

Bismilahir-Rahmanir-Rahim

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL
(ISIPS)
Complaints Policy

We Learn, We Lead, We Inspire

Review Date.....March 2016.....

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Frequency of Review.....Annual.

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IQRA Slough Islamic School

Complaints Procedure

2016 - 2017

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IQRA Slough Islamic School Complaints Procedure

Safeguarding Statement of Intent

The staff and governors of Iqra Slough Islamic Primary School are committed to providing a caring, friendly and safe environment for all our pupils so they can learn in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by or invited to deliver services at Iqra Slough Islamic Primary School. We recognise our responsibility to safeguard and promote the welfare of all our pupils by protecting them from physical, sexual or emotional abuse, neglect and bullying.

Part 1: General Principles of Complaints

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following :

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"maintained nursery school" means a nursery school which is maintained by a local education authority and is not a special school;

IQRA Slough Islamic School Complaints Procedure

Framework of Principles

The Governing Body Complaints Procedure will:

- have due regard for the need to safeguard and promote the welfare of all pupils attending IQRA Slough Islamic Primary School
- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

Investigating Complaints

The Governing Body Complaints Procedure will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

The Governing Body Complaints Procedure will:

At each stage in the procedure keep in mind ways in which a complaint can be resolved.

QRA Slough Islamic School Complaints Procedure

The GB is aware that it might be sufficient to acknowledge that the complaint is valid in whole or in part.

In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint;
- complainants are encouraged to state what actions they feel might resolve the problem at any stage.

NB: An admission that the school could have handled the situation better is not the same as an admission of negligence.

Vexatious Complaints

If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

The Governing Body Complaints Procedure will:

- Seek to resolve issues as quickly and efficiently as possible
- Ensure realistic time limits for each action within each stage.

(E.g. Stage 1 / 2: 10 Days Stage 3 : 15 Days.

However, where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadline and an explanation for the delay).

Publicising the Procedure

The Governing Body will ensure that the Complaints Procedures is included in:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

IQRA Slough Islamic School Complaints Procedure

IQRA Slough Islamic School Complaints Procedure

There are three school-based stages in the complaints procedure:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by Headteacher;
- Stage three: complaint heard by GB's complaints appeal panel

The Governing body is committed to ensuring that

Complaints are resolved at the earliest possible stage.

All members of staff are aware of the procedures and know what to do when they receive a complaint

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member.

Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the chair of governors.

If the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member.

The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage One Complaint Heard by member of staff.

The meeting arranged to discuss your concerns informally

- You can bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that you are clear as to what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, you should be informed that you can consider making a formal complaint in writing to the Headteacher which will take matters to stage 1 on the complaints procedure.

Stage Two: Complaint Heard by the Headteacher

- 2.1** The Headteacher should acknowledge your complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 2.2** The Headteacher should consider providing an opportunity to meet with you to supplement any information previously provided.
- 2.3** If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made.
- 2.4** If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 2.5** The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- 2.6** Once all the relevant facts have been established, the Headteacher should produce a written response to you. The Headteacher may wish to meet with you to discuss/resolve the matter before confirming the outcome in writing.
- 2.7** The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 2.8** You should also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Chair of the Governing Body within three weeks of receiving the outcome letter.
- 2.9** **Stage 2 should be completed in ten school days.** However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher should write to you giving a revised target date.
- 2.10** Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

2.11 Complaints against the Headteacher

If the complaint is wholly or mainly about the Headteacher the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the parent is not satisfied with the response stage 2 should commence as described in paragraph 3.1 below.

Stage Three: Complaint Heard by the Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint

The Remit of the Complaints Appeal Panel

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It

may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Stage Three: Complaint Heard by the Governing Body Complaints Appeal Panel / Consideration by the Governing Body

3.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the parent to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).

Investigating the complaint -

3.2 If the complaint has been investigated at Stage 1 & 2 the results of the investigation must be made available to the Clerk/Chair by the Headteacher.

3.3 However, where the complaint is against the Headteacher and the complaint is referred to Stage 3, the Chair of the Governing Body must decide, in consultation with the Chair of the Complaints Committee whether and how the complaint should be investigated.

A complaints panel -

Three governors can be drawn by the Clerk to constitute a Committee. The governing body may nominate the panel with delegated powers to hear complaints at that stage, and set out its terms of reference.

3.4 These can include:

-);;> drawing up its procedures;
-);;> hearing individual appeals;
-);;> making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

3.5 The Headteacher should not serve on the committee.

3.6 The Committee should consider the complaint on the basis of the written evidence and usually also set up a hearing and hear both parties. Governors may also take evidence on their own initiative. Governors should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. If they decide to set up a hearing, the Committee should follow the procedure set out in paragraphs 3.5 to 3.19 below.

3.7 The Chair of the Committee should take a decision at the beginning of Stage 3 on whether to seek the services of a clerk to:

- deal with the administration of the procedure;
- provide independent advice on procedure and evidence;
- ensure that the relevant facts are established;
- minute the meeting and
- draft the decision letter.

3.6 The Clerk/Chair of the complaints committee should write to the parent to explain how the review will be conducted. The letter should be copied to the Headteacher.

3.7 The Clerk/Chair of the Complaints Committee should confirm the date of the meeting with the other governor(s).

3.8 The parent and Headteacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the parent and Headteacher, within reason. The notification should inform the parent of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the parent's right to submit further written evidence to the committee.

3.9 The Headteacher should also be invited to prepare a written report for the Committee in response to the complaint.

3.10 All relevant correspondence regarding the complaint should be circulated to the committee members; the parent and the Headteacher in advance of the meeting.

3.11 If the Headteacher and/or the parent wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.

3.12 **It is the responsibility of the Chair to ensure that the meeting is properly conducted.** However, the proceedings should be as informal as possible.

3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

3.14 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence.

Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

3.15 The meeting should allow for:

- the parent to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- panel members to have an opportunity to question both the complainant and the Headteacher;
- any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses .
- final statement by the Headteacher and parent.

3.16 The Chair of the Committee should explain to the parent and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible.

- The complainant, Headteacher and any witnesses will then leave.

3.17 The panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

3.18 Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

3.19 The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.

3.20 The complainant should be advised that if s/he is dissatisfied with the response s/he has the right to take the matter further by complaining to the Secretary of State for Education and Skills.

- 3.21 Stage 3 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the Complaints Committee should write to the parent giving a revised target date.
- 3.22 In exceptional circumstances the Committee may decide after taking advice from the LA not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Appendix A

A Governing Body Complaints Panel

A Governing Body Complaints Panel hearing does not operate as a court of law, but nevertheless it is important that the hearing is seen to be fair and in accordance with the principles of natural justice.

The Chair of the Panel will endeavour to make the proceedings as informal as possible, whilst still following an order which gives some structure to the hearing.

Both parties are entitled to bring a representative with them, if they wish, in order to help them present their case and ask questions of the other party.

Any written documentation which either party wishes the Panel to take into account should be submitted in good time so that copies can be distributed to both parties and to members of the Panel before the hearing.

Order of Proceedings

The following order of proceedings will operate for the conduct of the Panel hearing.

1. Welcome and introduction by the Chair of the Panel.
2. The parents (and/or their representative) explain the nature of their complaint.
3. The Headteacher (and/or his/her representative) asks the parents (and/or their representative) any questions about what they have said.
4. The Panel members ask the parents (and/or their representative) any questions.
5. The Headteacher (and/or his/her representative) responds to the parental complaint.
6. The parents (and/or their representative) ask the Headteacher (and/or his/her representative) any questions about what he/she has said.
7. The Panel members ask the Headteacher (and/or his/her representative) any questions.
8. The parents (and/or their representative) sum up their case.
9. The Headteacher (and/or his/her representative) sums up his/her case.
10. Both parties leave the room where the hearing is taking place.
11. The Panel considers the case and makes a decision.

The decision-making process may take some time, and it is recommended that both parties leave the venue for the meeting, rather than waiting outside the room for the Panel's decision.

As soon as a decision has been reached, both parties will be informed by the Chair of the Panel of the decision, the reasons leading to it, and any action taken or proposed by the Panel in relation to the complaint.

This may be by telephone in the first instance, but will subsequently be confirmed in writing within 5 working days.

Reaching a Decision

The Panel makes its decision when both parties to the hearing have left the room. The decision which is reached will be an objective one, based on the evidence presented to the Panel, and not on any preconceptions about either of the parties involved.

In essence, there are two possible decisions that the Panel can reach:

1. The parental complaint is upheld, as a result of which the school is directed to take particular action(s) to ensure that a similar complaint does not occur in the future.
2. The parental complaint is not upheld, and the school is deemed to have acted correctly in its handling of the situation.

Matters may not be quite so clear-cut. The Panel may decide that although, on balance, they do not uphold the parental complaint, they nevertheless recommend certain courses of action to be taken by the school so that any future concerns raised are dealt with more effectively.

The Panel will work on the principle that at all times justice must be done, and must be seen to be done, so that both parties can have confidence in the decision resulting from the hearing.

What Happens Next?

The decision of the Governing Body Complaints Panel is binding on both parties and there is no further right of appeal at Governing Body or LEA level. If parents are dissatisfied with the decision of the Panel, they may write to either the Local Government Ombudsman on the grounds of "misadministration" or to the Secretary of State for Education and Employment on the grounds that the Governing Body has acted "unreasonably" or "illegally".

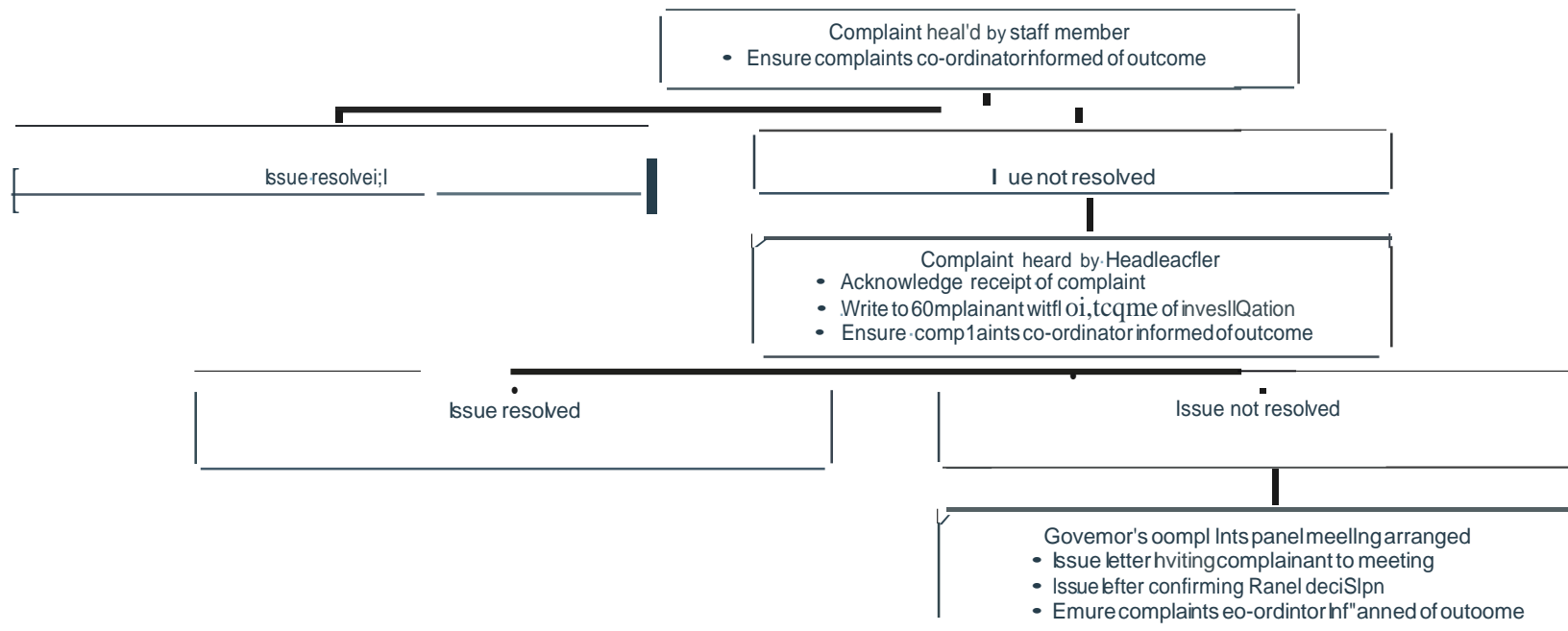
Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Flowchart

Summary of Dealing with Complaints



Complaint form

Please complete and return to(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

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:

Approved by the Governing Body onFeb 2014.....

Review date:..... Feb 2015

Bismilahir-Rahmanir-Rahim

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL (ISIPS)

Complaints against the Governing Body

We Learn, We Lead, We Inspire

Review Date.....7th Mar 2014.....

Signature.....

Frequency of Review.....Annual.

Next Review Date.....Mar 2015.....

IQRA Slough Islamic Primary School

Policy for Complaints against the Governing Body

Complaints against the Governing Body

1. A complaint against the Governing Body, a member of the Governing Body or the Clerk to the Governing Body may be made by an individual, business or an organisation.
2. Complaints against the Governing Body or a member of the Governing Body should preferably be made in writing and addressed to:

The Clerk to the Governing Body
c/o Iqra School

3. The complaint should
 - State clearly the nature of the complaint (and, if appropriate),
 - Provide copies of any related documentation.

The complainant should also state the remedy they are seeking.

4. The Clerk to the Governing Body will:
 - o acknowledge receipt of the complaint without delay.
 - o Agree with the Chair a panel of Governors to investigate the complaint. The panel will consist of the Chair and 2 other governors. If the complaint is against the Chair then he/she will be replaced by the Vice Chair.
 - o endeavour to provide a response via the GB panel to the complaint within four weeks and, if this is not possible, provide the complainant with an interim statement.
5. The Clerk to the Governing Body will work with the Chair/Vice chair and ensure that the GB is informed of the situation and will provide the Governing Body with a written statement of the nature of the complaint and the response and the response by the panel at the next Governing Body meeting at the conclusion of the process. Such a report shall be circulated to members within ten working days of the response of the Panel to the complainant so that members are aware of the situation.
6. When carrying out an investigation on a complaint against the Governing Body or an individual member of the Governing Body, the Panel will adopt procedures in line with the school's Complaints Policy.
7. A complaint against the Clerk to the Governing Body shall be forwarded to the Chairman of the Governing Body for investigation and response. Letters for the attention of the Chairman of the Governing Body should be addressed to:

The Chair of Governors
c/o Iqra School

8. The approach to be adopted by the Chair of Governors in investigating and responding to a complaint will be the same as that outlined above with regard to complaints against the Governing Body and individual members of the Governing Body.
9. If a complainant is not satisfied with the outcome of their complaint they may address the complaint to the Secretary of State for Education.

Approved by the Governing Body
Complaints against the Governing Body

Bismilahir-Rahmanir-Rahim

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL (ISIPS)
Addendum to Complaints Policy
Dealing with internal difficulties

We Learn, We Lead, We Inspire

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School Governance

Dealing with internal difficulties on the governing body

Background

Governing Bodies are corporate bodies and as such, no individual governor has any special powers, save for the Chair of Governors who may act on behalf of the governors when clearly it would be in the best interests of the governing body to do so. The power that lies with governing bodies does so corporately and decisions are reached by a majority of governors present and voting, after 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 body. Although largely volunteers, governors are obliged to follow the Nolan principles that underpin the standards of those holding public office. These are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Schools and their governing bodies have a number of responsibilities and duties under legislation relating to equality and diversity. Recent and forthcoming legislation covers gender, age, race, disability, religion or belief, sexual orientation and gender reassignment. The legislation requires schools to avoid discrimination and to promote equality for pupils, staff and others that may use school facilities. One of the ways in which governing bodies may fulfil this requirement is by recruiting people to serve as governors who are representative of local communities. Governing bodies should also consider ways of supporting and developing people from diverse communities to become school governors. Appendix 1 provides guidance on different categories of discrimination.

Most governing bodies operate effectively and run smoothly whilst carrying out their duties. However, occasionally issues develop concerning the behaviour and actions of individual governors. This protocol is designed to advise governing bodies what to do in the event of this happening. In particular, it is designed to ensure that all members of a governing body are treated fairly and equally, irrespective of gender, age, race, disability, religion and belief, sexual orientation or gender reassignment.

Protocol

If the actions and behaviours of a governor are a cause of concern to an individual or group of governors, the chair of governors should be approached and the issue explained to them. A thorough investigation should be carried out (approaching the matter with an open mind, listening carefully to everyone involved, not jumping to conclusions, exploring all the issues carefully as the investigation might uncover that other governors are at fault as well) and appropriate evidence gathered. If, as a result, the chair feels that there is a "case to answer" then he or she should set up a meeting with the governor concerned where the nature of the concern will be fully explained to the governor. The chair should also explore with the governor whether there are any training needs and whether any further support, such as conciliation or mediation may be appropriate. This may be needed for the whole governing body and not just the individual. It is very important that governors are open and transparent when dealing with individual governors in order to avoid claims of discrimination, victimisation or harassment.

Occasionally, it may be appropriate for the chair to have an informal meeting with a governor in order to resolve a difficulty.

Suspension of Governors

Should the problem continue or be of a more serious nature then regulations do allow for the matter to be dealt with by the governing body.

In certain circumstances the governing body can vote to suspend a governor for a period of up to six months. This should only happen as a last resort. Governors who have been proposed for suspension must be given the opportunity to make a statement in response before they withdraw from the meeting and a vote is taken.

Governors can only be suspended for one or more of the following reasons:

- they are paid employees at the school and the subject of disciplinary proceedings;
- they are the subject of a court or tribunal proceedings, the outcome of which may mean disqualification as a governor;
- they have behaved in a way that is inconsistent with the school's ethos or religious character and has brought or is likely to bring the school or governing body or their office of governor into disrepute;
- they are in breach of the duty of confidentiality to the school or staff or to the pupils.

Removal of Governors

If, following the suspension of a governor, problems with the actions and behaviour relating to an individual governor continue, in some circumstances governors may be removed from office. This is largely dependent upon the category of governor concerned and the basic principle is that a governor may be removed from office by the body that appointed them. Therefore on the basis that the governing body appoints the following categories of governor, accordingly, the governing body may remove them from office:

- Community governors
- Partnership governors
- Parent governors who have appointed (it is important to note that parents governors who have been elected may not be removed by the governing body)
- Any sponsor governors (it may also do so at the request of the nominating body).

LA and Foundation governors may be removed from office by the person who appointed them.

NB- the governing body may not remove any staff governors.

Procedure for Removal by the Governing Body

Reasons for the proposed removal of any community governor, partnership governor, appointed parent governor or sponsor governor must be given by the governor(s) proposing the removal. The governor in question must be given the opportunity to make a statement in response before a vote is taken on a resolution to remove him or her. The governor in question is not eligible to vote in respect of a proposal to remove him/her from office.

Whilst written notice of the removal must be given to the clerk of the governing body and to the governor in question, it is recommended that before this stage a senior officer of the LA should always meet with the governor concerned, along with the chair of governors, in order to discuss the situation and to see if a resolution can be achieved prior to the written notices being served.

The governing body may also remove a chair or vice chair from office during the school year if it resolves to do so. The quorum required to do so is one half of the total membership of the governing body, excluding vacancies. Any such resolution must be on the governing body agenda, with at least seven days' notice of the meeting. The governor proposing the resolution must state his or her reasons. The office holder in question must be given an opportunity to speak against the resolution before withdrawing while the governing body votes on the proposal.

NB - in the case of schools in difficulties, a chair appointed by the Secretary of State cannot be removed by the governing body.

Appendix 1 Different Categories of Discrimination

Definitions of Discrimination

Under the law there are different categories of discrimination:

- Direct discrimination – this is when a person is treated less favourably than others in comparable circumstances because of a special characteristic such as sex, race or a disability
- Indirect discrimination – this occurs when a provision, criterion or practice is applied equally to all but has a different impact on members of one or more protected groups of which the complainant is one, and is placed at a disadvantage as a result
- Victimisation – treating a person less favourably because they have taken action in respect of discrimination eg by bringing a complaint or giving evidence for a colleague
- Harassment – this is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them on grounds of one of the relevant equality characteristics eg gender or race

It is recommended that governing bodies access appropriate training opportunities in order to fully understand the implications of the above legal duties.

In their dealings, school governors must be aware that under equality law the onus will be on the governing body to provide clear evidence that they have not acted in a discriminatory way when dealing with individual governors.

Attendance at relevant training, investigating issues thoroughly and with an open mind and acting on findings are all good evidence that a governing body is not discriminating.