Hillborough Junior School

Complaints Procedure

Adopted: September 2020 Review : Annually

1. Who can make a complaint?

1.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Hillborough Junior School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Hillborough Junior School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or Deputy Head will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher or Deputy Head will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Hillborough Junior School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3. How to raise a concern or make a complaint?

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Senior Leadership Team. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office**.** Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

6. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Hillborough Junior School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Luton Borough Council. Admissions: 01582 548036 Special Educational Needs and Assessment Team: 01582 548132 School Re-organisation: 01582 548049/ 01582 548015

• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). LADO: 01582 548069 MASH:
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* The behaviour policy can be accessed through this link: http://www.hillborough-jun.luton.sch.uk/our-school/policies or a copy may be requested from the school office.
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to

the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hillborough Junior School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

8. Resolving complaints

At each stage in the procedure, Hillborough Junior School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 (five) school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 (fifteen) school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hillborough Junior School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

11. Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 (five) school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 (five) school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 (ten) school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Hillborough Junior School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services

team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 (five) school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 (three) school days before the meeting.

Any written material will be circulated to all parties at least 2 (two) school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Hillborough Junior School with a full explanation of their decision and the reason(s) for it, in writing, within 5 (five) school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Hillborough Junior School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hillborough Junior School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

12. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hillborough Junior School. They will consider whether Hillborough Junior School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

13. Complaint Form

Please complete and return to either the Headteacher/ Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

14. Roles and Responsibilities

1. Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

2. Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

  The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

1. Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

3. Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

4. Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

5. Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

  No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

  Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

  Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

  The committee should respect the views of the child/young person and give them equal consideration to those of adults.

  If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

  However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Appendix School Complaints policy – Ratified at FGM Sept 2021

Managing complaints against Governors and Trustees

Introduction

Governing/Trust boards are corporate boards and, as such no individual governor or trustee has any special powers, other than the chair (and vice chair in the absence of the chair) who may act in limited circumstances on behalf of the board when a delay would be detrimental to a pupil, parent, employee or the school.[1] The power that lies with boards does so corporately and decision are reached by majority vote of those present, following discussion.

Governors and trustees:

- are required to promote high standards within the school;
- should be aware of and accept the 'Nolan' 7 principles of public life; and
- should adopt and sign the Code of Conduct.

Occasionally, concerns may be raised about the behaviour, conduct or actions of an individual governor/s or trustee/s. This guidance is designed to provide a framework for dealing with such situations and to ensure that there is transparency and individuals are treated fairly.

There must be separate and specific procedures for dealing with general complaints about the school or conduct/decisions of the governing body[2] and grievance procedures for staff.

Categories of complaints and who should deal with them

Complaints against governors and trustees can be:

- from other governors or trustees on the governing body/within the trust;
- from members of the public, which includes parents;
- from members of staff, including the headteacher and CEO.

Irrespective of the category of the complaint the responsibility for dealing with the complaint is that of the governing body/trust, and would normally fall to the chair to manage.

Where the complaint is made against the chair:

- it should be passed to the Clerk to the Governing Body who will make arrangements for the Vice Chair or with the agreement of the board, the Chair of another governing body or other independent person to investigate; and
- in the case of a complaint against the chair of a local governing board in a MAT, a trustee.

In determining an appropriate person to deal with the complaint, the board will need to consider the extent to which an internal investigation by one governor/trustee about another generates a conflict of interest or hinders objectivity and openness.

No member of staff, including the headteacher or CEO, should be involved in the investigation of a complaint by a governor/trustee other than as a witness.

The fact that a complaint has been received, the date of the complaint, and the name of the person complained about, should be recorded by the Clerk, but neither the complaint nor any other details should be shared with any other governors/trustees.

The LA, Diocese, Academy Board should be notified by the Clerk where a formal procedure is undertaken in respect of one of their representative governors or when the complainant is an employee. Their advice is not binding on the board, but they may offer an independent view and assistance with an appropriate resolution.

Procedure

General principles:

- Resolution should be sought informally wherever possible
- Complaints should be resolved as quickly as possible
- The process of resolving complaints should not interfere with or undermine the work of the board

1. Informal resolution

Wherever possible the complainant should seek to resolve the matter directly with the person they are complaining about through dialogue. The complainant may seek the assistance of a third party to facilitate that conversation should they so wish. Further advice regarding suitable third parties can be sought from your Governor Services provider.

Where this is not appropriate or does not resolve the matter, the complaint must be submitted in writing (including email) to the chair who will be the "investigator".

- In the case of complaint against the chair, this should be sent to the vice chair. If the complaint is against both the Chair and Vice Chair then it can be sent to any committee chair
- In the case of a complaint by a member of staff, other than the headteacher or CEO, the complaint should be sent via, or copied to, the headteacher/CEO for information, although they will have no role in dealing with the complaint.

The investigator should arrange to meet with the complainant to determine the exact nature of the complaint and what resolution is sought. The complainant should be asked to provide evidence, including where applicable the names of any witnesses.

The investigator should then arrange to meet with the governor/trustee to discuss the complaint and seek to resolve the matter.

If appropriate, a further meeting with all parties may be held to resolve the matter. A mediator, a listed National Leader of Governance, may be appointed if this is agreed by all parties as a means of resolution.

Meetings should be approached with an open mind; listening carefully and fully exploring all of the issues and evidence. Reference should be made to the code of conduct as appropriate.

Where the matter can be resolved through this informal process, the resolution should be confirmed in writing to both parties.

2. The formal procedure

Where the matter cannot be resolved informally, the investigator, or if more appropriate a new independent investigator from another governing body, should conduct a full investigation. This should include:

- Reviewing any written evidence
- Interviewing any witnesses
- Interviewing the complainant (where further information/clarification is required following any informal discussion)
- Interviewing the governor/trustee. Recognising the role is voluntary, the governor/trustee should be afforded the opportunity to be accompanied at any interview at this stage by a governor colleague independent of the investigation. They can be a governor from another school. There is no right to legal representation.

All interviews at this stage should be minuted and all parties must maintain confidentiality. Meetings should be held in a neutral venue where appropriate.

The investigator should compile a report setting out the process followed, the evidence, and conclusion. The conclusion may be one or more of (but not restricted to):

- The complaint is unfounded
- The complaint is upheld and a formal apology is sent to the complainant
- The individual governor/trustee (and/or board) should receive specific training/mentoring
- The complaint is upheld and detrimental to the reputation of the board, and the individual concerned is invited to resign
- Suspension*
- Removal from the board*

*these options should be considered only in the most serious cases of misconduct. See Appendix A for procedures.

Where the investigator is an independent person, outside of the board, a panel of the board, will have to receive, accept or reject the conclusions and action the recommendation.

The conclusion should be confirmand in writing to the complainant and the governor/trustee. If the complainant is a member of staff, their employer, should also be advised of outcome. The LA will monitor outcomes.

All records relating to the complaint should be retained, as for other board reports for 6 years. If the complaint was from a member of staff, a copy of papers should also be retained in a confidential section of their personal file in accordance with normal file retention for employees (duration of employment +6 years).

The outcome of the complaint should be recorded as a confidential item in the board minutes: “RESOLVED: The complaint by xxx against xxx was investigated by xxx, the outcome being xxx”

3. Disagreement with the outcome

Where either party considers that the complaint has not been handled appropriately or is dissatisfied with the outcome, they may provide details of their concerns in writing.

The board should appoint a board member who has no previous involvement, or an independent person to review the matter and provide a conclusion. This will normally be a paper review considering the original investigators report, but may involve speaking to relevant parties where this is considered necessary.

The outcome of the review will be final.

Appendix A: Suspension and removal of governors/trustees

Where a complaint is upheld and was so serious that it is concluded that the person should no longer serve as a governor/trustee, the expectation would be that the person would resign. Should they not do so and their continuation would affect the reputation or work of the board, suspension/removal will need to be considered.

Suspension

Maintained Schools: Can suspend a governor for a fixed period of up to 6 months under s17 of The School Governance (Roles, Procedures and Allowances) Regulations 2013, in the following circumstances:

- that governor who paid to work at the school, is the subject of disciplinary proceedings in relation to his or her employment;
- that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that the governor is disqualified from continuing to hold office as governor;
- that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or the office of governor into disrepute; or
- that the governor is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school.

Procedure

Any motion to suspend must be specified as an agenda item for the relevant meeting.

Before a vote is taken on a resolution to suspend a governor:

- the governor proposing the resolution must, at the meeting, state the reasons for doing so
- the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting.

The governor must be notified in writing of the outcome of the vote.

Academies: There are no powers to suspend governors or trustees in academies.

Removal

Maintained Schools: The appointing body can remove appointed and elected governors, including the chair and vice-chair under The School Governance (Constitution and Federation) (England) (Amendment) Regulations 2017

The board can remove:

- Community governors
- Partnership governors
- Parent governors (appointed and elected)
- Staff governors

- Any sponsor governors

The LA or Diocese may remove governors they have appointed.

Procedure

Any motion to remove a governor must be specified as an agenda item for the relevant meetings.

Before a vote is taken on a resolution to remove a governor:

- the governor proposing the resolution must, at the meeting, state the reasons for doing so
- the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting

A resolution to remove a governor must not be enacted until it has been confirmed at a second meeting of the governing body held not less than 14 days after the first meeting.

The governor must be notified in writing of the decision.

Academies: Appointed or elected governors or trustees, including the chair and vice chair can be removed by the person or persons who appointed or elected them, in accordance with the trust's Articles of Association. The below advice follows the DfE's model Articles; however, you should check your own academy or MAT's articles to ensure they do not deviate from the model.

Members should be removed by special resolution of the members in accordance with Section 283 of the Companies Act 2006 (as amended). Members nominated by the sponsor or foundation cannot be removed by other members. The member whose removal is in question cannot vote in the special resolution.

Nominated trustees should be removed by ordinary resolution of the Members in accordance with Section 168 of the Companies Act 2006 (as amended). The procedures are set out in Section 169.

Co-opted trustees are nominated by the trustees, and therefore can be removed by resolution of the trustee board, or by ordinary resolution of the Members (as above).

Local governing body governors are appointed by the MAT trustees and therefore can be removed by resolution of the trustee board, or by ordinary resolution of the Members (as above). This includes elected local governing body parent governors.

The procedures are as for Maintained Schools.

[1] *Maintained Schools: The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 Regulation 8.*

Academies: where the board allows.

[2] *Maintained Schools: School Complaints Procedures.*

Academies: academies complaints procedures