

EASTHAMPSTEAD PARK COMMUNITY SCHOOL

Procedure for dealing with a complaint against a governor



1. Informal Stage

- (a) The Chair of Governors discusses the difficulty or dispute with the governor concerned and, if possible, resolves the issue with whatever guidance, warning or rebuke is necessary.
- (b) If the issue has not been resolved informally or is thought to be sufficiently serious that the Informal Stage is inappropriate, then the complaint moves to the Formal Stage.
- (c) In the case where the complaint is against the Chair of Governors then the Vice Chair will take the lead in the procedure.

2. Formal Stage

- (a) The Chair of Governors should seek information in writing from the governor about the difficulty or dispute and the reasons for it. The governor should be given an opportunity to respond in writing to any allegation. The issue may be able to be closed at this point, with guidance, a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
 - (b) If the 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. The Investigating Officer could be a member of staff or another governor, but need not be anyone associated with the school.
 - (c) The Investigating Officer should investigate the issue, taking evidence from all interested parties. As interviews are likely to be a part of this process another person should accompany the Investigating Officer. The investigation should be documented in full, including notes of interviews that should be checked back for accuracy with the interviewee. If a child is involved, the child should not be interviewed without a parent/carer also being present.
 - (d) The Investigating Officer should report back in writing to the Chair of Governors.
 - (e) The Chair of Governors should decide on the appropriate course of action. This could be:
 - Guidance, warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
 - Recommend to the governing body suspension for a period of up to six months. Suspension can only be made if one or more of four grounds apply. Annex A contains information about the grounds for suspension and the suspension process.
 - In the case of co-opted and Authority governors, and in exceptional circumstances only, recommend to the governing body that:
 - A co-opted governor is removed.
 - A request is made to the appointing body for an Authority governor to be removed.
- Annex B contains information about the removal process.

Annex A: Suspension of a governor

The governing body can only suspend a governor if one of the following grounds applies.

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

Note that:

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

Any motion to suspend must be specified as an agenda item of a governing body meeting for which at least seven days notice has been given. Before the governing body votes to suspend the governor, the governor proposing the suspension must give their reasons for the suspension. The governor who is proposed for suspension must be given the opportunity to make a statement in response before he/she withdraws from the meeting and a vote is taken. A vote to suspend should only be taken as a last resort.

Annex B: Removal of a governor

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

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

This power to remove a governor must be used 'reasonably and lawfully'.

Reviewed and Revised:

June 2018

Responsibility for Implementation and Review:

Steering Committee

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