stages to proceed smoothly.
- 2.1.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at Stages 1 and 2. One of the reasons for having

the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.

- 2.1.3 Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher deals with contact with complaints at Stage 2. Even at this stage, the Headteacher may designate another member of staff to investigate the complaint and collate some of the information from the various parties involved. If the Headteacher has been extensively involved at Stage 1 it may be more appropriate for the Chair of Governors to manage the Stage 2 proceedings.

## **2.2 Procedure**

### 2.2.1

- 2.2.4 The Headteacher (or designated member of staff) will need to provide an opportunity for the complainant to meet with him/her to supplement any of the information provided previously at the informal stage. It will need to be made clear to the complainant that s/he can if s/he wishes be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. The school should also provide interpreting facilities if they are required. It is also recommended that the Headteacher meet the complainant with another member of staff present to record the proceedings.

- 2.2.5 Where necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. It is good practice that when pupils are interviewed in a formal situation, the children's parents are invited to be present. If this is not possible, then a member of staff who is known and trusted by the pupil should be invited to attend.

- 2.2.6 Once all relevant facts have been established, the Headteacher will then produce a written response to the complainant and s/he may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.

- 2.2.7 Where the complaint at Stage 2 is against the Headteacher, arrangements should be made for the proceedings under this stage to be conducted by a single Governor (usually the Chair of Governors or Vice-Chair of Governors)

## **3. The Third Stage (Appeal) – Consideration by a Committee of the Governing Body**

### **3.1 Guidelines**

- 3.1.1 All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the response by the Chair

of Governors or Vice-Chair of Governors, where the complaint has been about the Headteacher.

- 3.1.2 It is important that Governing Bodies are prepared to deal with an appeal, when necessary. At this stage, schools should seek advice from the Family Services' Complaints and Representations Service and/or the appropriate Diocese.
- 3.1.3 It is important that the appeal should not only be independent and impartial but that it is seen to be so. This is to prevent any allegations of unfairness or bias. As such, only Governors who have had no prior knowledge or involvement in the case should deal with the appeal. Therefore, appeals should not be considered by the full Governing body but by a Complaints Committee established to deal with complaints.
- 3.1.4 It is therefore important that individual Governors do not become embroiled in complaints at earlier stages because of potential prejudice. If individual Governors are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of school staff.
- 3.1.5 As Stage 3 is the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation. Help and advice from the Family Services Complaints and Representations Service may be particularly helpful at this stage. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.
- 3.1.6 Complaint appeals should normally be in the form of a written statement. In only exceptional circumstances (see para 2.2.1 above) should a school consider progressing an oral appeal. The statement should clearly set out the grounds for the complaint and may be supported by witness statements.
- 3.1.7 It is important that the Governors' Complaints Committee views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

## **3.2 Procedures**

- 3.2.1 Following receipt of a Stage 3 appeal the procedures outlined below will need to be followed:
- (i) The Chair of Governors will write to the complainant to acknowledge receipt of the written request **within five school days**.
  - (ii) The acknowledgement will inform the complainant that the Governing Body's Complaints Committee will consider the complaint, within **20 school days of the committee's receiving the request**. Where this is not possible, the Chair of Governors should explain the reason for delay to the complainant and suggest a revised target date.
  - (iii) The letter will ask the complainant (if s/he has not already done so) to submit to the Chair of the Complaints Committee, as soon as possible, a written statement setting out clearly those aspects of the complaint, which are the subject of the complaint. The

Headteacher and/or appropriate member of staff will also be invited to provide a written statement.

The letter will also explain that the complainant and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send such documentation to the Chair of the Complaints Committee **at least eight school days** before the complaint hearing.

All concerned, including the complainant, should receive any relevant documents **at least five school days** prior to the meeting.

The notification to the Complainant and Headteacher should also inform them of their right to be accompanied to the meeting by a friend/ advocate/interpreter.

The letters should also explain how the meeting will be conducted.

(iii) The Chair of the Complaints Committee will convene the meeting of the Governors' Complaints Committee, ensuring that Governors have no prior knowledge of the complaint in question.

In establishing the Complaints Committee, the Governing body is recommended to nominate a pool of five Governors from which three can be drawn for the hearing. This will ensure that there are always sufficient Governors with no prior knowledge of the case, or potential conflict of interest, to hear the complaint.

The Complaints Committee should elect a chair for the Committee hearing.

The Headteacher or any other staff governor should not be a member of the Complaints Committee.

Governing bodies should have regard, where possible, to the need for ethnic, gender or other mix of members, as appropriate.

(iv) The Committee may decide to hold an initial meeting to decide on a date for the hearing and to consider the appeal statement from the complainant and the response statement from the Headteacher to determine what other evidence they might need to establish the facts.

The Committee may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written statement and/or to attend the hearing.

**NB The Headteacher is required to attend the complaints hearing.**

**Members of staff named in the complaint have a right to attend the hearing.**

(v) It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted. Family Services (via School Governor Services), upon request, are usually able to provide a trained meetings clerk to undertake this duty. Complainants are not permitted to tape record the hearing but may take hand written notes of the meeting themselves.

(vi) It is strongly advised that an officer from the Family Services' Complaints and Representations Service attends the meeting to advise the committee on procedure.

**A model procedure for the conduct of the hearing is attached as Appendix 1.**

- 3.2.2 The aim of the meeting will be to resolve the complaint and achieve reconciliation between school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action that will satisfy the complainant that his or her complaint has been taken seriously.
- 3.2.3 The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is, therefore, recommended that the Chair of the Complaints Committee ensures that the proceedings are conducted in as informal a manner as the situation allows.
- 3.2.4 At the conclusion of the meeting the Chair should explain that the Committee will consider all the representations made and will make its decision and write to all parties (please see paragraph 3.2.7) with the outcome **within 15 school days**.
- 3.2.5 The Headteacher, the complainant and any witnesses should then withdraw from the room at the same time to allow the Committee to reach its decision. The person taking minutes of the meeting on behalf of the Committee should ensure that one party is not left alone with the Committee in the absence of the other. This should cover:
- (a) findings on the substantive complaint;
  - (b) any appropriate action to be taken by the school or the complainant;
  - (c) where appropriate, any suggested changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.2.6 A report and any recommendations should be presented to the school's Governing Body at the next full meeting.
- 3.2.7 A written statement outlining the decision of the Committee must be sent to the complainant, Headteacher, any staff named in the complaint and the Complaints and Representations Service, Family Services.

The Committee is asked to share a draft of the decision with the Complaints and Representations Service before it is sent to the complainant and Headteacher. The Complaints Committee may wish to obtain legal advice from the Local Authority's Legal Services on the content of the decision letter.

If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "**appropriate action has or will be taken**" should be used.

- 3.2.8 The Governors will need to ensure that a copy of all correspondence is kept on file in the Governors' records. These records should be kept separately from the pupil's personal records.

3.2.9 It is good practice that the Headteacher reports termly to Governors on compliments and complaints received together with the outcome of each.

## 4. Further action

4.1 Except in the circumstances outlined in the introduction, there is no further right of appeal for complainants.

4.2 However, complaints may be made to the Secretary of State for Education on the grounds that a Governing Body is acting or proposing to act unreasonably, or that the Governing Body or Local Authority has failed to discharge its duties under legislation. Complaints of this nature rarely succeed, providing that all procedures have been followed correctly. The Secretary of State will not consider a complaint unless all internal school procedures have been exhausted. Where complaints are made, the Secretary of State may contact the Governing Body or the Local Authority for more information.

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

Telephone: 0370 000 2288  
[www.education.gov.uk](http://www.education.gov.uk)

## 5. Unreasonably persistent complainants

5.1 The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:

- treat all school staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people and property;
- do not use intimidating/aggressive behaviour or inappropriate language towards school staff;
- recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the school's complaints procedures.

5.2 However, a small number of complainants may be deemed “**unreasonably persistent complainants**”. This means that, in

complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

5.3 A model procedure for identifying and responding to such complainants is attached as Appendix 2.

### A Model Procedure for the Conduct of a Complaint Hearing at Stage 3

1. It is recommended that the Clerk should collect both parties involved in the complaint from the waiting area at the same time.
2. The Chair of the Committee should invite everybody into the room, introduce them and explain the role of each person. The Chair should ensure that everyone has a copy and understands the proposed procedures for the meeting. The Chair should also ensure that all written material/evidence has been received by all parties.
3. The Chair should explain to all present that the purpose of the meeting is to consider the complaint, resolve any differences and achieve reconciliation between the school and the complainant where possible.
4. The Chair should then outline the proposed procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
  - (a) The complainant will outline the complaint and may call witnesses.
  - (b) The Headteacher will be given the opportunity to seek clarification/ask questions of the complainant and/or witnesses.
  - (c) The Committee and the representative of the Complaints and Representations Service may seek clarification/ask questions of the complainant and/or witnesses.
  - (d) The Headteacher will be given the opportunity to respond and call witnesses.
  - (e) The complainant will be given the opportunity to seek clarification/ask questions of the Headteacher and/or witnesses.
  - (f) The Committee and the representative of the Complaints and Representations Service may seek clarification/ask questions of the complainant and/or witnesses.
  - (g) The complainant will be given the opportunity to sum up, highlighting evidence, including anything that has emerged in the questioning.
  - (h) The Headteacher will be given the opportunity to sum up, including anything that has emerged in the questioning.

**NB** No new evidence or points may be introduced at (g) and (h) above.

  - (i) The Chair will ask the complainant and then the Headteacher if they think that they have had a fair hearing and address any points that are raised.
  - (ii) Both parties will then leave the room at the same time to allow the Committee to deliberate. The Clerk to the Committee and the representative of the Complaints and Representations Service will remain to offer technical and/or procedural advice.
5. The Committee will then arrive at its decision. This will cover:

- (a) Findings on the complaint.
  - (b) Appropriate action to be taken by the school.
  - (c) Any recommended changes to the school's systems or procedures.
6. The decision will be notified to all parties, in writing, **within 15 school days** of the date of the meeting.

### Procedure for Dealing with Unreasonably Persistent Complainants

#### Introduction

1. The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
  - treat all school staff with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - avoid the use of violence (including threats of violence) towards people and property;
  - do not use intimidating/aggressive behaviour or inappropriate language towards school staff;
  - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
  - recognise that resolving a specific problem can sometimes take some time;
  - follow the school's complaints procedures.
2. However, this appendix to the Model Complaints Procedure for Schools deals with **complainants that are unreasonably persistent**.

#### Definitions

3. For the purposes of this appendix, an “**unreasonably persistent complainant**” is defined as follows:

*An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:*

- *actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*
  - *prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or*
  - *an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*
  - *an insistence upon pursuing meritorious complaints in an unreasonable manner.*
4. For the purposes of this appendix, “**harassment**” is defined as follows:

*Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:*

- *appear to be targeted over a significant period of time on one or more members of school staff; and/or*
- *cause ongoing distress to individual member(s) of school staff; and/or*
- *have a significant adverse effect on the whole/parts of the school community; and/or*
- *are pursued aggressively."*

### **Deciding whether a complainant should be deemed an unreasonably persistent complainant**

5. Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision. He/she will consult the Authority's Legal Services to confirm that the evidence is sufficient.

### **Action to be taken where a complainant is deemed an "unreasonably persistent complainant"**

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
  - insisting that no member of staff should meet the complainant on his/her own;
  - restricting telephone calls from the complainant to specified days and times;
  - requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the Governing Body, who should only be contacted at the school address;
  - merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
  - after consulting the Authority's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Head teacher.
9. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.

## Appendix 3

### **A Suggested Approach for Dealing with Complaints Against Governors and Other Related Matters**

#### **INTRODUCTION**

Governors make a special and important contribution to the running of schools. They work hard, giving freely of their time, expertise and skills. However, from time to time, a Governor may act or be deemed to have acted in a way that is not in the best interests of the Governing Body or the school and, in doing so, may damage the reputation of the Governing Body. The Governor may be acting in good faith or be unaware of the consequences for his/her actions but, nevertheless, the Governing Body should take action. A suggested approach to dealing with such issues is set out below.

Governors may wish to adopt a Code of Conduct for Governors, which clarifies what is expected of governors. A suggested Code of Conduct is attached as Appendix A.

If governors wish to adopt the suggested approach or the Code of Conduct for Governors, they should include an appropriate item on the agenda of one of their full Governing Body meetings and ensure that the decision is recorded as a resolution in the minutes of that meeting.

#### **SUGGESTED APPROACH**

**Complaints about the behaviour or actions of a Governor should be dealt with by the Chair of Governors. However, if the complaint is about the Chair of Governors, the Vice-Chair should lead the process suggested below.**

##### **Informal Stage**

A range of informal approaches can be used individually or as linked approaches to resolve any difficulties or disputes in a constructive way. The following list is not exhaustive:

- A quiet word from the Chair to explain the problem and suggest how to ensure it does not recur. This may be done in the presence of the Headteacher or another Governor;
- A general training or information item for all Governors covering behaviour and conduct at a Governing Body meeting;
- The Chair can ask the clerk to refer to the relevant section of the Guide to the Law in a Governing Body meeting;
- Training for all Governors at a governing body meeting delivered by a governor;
- Training for all Governors at a Governing Body meeting delivered by a LA officer or from an external source;
- The individual Governor can be asked to attend an appropriate training course;
- Specific training for the Governor can be delivered in school (maybe with a small group of other governors); and/or
- Meeting with the Chair of Governors and Headteacher to explain the effect of the behaviour.

It is recommended that the Chair of Governors keeps a record of any of these steps used, in the event that the behaviour continues and results in a formal vote to suspend or remove the governor from office.

## **Formal Stage**

The Chair of Governors could raise the complaint formally with a Governors' Complaints Committee. In which case:

- a. The Chair of Governors should meet with the Governor to clarify the extent of the behaviour or disagreement and the reasons for it, and produce an agreed summary in writing. The Governor should be given an opportunity to respond. Setting a reasonable time limit would be helpful. It may be possible to close the issue at this point with formal guidance or a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
- b. If the Chair of Governors is not satisfied with the response, then an investigation should be held. The Chair 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 then investigates 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 interviewees.
- d. The Investigating Officer should report back in writing to the Chair of Governors.
- e. A Governors' Complaints Committee should then meet to decide on the appropriate course of action. This could be:
  - (i) Dismissing the complaint;
  - (ii) Issuing guidance, warning or rebuke, either orally or in writing, depending on the seriousness of the issue;
  - (iii) Recommending that the Governing Body suspend the governor for a period of up to six months. Suspension can only be made if one or more of the prescribed grounds apply. (These grounds and the procedure for suspending a governor is set out in Appendix B, which is an extract from the Department for Education's Guide to the Law for School Governors);
  - (iv) Recommending that the governing body remove the governor from office.

***Removal from office can only happen/be applied in certain circumstances and to certain categories of governor. (Please see below).***

## **Removal of Governors from Office**

If, following the suspension of a governor, problems with the actions and behaviour relating to an individual Governor continue, in some circumstances governors may be removed from office. This is largely dependent upon the category of governor concerned and the basic principle is that a governor may be removed from office by the body that appointed them. Therefore, on the basis that the Governing Body appoints the following categories of Governor, accordingly, the Governing Body may remove them from office:

- Community Governors.
- Parent Governors who have been appointed by the Governing Body.

***NB It is important to note that Parent Governors **who have been elected** by parents of pupils at the school may **not be removed by the governing body**);***

- Any Sponsor Governors (Sponsor Governors may also be removed at the request of the nominating body).
- Associate Governors.

LA and Foundation Governors may be removed from office by the person/body that appointed them.

***NB - the Governing Body **may not remove** any Staff Governors.***

## **Disqualification from Office**

The School Governance (Constitution) (England) Regulations require that:

1. A Governor must be disqualified from office if any of the restrictions set out in Appendix C apply.
2. A Governor must also be disqualified if s/he has failed to attend meetings of the Governing Body for a continuous period of six months, **without the consent of the Governing Body**. This period must begin with the date of the first such meeting s/he has failed to attend and, on the expiry of six months; s/he must be disqualified from continuing to hold office as a Governor of the school.
3. However, a Foundation Governor (other than an ex officio Governor), LA Governor, Community Governor, partnership governor or sponsor governor who has been disqualified as a Governor of a school under paragraph 2 above is not qualified for election, nomination, or appointment as a governor of any category at that school during the twelve months immediately following his/her disqualification under paragraph 2 above.

### A CODE OF CONDUCT FOR GOVERNORS

Governors should abide by the following key principles:

- to act with integrity, objectivity and honesty, in the best interests of the school;
- to work as a member of a team - the Governing Body - at all times and be loyal to collective decisions made by the Governing Body;
- to recognise that all Governors have the same rights and responsibilities unless particular responsibilities are conferred on them by the full Governing Body.

To do this, all Governors are expected to:

- attend meetings promptly, regularly and for the full time;
- prepare for meetings by reading papers beforehand;
- listen to and respect the views of others;
- express their own views clearly and succinctly;
- take their fair share of work/positions of responsibility;
- attend training and take responsibility for their own learning and development as a governor;
- know, understand and work within legal requirements.

All governors must:

- respect confidentiality;
- support decisions of the Governing Body in public;
- report any evidence of fraud, corruption or misconduct to an appropriate person or authority;
- consent to a confidential criminal record check to ensure that they are not disqualified and to meet child protection requirements.

### Appendix B

#### SUSPENSION OF GOVERNORS

1. In certain prescribed circumstances, the Governing Body can decide to suspend a Governor for a period of up to six months. The Governing Body can only suspend a Governor if one or more of the following grounds apply.

- The Governor is paid to work at the school and is the subject of disciplinary proceedings in relation to his or her employment.
- The Governor is the subject of any court or tribunal proceedings, the outcome of which may be that he or she is disqualified from continuing to hold office as a governor under Schedule 6 of the Constitution Regulations.
- The Governor has acted in a way that is inconsistent with the school's ethos or religious character and has brought, or is likely to bring, the school, the Governing Body or his or her office of Governor into disrepute.

- The Governor is in breach of his or her duty of confidentiality to the school, the staff or to the pupils.
2. A Governing Body can vote to suspend a Governor on any of the above grounds but does not have to do so. The Governing Body should only use suspension as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.
  3. Any motion to suspend must be specified as an agenda item of a meeting for which at least seven days' notice must be given. Before the Governing Body votes to suspend a Governor, the Governor proposing the suspension must give the reasons for doing so.
  4. The Governor proposed to be suspended must be given the opportunity to make a statement in response before withdrawing from the meeting and a vote then takes place.
  5. A Governor who has been suspended must be given notice of any meetings and must be sent agendas, reports and papers for any meetings during his or her suspension.
  6. A Governor who has been suspended cannot be disqualified from holding office for failure to attend meetings under Paragraph 5 of Schedule 6 of the Constitution Regulations.

## **Appendix C**

### **RESTRICTIONS PREVENTING PEOPLE FROM BECOMING A PARENT GOVERNOR**

A parent of a registered pupil at the school is disqualified from standing for election, or being appointed as a parent governor, if he/she is:

- an elected member of Wakefield Metropolitan District Council; or
- paid to work at the school for more than 500 hours in any consecutive twelve month period (at the time of the election or appointment).

### **RESTRICTIONS PREVENTING PEOPLE FROM BECOMING A SCHOOL GOVERNOR**

**The restrictions detailed below disqualify the following from becoming school governors:**

- people aged under 18;
- registered pupils at the school;
- people who are included in the list of people considered by the Secretary of State as unsuitable to work with children;
- people who are disqualified from working with children, or subject to a direction, under section 142 of the Education 2002;
- people who are disqualified from working with children under sections 28, 29, or 29A of the Criminal Justice and Court Services Act 2000;
- people who are disqualified from registration for childminding, or providing day care;
- people who are disqualified from registration under Part 3 of the Childcare Act 2006;
- people who have been convicted of a crime in the United Kingdom or abroad [see note below]) and who have been sentenced to:
  - (a) three months' or more imprisonment (whether suspended, or not/without the option of a fine) in the five years before becoming a member, or since becoming a Governor; or

(b) two and a half years' or more imprisonment in the twenty years before becoming a Governor; or

(c) five years' or more imprisonment at any time;

- people who have been convicted of causing a nuisance, or disturbance on school premises and have been sentenced to a fine in the five years before becoming a Governor, or since becoming a Governor;
- people whose estate has been sequestrated and the sequestration order has not been discharged, annulled or reduced;
- people who are the subject of a bankruptcy restriction order or an interim order;
- people who are subject to a disqualification order, or disqualification undertaking under:
  - (a) the Company Directors Disqualification Act 1986; or
  - (b) section 492 (2)(b) of the Insolvency Act 1986; or
  - (c) part 2 of the Companies (Northern Ireland) Order 1989; or
  - (d) the Company Directors Disqualification (Northern Ireland) Order 2002;
- people who have been disqualified from acting as a trustee for a charity by the Charity Commissioners, or the High Court;
- people who have been removed under section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from being concerned in the management, or control of any body;
- people who are at any time during their period of office detained under the Mental Health Act 1983;
- people who refuse to allow an application to the Criminal Records Bureau for a criminal records disclosure.