**Branscombe CE Primary School, Broadhembury CE Primary School, Farway CE Primary School, Littleham CE Primary School and Woodbury Salterton CE Primary School**

# Complaints Against Governors Policy

| Due for review: Spring | Approved by Governing body on | Head teacher signature | Chair of Governors signature |
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| **2020** | | | |
| **2023** | | | |
| **2026** | | | |

## Introduction

Governing boards are corporate boards and, as such, no individual governor or trustee has any special powers, except for the Chair of Governors who may act in limited circumstances on behalf of the board when a delay would be detrimental to an individual, the school or the board. The power that lies with governing boards does so corporately and decisions are reached by a majority of governors present voting, following relevant 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 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 boards are strongly advised to have adopted a Governors' 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 board they sign the Governors' 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 boards 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 or belief, sexual orientation or gender reassignment.

Other than regulations on suspension and removal of governors there are no nationally agreed procedures for dealing with complaints against governors.
Categories of complaints that would be dealt with by this process can be:

- Those from other governors on the board
- From members of the public which includes parents
- From 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:
(i) It could be passed to the Vice-chair; or
(ii) 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 on the same board generates a conflict of interest or prejudice and take steps to overcome this if identified.
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.

**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 help and support is needed in managing a complaint against a governor, this could be sought from another school governing board.

The involvement of the Local Authority / Diocese should be sought where the issues cannot be resolved internally by the school, or the expertise of carrying out investigations is required.

**Procedure**

- Any complaints regarding an individual governor should be made in writing
- The governor, against whom the complaint is made, is informed of the content of the complaint and how it is to be managed.

**Stage 1: Informal stage:**
The chair must arrange a meeting with the complainant to determine the nature of the complaint and what the complainant wishes to see as a resolution. To substantiate the complaint the complainant should be able to supply evidence. Where possible, the nature of the complaint should be recorded in writing to provide a consistent reference point for the chair and the governor who is to be approached. The chair should not share this concern with any other governor.

The chair must also arrange a meeting with the governor to discuss the nature of the complaint against them and seek to resolve the difficulty. The chair should approach the matter with an open mind, listening carefully and exploring all the issues thoroughly. Reference should be made to the agreed ways of working through the Governors' Code of Conduct as appropriate. Steps that can be taken should be outlined by the chair; these may include:

- The complaint was unfounded, a misunderstanding or that there was no case to answer
- Apology
- Mediation or conciliation
- Training (training and support may be needed for the whole governing board and not just the governor who is the subject of the complaint.)

The complainant should be advised of the outcome of the meeting with the governor and the agreed steps. If the complainant is not satisfied following this informal stage the complaint can be moved to Stage 2.

**Stage 2: Formal Process**
When a complaint cannot be resolved informally, then the matter is dealt with through a formal process. There are no nationally agreed procedures for dealing with complaints against governors. When inducted any new governor should subscribe to the Governors' Code of Conduct and this guidance so that this process can be used in the event of any difficulty.

The Chair may contact the LA / Diocese to determine the most appropriate course of action. With advice and guidance from the LA / Diocese the chair should initiate a formal investigation. With potentially complex or serious matters **it is recommended** that the governing board choose to commission governors from another school, an external consultant or the LA / Diocese to undertake an investigation. If the complainant remains dissatisfied with the outcomes/recommendations of the investigation, he/she can request the matter be brought to a panel of (3) independent governors, recruited externally from the board in question. The board should seek advice from the LA / Diocese if a panel becomes necessary.

The process for the investigation will involve:

- Insistence that all parties treat the matter as confidential
- Establishing the nature of the complaint
- The outcomes expected by the complainant
- Recognition that the office of governor is a voluntary one and affording the governor the courtesy of being accompanied in any interview situation

- Gathering of evidence which may include interviews with third parties
- Conclusions for the chair of the panel to consider
- Discussions regarding the outcomes with the subject of the complaint.

Options available to governing boards when dealing with concerns about the conduct of a governor:

1. The complaint was unfounded, a misunderstanding or that there was no case to answer
2. Apology
3. Mediation or conciliation
4. Training
5. Suspension from the governing board (School Governance (Procedures) (England) Regulations 2003)
6. Removal from the governing board (School Governance (Constitution) (England) Regulations 2007).

Any potential removal of foundation or LA governors must be discussed with the Diocese or the LA. Options 5 and 6 should only be exercised in serious circumstances.
The adjudication from the panel is final, there is no further appeal process for the complainant.

**Time-Limits**
Complaints need to be considered, and resolved, as quickly and efficiently as possible with the expectation being that complaints will be made as soon as possible after the incident arises but no later than 3 months following the incident (although the school may consider exceptions). The complainant will be informed about the expected timescales associated with dealing with the complaint within each stage. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay, ensuring that any further investigations are within 3 months of the complaint being lodged.

**Meetings**
All meetings during the process must take place at an agreed appropriate place which is not public and not at a private residence.