



Complaints Against Members of the Board of Governors Policy and Procedure

Berkeley Primary School

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1.1 Our policy

1.1.1. This policy statement sets out our school's approach to dealing with concerns and complaints against members of the board of governors. Further details of how we handle concerns and complaints are contained in our procedure dealing specifically with complaints against governors, which you can obtain from the school office or our website.

1.1.2. 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.

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

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

1.1.5. 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.

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

1.1.7. 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.

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



2.2. Our school's procedure for dealing with complaints against governors

- 2.2.1 This document described the procedure that will be followed if a complaint is made against a member of the school's board of governors.

2.3 Concerns versus complaints: resolving informally

- 2.3.1 "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.
- 2.3.2 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 treating as a complaint.
- 2.3.3 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.

2.4 Stage 1

- 2.4.1 In the first instance, arrangements will be put in place to try and resolve the matter informally, unless this has previously been attempted.
- 2.4.2 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.
- 2.4.3 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.
- 2.4.4 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?

- 2.4.5 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 delay¹.

¹ The DfE 2020 guidance states that where a policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure should reflect this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.



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- 2.4.6 Complaints should be made in writing where possible, although, in line with the Equalities Act, access arrangements should be made to allow a complaint to be made depending on their circumstances. Complaints should be made to the chair of Governors (or vice chair of governors if the complaint relate 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.
- 2.4.7 On receipt of the complaint, the chair / vice chair will appoint the Complaints Co-ordinator (which may be the chair or the vice chair).
- 2.4.8 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.
- 2.4.9 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.
- 2.4.10 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.
- 2.4.11 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.
- 2.4.12 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.
- 2.4.13 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 (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.

2.5 Stage 2

2.5.1 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.

2.5.2 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).

2.5.3 With reference to paragraph 4.5.1: If the chair of governors decides that the case should be considered by the board of governors, then option A (4.5.3.1) applies; if the chair of governors decides that the matter should be considered by the appointing body, then option B (4.5.3. applies.

2.5.3.1 Option A: Consideration by the board of governors

2.5.3.2 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.

2.5.3.3 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.

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



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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."

2.5.3.5 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.

2.5.3.6 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.

2.5.3.7 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.

2.5.3.8 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.

2.5.3.9 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.

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

2.5.3.11 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.

2.5.3.12 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.

2.5.3.13 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.

4.5.3.14 Other Arrangements

2.5.3.15 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.