

FST Primary Schools Federation Governing Board

Policy / Procedure for the Suspension, or Removal, of a Governor



Love, Learn and Grow Together

At Foston and Terrington Church of England Schools our commitment to promoting sustainability, affirming diversity, embracing community, and inspiring creativity, is rooted in the words of St Paul who wrote, 'The fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control' (Galatians 5 v 22-23). Our core Christian values, love, joy, patience, and self-control are fostered in the pupils and staff building an ethos where all can flourish.

At Stillington Community Primary School our commitment to promoting sustainability, affirming diversity, embracing community, and inspiring creativity is rooted in the core values of love, joy, patience, and self-control. These core values are fostered in the pupils and staff, building an ethos where all can flourish.

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Introduction

The School Governance (Constitution) (England) Regulations 2012 allows for the removal of any governor, with the exception of the head teacher.

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 allows for the suspension of all governors in certain circumstances, with the exception of the head teacher.

This document sets out when either of these options may need to be considered, and the procedures that will be followed by the governing board if suspension or removal is deemed necessary. These powers will not be used simply to remove dissenting or challenging voices. It is accepted that good governance involves asking courageous questions and offering appropriate professional challenge.

As part of their induction process, all governors will be asked to sign up to the board's agreed code of conduct, which sets out the behaviours expected of anyone taking on the role of governor. Governors should also be made aware of this procedure for the suspension or removal of governors, which sets out the options that a board has should a governor behave in a manner that is contrary to the code of conduct, or where a governors' circumstances have changed meaning that suspension must be considered.

If a governor fails to attend meetings for a period of six months, and apologies are either not given or not consented to, there is no need to go through this removal process as the governor has disqualified themselves through non-attendance. However, the board should still discuss this at a meeting as there may be circumstances in which the board are happy for the governor to continue and are aware of a temporary reason for the governors' non-attendance. If a decision is taken to remove the governor, then the clerk must inform the governor in writing.

The board has no powers to remove the head teacher as a governor.

Informal resolution - *this is applicable to all categories of governor with the exception of the head teacher.*

It is accepted that suspension or removal of a governor is a drastic step and should only be used as a last resort. Where concerns have been raised, the Chair (or a nominated governor) will meet with the governor concerned and discuss how matters can be improved, and to clarify the expectations of the board. A clear timescale will be agreed for improvements and change. A mentor governor may be appointed. Depending on the circumstances, a written warning may be given.

Every effort will be made to resolving any issues through discussion and training before resorting to any formal action.

In the event of it being the chair whose behaviour is giving cause for concern, the vicechair or another governor will be asked to speak with the chair.

Suspension of a governor – *this is applicable to all categories of governor with the exception of the head teacher.*

A governor can be suspended from all or any meetings of the board for a maximum period of 6 months. Grounds for suspension would include:

- The governor is paid to work at the school and is the subject of disciplinary proceedings in relation to their employment.
- The governor is the subject of proceedings in any court or tribunal, the outcome of which may be that the governor is disqualified from continuing to hold office as a governor.
- The governor has acted in a way that is inconsistent with the ethos or religious character of the school and has brought or is likely to bring the school or board into disrepute.
- The governor is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school.
- The governor is displaying behaviours contrary to the code of conduct.

Procedure for the suspension of a governor

- A resolution to suspend a governor from office must be a specified item of business on the agenda for a FGB meeting.
- At the meeting, the governor proposing the resolution will state the reasons for doing so and the governor who is the subject of the resolution will be given the opportunity to make a statement in response, before withdrawing from the meeting.
- The vote is taken. This vote should be a secret ballot and the decision made under the usual rules of governing bodies so that a simple majority is acceptable.
 - The board need to agree if suspension is to be from all meetings or some meetings.

A governor who is suspended retains the right to receive notices of meetings, and agendas, reports, and minutes during their period of suspension.

Removal of a governor

All governors, with the exception of the head teacher, can be removed from the board but the process is different for the different categories of governor.

Behaviours which may lead the board to consider removal include:

- There have been repeated grounds for suspension.
- There has been serious misconduct. This is open to interpretation, but any actions would compromise the Nolan principles, if sufficiently serious, would be considered in scope for removal.
- A governor displays repeated and serious incompetence. For example, a governor who is unwilling or unable, despite support, to develop the skills to contribute to effective governors; or where attendance is so irregular that the governor is unable to make any meaningful contribution to the work of the board.

- A governor who has engaged in conduct aimed at undermining fundamental British values of democracy, the rule of the law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs
- The actions of the governor are significantly detrimental to the effective operation of the governing board, distracting it from its core strategic functions; and/or the actions of a governor interferes with the operational efficiency of the school thereby wasting a significant amount of leadership time.

Procedure for the removal of a governor

Type of governor	Formal process	Appeal process
Staff Co-opted Elected parent Appointed parent	<ol style="list-style-type: none"> 1. Consideration of the removal of the governor is a clear agenda item at a FGB meeting. 2. The reasons for the proposed removal of the governor concerned should be sent to the governor concerned with the agenda for the meeting. 3. At the meeting, the Chair (or other nominated governor) should outline the reasons for the proposed removal of the governor. 4. The governor should then be given the opportunity to reply to the case against them. 5. The governing body should then vote on the proposal. This vote should be by secret ballot and the decision made under the usual rules of governing bodies in that a simple majority is acceptable. 6. If the governing board vote to remove the governor, they should be informed at the meeting and again in writing within 5 working days. 7. A second meeting, not less than 14 days from the first meeting, must be convened. This meeting must have the confirmation of the removal of the governor as an agenda item. 8. This confirmation must be approved by a simple majority vote. 9. The governor must be notified in writing of their removal, and informed that they can now request than an appeal panel review the case. They should make this request within 10 working days. 	Yes – see below

Foundation	<p>Where a board has concerns over the effectiveness or behaviour of a foundation governor, they should bring this to the attention of the appointing body.</p> <p>It is then for the appointing body to consider whether the information brought to light is sufficient to change their opinion of whether the individual concerned has the skills to contribute to effective governance, which was the basis of their original appointment.</p> <p>The appointing body must give written notice of the removal to the clerk and to the governor concerned.</p>	Through the appointing body
Ex-officio Foundation	<p>The board may vote on the removal of an ex-officio foundation governor, only if the board is asked to do so by the foundation that is entitled to request the removal of the governor (as specified on the instrument of government).</p> <p>The procedure detail at the top of this table should now be followed from stages 1 – 8.</p> <p>The foundation is asked to remove the governor from office explaining the reasons for the request and demonstrating that due process has been followed.</p>	Yes – see below
Local authority	<p>Where a board has concerns over the effectiveness or behaviour of a local authority governor, they should bring this to the attention of the appointing body.</p> <p>It is then for the appointing body to consider whether the information brought to light is sufficient to change their opinion of whether the individual concerned has the skills to contribute to effective governance, which was the basis of their original nomination.</p> <p>The appointing body must give written notice of the removal to the clerk and to the governor concerned.</p>	Yes – see below
Associate member	<p>An associate member may be removed from the board at any time. There is no formal process required for this, but in the interests of equity you may wish to follow this procedure.</p> <p>It is wise to appoint an associate governor for 1 year in the first instance. This can be extended if necessary.</p>	
Head teacher	The head teacher cannot be removed from their role of governor by the board.	

Any governor removed from a board using these procedures will be disqualified from being a governor at any other school for a period of 5 years.

Appeals process

An appeals process is available to any governor who has been removed by the board. If a removed governor wishes to appeal, they should inform the chair in writing, within 10 working days of the meeting where the decision was made.

An independent panel will be convened to hear the appeal, which may include a governor from another school, a local authority office or a diocesan representative. The panel will:

- appoint a clerk to organise and minute the appeal panel meeting
- meet within 20 working days of receipt of the appeal request
- review the procedure and ensure that it has been followed correctly
- confirm that the governor subject to removal has had an opportunity to improve their conduct through the process but has failed to do so
- ensure the governing body has provided clear evidence that the governor has not altered their conduct throughout the process
- Confirm that the governor has been given the opportunity to defend their position at meetings
- invite the governor and a representative of the governing body to attend the meeting and give each person the opportunity to make a statement or answer any questions from the panel
- Confirm or not, that the decision taken by the governing board is reasonable and in the interests of improving governance in the school

The panel will ask both parties to leave and agree a decision. The decision should then be communicated in writing to both the governor and the representative of the governing body within 5 working days of the panel meeting.

This is the conclusion of this process.