



Crowle Primary Academy

Policy and procedures for dealing with complaints against Governors



This policy statement sets out our academy's approach to dealing with concerns and complaints against members of the board of governors.

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.

We welcome feedback on what we do well, or not so well, as an academy. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

We will treat all concerns and complaints seriously and courteously. In return, we expect complainants to behave respectfully towards all members of the academy community. In particular, any disagreement with the governors should not be expressed inappropriately or in front of pupils.

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.

The academy's procedures will be reviewed regularly and updated as necessary.

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.

The DfE advocate resolution of complaints at school / academy level wherever possible.

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

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

Concerns versus complaints: resolving informally

"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.

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 treated as a complaint.

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.



Crowle Primary Academy Policy and procedures for dealing with complaints against Governors



Stage 1

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

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

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.

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?

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 delay.

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.

On receipt of the complaint, the chair / vice chair will appoint the Complaints Co-ordinator (which may be the chair or the vice chair).

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.

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.

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.

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.

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.



Crowle Primary Academy
Policy and procedures for dealing with complaints against Governors



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.

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.

Stage 2

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.

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).

If the chair of governors decides that the case should be considered by the board of governors, then option A applies; if the chair of governors decides that the matter should be considered by the appointing body, then option B applies.

Option A: Consideration by the board of governors

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.

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.

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



Crowle Primary Academy

Policy and procedures for dealing with complaints against Governors



“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.”

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.

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.

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.

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.

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.

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

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.

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.

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.



Crowle Primary Academy
Policy and procedures for dealing with complaints against Governors



Other Arrangements

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 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 academy by:
 - setting the values, aims and objectives for the academy
 - 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 academy improvement strategy including approving the budget and staffing structure
- Challenges and supports the academy 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 academy improvement strategy
 - the budget and the staffing structure
- Ensures accountability by:
 - signing off the academy'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 academy
 - 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 academy 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



Crowle Primary Academy

Policy and procedures for dealing with complaints against Governors



- 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 academy as a whole

The Role of the Headteacher

To enable governors to carry out these duties effectively the headteacher 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 academy

General

We understand the purpose of the board of governors, the role of governor and headteacher 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 academies.

We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our academy. Our actions within the academy 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 academy well and respond to opportunities to involve ourselves in academy activities.

Our visits to the academy 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.



Crowle Primary Academy

Policy and procedures for dealing with complaints against Governors



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.

*Written by: North Lincs LEA
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Date of review: September 2019*



Crowle Primary Academy
Policy and procedures for dealing with complaints against Governors



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