

# *St Luke Academies Trust*



## **Complaints Policy and Procedures**



**Presented to Directors: 8th November 2017**

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**Review date: November 2018**

## **PART A**

**Advice and guidance for dealing with all complaints relating to any school which is part of St Luke Academies Trust, the Head Teacher and staff and to any community facilities or services that the school provides.**

## 1 Introduction

- 1.1 Governing Bodies are required by law to have a procedure in place to deal with complaints relating to the school, or the provision of community facilities or services at the school. The law requires that this procedure must be publicised.
- 1.2 **Part B** of the Complaints Policy and Procedures gives advice and guidance on managing complaints against Directors and Governors.
- 1.3 The vast majority of complaints and concerns can be resolved informally.
- 1.4 A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school and any third party who may have cause to complain about the school. The procedure refers to this person as a complainant. A guide for parents is included at Annex A and a flow chart of the complaints process can be found at Annex J.
- 1.5 The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- 1.6 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- 1.7 A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- 1.8 Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *"Understanding and Dealing with Issues Relating to Parental Responsibility"* contains specific advice about how to properly approach issues concerning parental responsibility.
- 1.9 Even when a complaint has been made it can be resolved or withdrawn at any stage.
- 1.10 Schools may have a nominated member of staff with responsibility for the operation and management of the Complaints Policy and Procedures. This member of staff, however, may not necessarily be the Head Teacher.
- 1.10 Further information can be found in the Department for Education's Education Regulations 2014 Part 7.

## **2. The difference between a concern and a complaint**

- 2.1 A concern may be defined as *"an expression of worry or doubt over an issue considered to be important for which reassurances are sought"*. A complaint may be generally defined as *"an expression of dissatisfaction however made, about actions taken or lack of action"*.
- 2.2 Some complaints fall outside of the Complaints Policy and Procedures, for example, staff grievances or disciplinary procedures.

## **3. Legal Definitions**

- 3.1 A legal distinction exists between the words "should"/"may" and "must"/"will". If the policy uses the words "must" or "will", then the School is required to carry out the action referred to in the policy. Failure to do so could result in the Department for Education declaring the school to be in breach of their policy in the event the complaint is escalated to the Secretary of State and the school may be asked to provide a written explanation for the reasons why it deviated from best practice. If the policy uses the words "should" or "may", this allows for the possibility that the action may not occur.

## **4. Special Circumstances**

- 4.1 Any complaint or other notice that suggests a child has been at risk or significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Head Teacher or the Local Governing Body.

## **5. Other Solutions to Complaints**

- 5.1 Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## **6. Dealing with Concerns Informally**

- 6.1 Parents should direct complaints to the member of staff in the first instance.
- 6.2 The member of staff should ask the complainant at the earliest stage what they think might resolve the issue. An acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action. It is important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- 6.3 At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to

acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an appropriate 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
- a commitment to review school policies in light of the complaint.

6.3 The complainant should be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made. In smaller schools or on major issues, the Head Teacher may be the appropriate member of staff at this stage.

6.4 The complainant should be able to bring a friend to any discussion.

6.5 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.

6.6 The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

6.7 This stage should be completed speedily and concluded in writing with appropriate detail within ten school days.

6.8 Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Head Teacher. To assist in this process a complaint form should be provided (*example attached at Annex D*).

## **7. Stage 1 - Referral to the Head Teacher for Investigation**

7.1 The Head Teacher should acknowledge the complaint in writing. In some cases the Head Teacher will have already been involved in looking at the matter; in others it will be his/her first involvement.

7.2 The Head Teacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

7.3 If the complaint is against a member of staff the Head Teacher should talk to the staff member against whom the complaint has been made.

7.4 If necessary, the Head Teacher should interview witnesses and take statements from those involved.

- 7.5 The Head Teacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- 7.6 Once all the relevant facts have been established, the Head Teacher should produce a written response to the complainant. The Head Teacher may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 7.7 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.
- 7.8 Stage 1 should be completed in ten school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head Teacher should write to the complainant giving a revised target date.
- 7.9 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).
- 7.10 The formal Stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Local Governing Body within fifteen school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Local Governing Body and the address to which the complainant should send the letter.

## **8. Complaints against the Head Teacher**

- 8.1 If the complaint is wholly or mainly about the Head Teacher, the Local Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below.

## **9. Stage 2 - Making a complaint to the Local Governing Body**

- 9.1 Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of the Local Governing Body at the school address. The envelope should be marked "FOR IMMEDIATE ACTION PRIVATE AND CONFIDENTIAL" and staff in the school office must ensure that the letter is forwarded to the Chair of the Local Governing Body without delay.
- 9.2 The Chair of the Local Governing Body will write to the complainant to acknowledge the complaint within five working days of receipt of the complaint. The complainant will be asked to complete a complaint form (Annex D) if they have not already done so. The Chair of the Local Governing Body will offer to help an individual to complete the form if appropriate. A copy of the acknowledgement and the complaints form should be sent to the

Head Teacher and the Clerk to the Local Governing Body. *(A standard letter is attached at Annex E which the Chair may wish to use).*

9.3 Investigating the complaint - If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk and Chair by the Head Teacher. However, where the complaint is against the Head Teacher and the complaint is referred to Stage 2. On receipt of the complaint form, the Chair of the Local Governing Body will:

- 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.

Within five working days of receiving the form, the Chair of the Local Governing Body will decide whether a mediation stage should be offered to help you and the Head Teacher explore possible resolution. Mediation can only proceed if the complainant and the Head Teacher are willing for it to be tried. If mediation is agreed, the Chair of the Local Governing Body will endeavour to set up the meeting within ten working days. If that timescale is not possible the complainant will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of the Local Governing Body will set up a Complaints Appeal Panel to meet within fifteen working days of receipt of the complaint form to consider your complaint.

#### 9.4 Mediation

Mediation can be a good way to resolve a complaint because:

- it gives both the complainant and the Head Teacher the opportunity to hear each other's point of view (with a third party facilitating)
- it gives the third party an opportunity to help the Head Teacher and the complainant identify and build on areas of agreement
- it gives the Head Teacher and complainant a structure within which they can resolve remaining differences
- If both the complainant and the Head Teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a Complaint Appeal Panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part
- an appropriate 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 acceptance that the complaint needs to go no further
  - a commitment to review school policies in light of the complaint.
- 9.5 When the Chair of the Local Governing Body receives a complaint form he/she will inform the Local Governing Body that a complaint has been received and that it has been passed to the Complaints Appeal Panel to deal with. **No further information about the complaint should be shared with other Governors.**
- 9.6 Governing Bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three Governors with no prior, direct involvement with the complaint. The Local Governing Body must also ensure that one member of the panel is independent of the management and running of the School. In deciding the make-up of the CAP, where possible the Local Governing Body will try and ensure that it is a cross-section of the categories of Governors and sensitive to the issues of race, gender and religious affiliation. If there are insufficient Governors able to sit on the panel, the Local Governing Body in consultation with the Trust will put in place an alternative fair process.
- 9.7 The Head Teacher should not serve on the CAP. If the Chair of the Local Governing Body has had any prior involvement in the complaint then the Chair **must not** sit on the CAP.
- 9.8 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 9.9 The Chair of the CAP should take a decision at the beginning of Stage 2 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.
- 9.10 The Clerk/Chair of CAP should write to the complainant to explain how the review will be conducted (*the remit of the Complaints Appeal Panel is attached at Annex F*). The letter should be copied to the Head Teacher.
- 9.11 The Clerk/Chair of CAP should confirm the date of the meeting with the other Panel members.

- 9.12 The complainant and the Head Teacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and the Head Teacher, within reason. The notification should inform the complainant 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 complainant's right to submit further written evidence to the CAP.
- 9.13 The Head Teacher should also be invited to prepare a written report for the CAP in response to the complaint.
- 9.14 All relevant correspondence regarding the complaint should be circulated to the CAP, the complainant and the Head Teacher in advance of the meeting.
- 9.15 If the Head Teacher and/or complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.
- 9.16 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 9.17 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 CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- 9.18 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 or witnesses should not be accepted unless there is a good reason for lateness.
- 9.19 The meeting should allow for:
- The complainant to explain his or her complaint and the Head Teacher to explain the reasons for his or her decision;
  - The Head Teacher to question the complainant about the complaint and the complainant to question the Head Teacher;
  - The CAP to have an opportunity to question both the complainant and the Head Teacher;
  - Any party to have the right to bring witnesses (subject to the approval of the Chair of the CAP) and all parties having the right to question all witnesses; and
  - A final statement by the Head Teacher and complainant.
- 9.20 The Chair of the CAP should explain to the complainant and the Head Teacher that the CAP will consider its decision, and a written response will be sent to both parties within five working days. The complainant, Head Teacher and any witnesses will then leave.

- 9.21 The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP 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.
- 9.22 As in paragraph 7.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 9.23 The Clerk/Chair of the CAP will send a written statement outlining the decision with reasons to both the complainant and the Head Teacher.
- 9.24 Stage 2 should be completed within fifteen 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 CAP should write to the complainant and the Head Teacher giving an explanation for the delay and a revised target date.

## **10. Dealing with complaints - Formal Procedures**

- 10.1 A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to respond to the issues raised by the complainant. They should be offered support if required to respond to any investigation into a complaint. Support may be available from a mentor, the school's HR provider or Trade Union Representative.
- 10.2 If it becomes apparent that the complaint has the potential to be a disciplinary issue, it is for the Head Teacher or designated senior member of staff or, in the case of the Head Teacher, the Chair of Governors or designated governor, to determine whether the disciplinary or capability procedures should be followed. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".

## **11. Roles of the Local Authority, the Education Funding Agency, and Secretary of State, Department for Education**

- 11.1 ***Parents cannot take their appeal further than the Local Governing Body and also not to the Trust.*** The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint.
- 11.2 Parents can complain to the Education Funding Agency if:
- there's a problem with the school's Complaints Policy and Procedures
  - the school is not following the terms of its funding agreement

- 11.3 If the complainant feels that the school has acted unreasonably or not followed the correct procedures they can write to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate, Store Street, Manchester M1 2WD.

## **12. Serial and Persistent Complaints**

- 12.1 Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately. *(See Annex B Is it time to stop responding? and Annex C Sample Policy for Unreasonable Complaints).*
- 12.2 There will be occasions when despite all stages of the Complaints Policy and Procedures having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in responses to a complaint. If the complainant tries to re-open the same issue, the Chair of the Local Governing Body can inform the complainant in writing that the procedure has been completed and that the matter is now closed.
- 12.3 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as "serial" or "persistent" and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as "serial" before the complainant has completed the procedure.
- 12.4 Under no circumstances should an individual be marked as serial for exercising his/her democratic right to refer his/her complaint to his/her local MP regardless of which stage the complaint has reached. The application of a "serial" or "persistent" marking should be against the subject or complaint itself rather than the complainant.

## **13. Malicious Complaints**

- 13.1 Complainants need not have any contractual relationship with the School, but complaints judged to be made with malice towards the School, the Local Governing Body, individual Governors or the Clerk to the Local Governing Body will not be covered by privilege and the Local Governing Body reserves the right to take legal action against malicious complainants.

## **14. Barring from the School Premises**

- 14.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

- 14.2 If a parent's behaviour is a cause for concern, a school can ask him/her to leave the school's premises. In serious cases, the head teacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.
- 14.3 The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.
- 14.4 Anyone wishing to complain about being barred can do so, by letter or email, to the head teacher or Chair of the Local Governing Body. However, complaints about barring cannot be escalated to the Department for Education. Once the school's Complaints Policy and Procedures has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.
- 14.5 See also the School's Managing Aggressive Parents and Visitors Policy which are available from the School.

## **15. Role of Ofsted**

- 15.1 It is possible to make a complaint to Ofsted if there is a problem that affects the whole school. This includes problems with the quality of education and poor management. Ofsted will not look into problems with individual students, such as exclusions or not getting a place at the school.
- 15.2 You can only complain to Ofsted if you have already followed the school's Complaints Policy and Procedures.
- 15.3 A complainant should receive a response within thirty working days. The response will tell the complainant if Ofsted will investigate or not, and why.

## **16. Complaint about Special Educational Needs (SEN)**

- 16.1 If the complaint relates to SEN then the complainant should speak to the school in the first instance. It is possible to ask for a SEN assessment from the local council if the school cannot provide all the help the child needs.
- 16.2 It is possible to appeal to the SEN and disability tribunal if you have applied for an assessment from the local council and you are not happy with the response.
- 16.3 The Parent Partnership Service offers free advice and information about local SEN services.

## **17. Exclusions**

17.1 There are special provisions for complaining about an exclusion.

## **18. Cut-off Limits**

18.1 It is reasonable to expect a complaint to be made as soon as possible after an incident arises but there may be good reasons why a complaint has not been made earlier (for example gathering further information or the complainant was not fully aware of the implications of an incident until a later date).

18.2 The school's cut-off limit will be six months from the date the incident arises. However, the school will consider exceptions and will not refuse to consider any complaint not lodged within the stated period.

## **19. Recording Complaints**

19.1 It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and the school must allow alternative methods of contact in order to comply with their obligations under the Equality Act 2010.

19.2 A complaint may be made in person, by telephone, or in writing.

19.3 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

19.4 Schools should record the progress of the complaint and the final outcome. The head teacher or complaints co-ordinator will be responsible for holding the information on all complaints and hold them centrally.

19.5 Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

## **20. Confidentiality**

20.1 Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion and investigators should be sensitive to the feelings of those involved. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint need to be aware that some information may have to be shared in order to carry out a thorough investigation.

## **21. Local Governing Body Review**

21.1 The Human Resources Committee will be responsible for monitoring the level and nature of complaints, and for reviewing the outcomes on an annual basis to ensure the effectiveness of the Complaints Policy and Procedures, making

changes where necessary. Complaints information shared with the whole Local Governing Body should not name or be able to identify individuals in case an appeal panel needs to be arranged.

21.2 If the whole Local Governing Body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach the Trust for advice.

21.3 Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately the decision is made by the Governors.

21.2 The Complaints Policy and Procedures will be reviewed on an annual basis.

## **22. Publicising the Complaints Policy and Procedures**

22.1 It is up to the Local Governing Body to decide how to publicise the Complaints Policy and Procedures.

22.2 The School will publicise the Complaints Policy and Procedures as follows but not limited to:

- School website
- School prospectus
- Home School agreement
- newsletter
- posters displayed in areas of the School used by the public.

## Complaints not in scope of the Complaints Policy and Procedures

The Complaints Policy and Procedures covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate statutory procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> </ul>	Concerns should be raised with the Board of Directors.
<ul style="list-style-type: none"> <li>• Child Protection</li> </ul>	Local Council
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
<ul style="list-style-type: none"> <li>• Criminal Behaviour</li> </ul>	Police
<ul style="list-style-type: none"> <li>• Data Protection</li> </ul>	Information Commissioner's Office
<ul style="list-style-type: none"> <li>• Discrimination</li> </ul>	Equality Advisory and Support Service
<ul style="list-style-type: none"> <li>• Employment</li> </ul>	An employment tribunal
<ul style="list-style-type: none"> <li>• Exam malpractice or maladministration</li> </ul>	Ofqual and the awarding body
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"> <li>• Quality of education and leadership</li> </ul>	Ofsted
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD The Department for Education is also a prescribed body for whistleblowing in education.

## Sharing your concerns about your child's education A Parents' Guide

..... (School name)  
recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact..... (Name) at the school.

The school's Local Governing Body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Head Teacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school;

### How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher.

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the Head Teacher who will look into your concern.

If you are unhappy with the Head Teacher's response you should write with your complaint to the Chair of the Local Governing Board at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION' – Private and Confidential.

### This is how your complaint will be handled

**Within 5 working days** the Chair of the Local Governing Body will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

**Within 5 working days of receiving the form** the Chair will decide whether mediation should be offered to help you and the Head Teacher explore possible resolution.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of the Local Governing Body or Clerk will set up a panel of governors to meet **within 15 working days** of receipt of complaint form to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of three Governors who have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with. If, after agreeing the date of the hearing, you fail to attend, the panel will consider all the evidence in your absence before making its decision.

**Five working days** before the hearing the clerk will send to you, the complainant, the Head Teacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing (which must be submitted to the clerk seven days before the hearing).

#### **At the hearing,**

1. You and the Head Teacher will be invited into the room where the panel is being held at the same time.
2. After introductions, you, the complainant will be invited to explain your complaint,
3. The Head Teacher may question you.
4. The panel will question you.
5. The Head Teacher will be invited to explain the school's actions.
6. You, the complainant, may question the Head Teacher.
7. The panel will question the Head Teacher.
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The Head Teacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the Head Teacher will hear from the panel **within five working days.**
12. Both you and the Head Teacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

#### **Can I take my complaint further?**

**You cannot take your complaint to the Trust or the local authority.** The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint. If you are not satisfied with the way your complaint has been handled you can write to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate  
Store Street Manchester M1 2WD

### **Is it time to stop responding?**

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

### Sample Policy for Unreasonable Complainants

< .....School> is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

<...School> defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Policy and Procedures or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <...School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from <...School>.

### Complaint Form for Stage 1 complaints

If you have tried unsuccessfully to resolve your complaint informally and wish to take the matter further, please complete this form and send it to xxxxxxxx (complaints co-ordinator). If your complaint is against the Head Teacher you will need to send the form to the Chair of the Local Governing Body.

**Your Name:** \_\_\_\_\_

**Name of Child:** \_\_\_\_\_

**Your relationship to the child (if relevant):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**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.**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Please continue on a separate sheet if necessary.*

<b>Official use:</b>
<b>Date acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

### Example Letter for Chair of the Local Governing Body to Use

An example of a letter that the Chair of the Local Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Local Governing Body.

Dear xxxxx

#### **Complaint re xxxxx**

Thank you for your letter dated xxxx setting out the reasons why you are not satisfied with the Head Teacher's response to your complaint about xxxxx.

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached Complaints Policy and Procedures.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

If, after agreeing the date of the hearing, you fail to attend, the panel will consider all the evidence in your absence before making its decision.

#### **or in the case of complaints against the Head Teacher**

I have received your complaint against the Head Teacher of xxxxxxxx School.

I write to let you know that I have forwarded a copy of your complaint to the Head Teacher with a request that s/he responds within ten School days to the issues raised in the complaint.

A copy of the Head Teacher's response will be sent to you as soon as possible.

If you are not satisfied with the Head Teacher's response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached Complaints Policy and Procedures.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

If, after agreeing the date of the hearing, you fail to attend, the panel will consider all the evidence in your absence before making its decision.

Yours sincerely

#### **Chair of the Local Governing Body**

copy to:       The Head Teacher  
                  The Clerk to the Local Governing Body

enclosed:      Complaints Policy and Procedures

## Remit of the Complaints Appeal Panel

The Complaints Appeal 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 problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated - **but it cannot overturn the decision itself**
- Consider the thoroughness with which the Head Teacher investigated the complaint about a member of staff - **but cannot expect the Head Teacher to provide details about confidential discussions with that staff member.**
- Consider the manner in which a complaint about any decision was addressed and ask for the decision to be reviewed - **but cannot expect the Head Teacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures - **but cannot make changes to the policy.** It can, however, recommend that the policy be reviewed by the Local Governing Body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.
- Consider with it should recommend that the Local Governing Body offer appropriate redress.

The Complaints Appeal Panel needs to take the following points into account:

- The hearing is as informal as possible.
- The complainant and the Head Teacher will enter the room where the hearing is taking place together.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- The chair will introduce the panel members and the clerk and outline the process.
- The complainant is invited to explain his/her complaint, and be followed by his/her witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.

- The panel will question the complainant.
- The Head Teacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel will question the Head Teacher.
- The complainant is then invited to sum up his/her complaint.
- The Head Teacher is then invited to sum up the School's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within five working days.
- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel to clarify any issues.
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing - there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the meeting for a few minutes to allow everyone to read the document.
- Both parties must leave the hearing room during the adjournment.

## **PART B**

### **Advice and guidance on managing complaints against the School's Governors**

## 1. Introduction

- 1.1 There are no nationally agreed procedures to deal with complaints against school Governors. It is acknowledged that Multi-Academy Trust Directors are autonomous and, as such, are free to determine their own procedures where these are not set out in legislation. St. Luke Academies Trust Directors delegate responsibility for dealing with complaints to Local Governing Bodies, on the understanding that they follow the procedures outlined below.

## 2. Background

- 2.1 Governing Bodies are corporate bodies and, as such, no individual Governor has any special powers, except for the Chair of the Local Governing Body who may act on behalf of the Governors when clearly it would be in the best interests of the Local 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 voting, after discussion.
- 2.2 Whilst Governors are required to act as "critical friends" to 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 Local Governing Body. Although Governors are volunteers, they are obliged to follow the principles that underpin the standards of those holding public office. These are:
- selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership.
- 2.3 Local Governing Bodies are recommended to have adopted a Governors' Code of Conduct (*see Annex G for a model Code of Conduct or Code of Conduct approved by the Board of Directors on 19th April 2017*). This will ensure that all Governors know the agreed way of working and behaving in order that their work can focus on the key role of school improvement and any concern regarding an Governor's conduct is challenged at the earliest opportunity.
- 2.4 It is good practice that when Governors are appointed/elected to the Local Governing Body they sign the Governors' Code of Conduct.
- 2.5 Occasionally concerns may arise relating to the behaviour and/or actions of an individual Governor. This guidance is designed to advise governing bodies what to do in the event of this happening, and to ensure that all members of a Local Governing Body are treated fairly and equally, irrespective of gender,

age, race, disability, religion or belief, sexual orientation or gender reassignment.

### **3. General Principles**

3.1 The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the Local Governing Body;
- where help and support is needed in managing a complaint against an Governor, this could be sought from the Trust.

3.2 The involvement of the Multi-School Trust /solicitors should be sought where the issues cannot be resolved internally by the School or the expertise of carrying out investigations is required.

### **4. Categories of Complaints**

4.1 Complaints against Governors can be categorised:

- i. those from other Governors on the Local Governing Body;
- ii. from members of the public which includes parents;
- iii. members of the school staff.

4.2 Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Local Governing Body, which would normally fall to the Chair of the Local Governing Body to manage.

4.3 Where the complaint is made against the Chair of the Local Governing Body then:

- i. it could be passed to the Vice Chair of the Local Governing Body; or
- ii. by the agreement of the Local Governing Body, passed to the Chair of another school within the St Luke Academies Trust to investigate.

4.4 The Local Governing Body needs to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict of interest or prejudice.

4.5 No member of the school staff, including the Head Teacher, should be involved in the investigation of a complaint against a Governor other than as a witness.

### **5. Procedure**

5.1 This procedure is for complaints from members of the public, parents and Governors.

- 5.2 All complaints must be in writing, which includes e-mail.
- 5.3 The Chair of the Local Governing Body must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- 5.4 All complaints must be reported to the Local Governing Body as soon as is practicable, however, the information must be restricted to:
- a) the date the complaint was received; and
  - b) against which Governor the complaint was made.
- 5.5 Unless otherwise agreed by the Local Governing Body, the complaint should be managed by the Chair of the Local Governing Body.
- 5.6 The Chair of the Local Governing Body may wish to seek advice and support from the Directors of St Luke Academies Trust.
- 5.7 The Chair of the Local Governing Body should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint, the complainant should be able to supply evidence.
- 5.8 It may be that due to the nature of the complaint, the Chair of the Local Governing Body can resolve the issue at the initial meeting and no further action be taken.
- 5.9 This outcome should be reported immediately to the Governor who the complaint is against and the Local Governing Body.
- 5.10 Where the complaint cannot be resolved at the initial meeting with the complainant, the Chair of the Local Governing Body will need to meet with the Governor concerned and put to them the complaint in order for them to make a response.
- 5.11 The Chair of the Local Governing Body will write a letter to the complainant providing an outcome to their complaint.
- 5.12 The outcome of the complaint could be that:
- i. the complaint is dismissed;
  - ii. the complaint is upheld in part or whole and a letter of apology is sent to the complainant;
  - iii. the complaint is detrimental to the reputation of the Local Governing Body and the Governor concerned is invited to resign;
  - iv. the Governor is suspended;
  - v. the Governor is removed from the Local Governing Body.

## **6. Procedure for managing complaints from school staff against Governors**

- 6.1 The member of staff should report their complaint to the Head Teacher who will then report it to the Chair of the Local Governing Body. Staff should not be submitting a complaint against a Governor without notifying the Head Teacher.
- 6.2 Staff may seek advice from their Professional Association to determine whether their issue constitutes a complaint or a formal grievance under the school's grievance procedure.
- 6.3 The procedure then follows as that above.

## **7. Procedure for managing complaints against the Chair of the Local Governing Body**

- 7.1 Complaints against the Chair of the Local Governing Body or any individual Governor should be made by writing to the Clerk to the Local Governing Body.
- 7.2 Good practice supports this process being undertaken by an independent third party. A Chair from another school within St Luke Academies Trust would be a sensible approach to adopt.
- 7.3 The procedure then follows as that above. However, this would need to be approved by the Local Governing Body.

## **8. Recording**

- 8.1 The outcome of the complaint needs to be recorded in the minutes of the next Local Governing Body meeting:

*"That a complaint was made against a Governor and investigated by xxxxxx the outcome being xxxxx".*

## **9. Suspension, removal and resignation**

- 9.1 Where a Governor was at fault and the complaint so serious that it was upheld such that the person should no longer serve as a Governor, the expectation would be that the person would resign.
- 9.2 Should the Governor not resign and their continuation as a Governor affects the reputation and work of the Local Governing Body, the Governor can be suspended (*see Annex H*).
- 9.3 In some circumstances it may be necessary to remove the Governor from the Local Governing Body in order to resolve the issue. Such an action may be taken as a consequence of a complaint or by the Governor's own inappropriate behaviour (*see Annex I*).

9.4 Where the complaint is made against the Chair of the Local Governing Body, the Local Governing Body has the power to remove him from office. This also includes the Vice Chair of the Local Governing Body (see *Annex J*).

## **10. Monitoring and review**

10.1 The Local Governing Body will monitor the Complaints Policy and Procedures in order to ensure that all complaints are handled properly.

10.2 The Head Teacher will log all formal complaints received by the school and record how they were resolved. The Local Governing Body will examine this log on an annual basis.

10.3 Directors will take into account any local or national decisions that affect the complaints process and make any modifications necessary. The Complaints Policy and Procedures is made available to all parents so that they can be properly informed about the complaints process and will be published on the school's website.

10.4 The Complaints Policy and Procedures will be reviewed annually.

### **Code of Conduct for all members of St Luke Academies Trust and its Local Governing Bodies**

#### **Legal Framework**

This Code of Conduct has due regard to statutory legislation including, but not limited to, the following:

- The Children Act 1989
- The Children Act 2004
- The Education Act 2011
- The Childcare (Disqualification) Regulations 2009
- The Childcare Act 2006
- Protection of Freedoms Act 2012
- The Data Protection Act 1998

This Code of Conduct also has due regard to guidance including, but not limited to, the following:

- DfE Governance Handbook January 2017
- DfE Keeping Children Safe in Education October 2016
- DfE Disqualification under the Childcare Act 2006 June 2016
- The Seven Principles of Public Life (Nolan Committee)

#### **Role and Responsibilities**

1. Members of St Luke Academies Trust and its Local Governing Bodies will always be mindful of their responsibility to maintain and develop the Catholic ethos and reputation of the schools. Their actions within the school and the local community will reflect this.
2. Members of St Luke Academies Trust and its Local Governing Bodies are responsible for determining, monitoring and keeping under review the broad policies, plans and procedures within which the Trust and its schools will operate.
3. All members of St Luke Academies Trust and its Local Governing Bodies will be required to make themselves familiar with Trust and school procedures, including the following:
  - Catholic Life Policy
  - Child Protection and Safeguarding Policy
  - Equality Policy
  - Health and Safety Policy
  - Behavioural Policy
  - Whistleblowing Policy
  - Assessment Policy
  - Data Protection Policy
  - Disciplinary Procedures
  - Complaints Procedures

4. This Code of Conduct will be reviewed by the St Luke Academies Trust on an annual basis and will be signed by Directors and Academy Representatives (Governors) **at the first meeting of the Autumn term.**
5. The St Luke Academies Trust and its Local Governing Bodies have three core strategic functions: to ensure accountability, establish the strategic direction of the Trust and its schools and to ensure financial probity.
6. Members of St Luke Academies Trust and its Local Governing Bodies accept that ~~we~~ they have no legal authority to act individually, except when the Board of Directors/Local Governing Body has given them delegated authority to do so, and therefore they will only speak on behalf of the Board of Directors/ Local Governing Body when they have been specifically authorised to do so.
7. Members of St Luke Academies Trust and its Local Governing Bodies accept collective responsibility for all decisions made by the Board of Directors and Local Governing Body or its delegated agents. This means they will not speak against majority decisions outside the Board of Directors/Local Governing Body meeting.
8. Members of St Luke Academies Trust and its Local Governing Bodies have a duty to act fairly and without prejudice, and in so far as they have responsibility for staff, they will fulfil all that is expected of a good employer.
9. Members of St Luke Academies Trust and its Local Governing Bodies will encourage open governance and will act appropriately.
10. Members of St Luke Academies Trust and its Local Governing Bodies will consider carefully how their decisions may affect the community and other schools.
11. Members of St Luke Academies Trust and its Local Governing Bodies will actively support and challenge the leadership of the Trust and schools.
12. In making or responding to criticism or complaints Members of St Luke Academies Trust and its Local Governing Bodies will follow the procedures established by the Board of Directors.
13. Under no circumstances will Members of St Luke Academies Trust and its Local Governing Bodies speak against majority decisions outside of meetings.

### **Confidentiality**

14. Members of St Luke Academies Trust and its Local Governing Bodies will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside and outside school.
15. Members of St Luke Academies Trust and its Local Governing Bodies will exercise the greatest prudence at all times when discussions regarding the Trust and school business arise outside a Board of Directors/Local Governing Body meeting.
16. Members of St Luke Academies Trust and its Local Governing Bodies will not reveal details of any Board of Directors/Local Governing Body vote under any circumstance.
17. Directors and Academy Representatives (Governors) accept that, in the interest of open government, their full names, date of appointment, terms of office, role,

attendance record and any business/pecuniary interests they have will be published on the Trust or schools website.

18. In the interests of transparency, Directors and Academy Representatives (Governors) accept that information relating to members of St Luke Academies Trust and Local Governing Bodies will be logged on the Department of Education's national database (Edubase).

### **Commitment**

19. Members of St Luke Academies Trust and its Local Governing Bodies acknowledge that accepting office as a Director/Academy Representative (Governor) involves the commitment of significant amounts of time and energy.
20. Members of St Luke Academies Trust and its Local Governing Bodies will be involved actively in the work of the Board of Directors/ Local Governing Body, and accept their fair share of responsibilities, including service on committees or working groups.
21. Members of St Luke Academies Trust and its Local Governing Bodies will make full efforts to attend all meetings. Where they cannot attend a meeting they will contact the Clerk in advance to explain why they are unable to.
22. We will consider seriously our individual and collective needs for training and development, and undertake relevant training and inductions in a prompt and efficient manner.

### **Behaviour of directors and academy representatives (governors)**

23. The Chair of the Board of Directors and the Chairs of Local Governing Bodies are responsible for ensuring the appropriate conduct and behaviour of directors and academy representatives (governors) at all times.
24. Members of St Luke Academies Trust and its Local Governing Bodies will seek to develop open, honest and effective working relationships with the Head Teacher, members of staff, parents/carers, at St Luke Academies Trust and Our Lady's as well as other relevant agencies (include the Diocesan Authority), and the community.
25. Members of St Luke Academies Trust and its Local Governing Bodies will strive to work as a team in which constructive working relationships are actively promoted.
26. Members of St Luke Academies Trust and its Local Governing Bodies will always express their views openly, courteously and respectfully in all our communications with other Directors/Academy Representatives (Governors).
27. The Board of Directors and the Local Governing Bodies acknowledge the time, effort and skills demonstrated in the execution of delegated functions by other members of St Luke Academies Trust and the Local Governing Bodies.
28. Directors and Academy Representatives (Governors) will take into account any concerns expressed about their delegated function, and will be prepared to answer queries from other Directors and Academy Representatives (Governors) regarding their role.

29. When making decisions, Directors and Academy Representatives (Governors) will carefully consider how their decisions and actions might affect those who are part of the school community and wider locally.

### **Conflicts of interest**

30. Members of St Luke Academies Trust and its Local Governing Bodies will act in the best interests of St Luke Academies Trust and Our Lady's as a whole and not as a representative of any group or individual, even if elected to the Board of Directors/Local Governing Body.
31. Interest of those related or closely connected to a Director or Academy Representative (Governor) will be declared on the Register of Business Interests.
32. If any such conflict matter arises in a meeting Members of St Luke Academies Trust and its Local Governing Bodies will leave the meeting for the appropriate length of time.
33. Members of St Luke Academies Trust and its Local Governing Bodies will also declare any conflict of loyalty at the start of any meeting should the situation arise.

### **Attendance at Board of Directors/Local Governing Body and Committee meetings**

34. A high level of attendance (70%) at meetings of the Board of Directors/Local Governing Body and their Committees is expected so that Directors/Academy Representative (Governors) can perform their functions properly. The minimum acceptable level of attendance will be more than half of the Board of Directors/Local Governing Body, or the Committee meetings which the Director/Academy Representative (Governors) is a member of, held in one academic year.
35. If unable to attend a meeting, Directors/Academy Representative (Governors) should notify the Clerk to the Board of Directors/Local Governing Body and give as much notice as possible of their absence and the reason for the absence.
36. Giving an apology does not in itself protect a Director/Academy Representative (Governors) from disqualification for failing to attend any Board of Directors/Local Governing Body meetings in the relevant period. The Board of Directors/Local Governing Body has to consent to the reasons for absence.
37. A Director/Academy Representative (Governors) will be disqualified if s/he fails to attend Board of Directors/Local Governing Body meetings - without the consent of the Board of Directors/Local Governing Body - for a continuous period of six months, beginning with the date of the first meeting missed.
38. A Director/ Academy Representative (Governors) disqualified for non-attendance is not eligible for re-appointment as the same category of Director/Academy Representative (Governors) for a period of twelve months from the date of disqualification.

### **Access to the School**

39. Members of St Luke Academies Trust and its Local Governing Bodies will take an active interest in the school and its community.
40. Visits to the school will be arranged in advance with the Head Teacher.

41. St Luke Academies Trust and its Local Governing Bodies will adhere to the agreed framework in which all visits will be undertaken.
42. Directors and Academy Representatives (Governors) will actively participate in the school community, and will respond to opportunities to be involved in Trust and Our Lady's activities and events.

### **Suspension**

43. If the need arises to use the sanction of suspending a Director/ Academy Representative (Governor), St Luke Academies Trust and its Local Governing Bodies will do so by following the St Luke Academies Trust Scheme of Delegation as to ensure a fair and objective process.

### **Removal**

44. Members of St Luke Academies Trust and its Local Governing Bodies recognise that removing a Director/Academy Representative (Governors) from office is a last resort, and that it is the appointing bodies which have the power to remove those they appoint.
45. If the need arises to use the sanction of removing a Director/ Academy Representative (Governors), we will do so by following the St Luke Academies Trust Scheme of Delegation so as to ensure a fair and objective process.

### **Breaching this code of conduct**

46. If a member of St Luke Academies Trust or its Local Governing Bodies breaches this code of conduct, the issue will be raised with the Chair of the Board of Directors/Chair of Local Governing, who will investigate the concern. In the event that it is believed the Chair of the Board of Directors/Local Governing Body has breached this code, another member of the Board of Directors/Local Governing Body will undertake the investigation.
47. St Luke Academies Trust and its Local Governing Bodies will only suspend or remove a Director/Academy Representative (Governor) from their post as a last resort.
48. St Luke Academies Trust and its Local Governing Bodies will attempt to resolve any difficulties or disputes in a constructive manner before suspension or removal is considered.

### **Our mutual expectations of one another are that the Head Teacher should:**

- Share information with Directors/Academy Representatives (Governors), whether it is good or bad.
- Trust Directors/Academy Representatives (Governors) to act professionally regarding this information and any discussion that may take place in Board of Directors/ Local Governing Body meetings or committee meetings.
- Be familiar with legislation to help Directors/Academy Representatives (Governors) make the right decisions.

- Encourage the Board of Directors/Local Governing Body to improve (through training and self-review) and be part of the planning process.
- Know and value individual Director's/Academy Representative's (Governors') skills and talents.
- Encourage all Directors/Academy Representatives (Governors), new and experienced, to participate fully in the business of the Board of Directors/Local Governing Body.
- Promote the role of the Director/Academy Representative (Governor) in the school and in the community, so that staff and others understand the purpose and responsibilities of the Director/Academy Representative (Governor).

**The Director/Academy Representative (Governor) should:**

- Attend meetings regularly, making the Board of Directors/Local Governing Body meeting a priority.
- Read the paperwork prior to the meeting.
- Be prepared to be a member of at least one committee.
- Observe confidentiality and never discuss an individual teacher or pupils at a meeting or the content of a discussion outside the Board of Directors/Local Governing Body.
- Put the interests of the pupils and staff at the heart of his/her actions.
- Be willing to learn by visiting the school in an appropriate manner.
- Understand the difference between governance and management and never step over the "invisible line", remembering also that a Director/Academy Representative (Governors) is not an inspector.
- Be a supportive ear for parents but not the receiver of complaints.
- Be committed to training and agree to undertake appropriate training in order to develop their own skills and support the development of the team of Directors/Academy Representative (Governors)s (Governors).
- Be an ambassador for the St Luke Academies Trust, publicly supporting its aims, values and ethos.
- Never say or do anything publicly that would embarrass the St Luke Academies Trust, its schools, the Head Teachers, or the other members of the Board of Directors/Local Governing Body.

*Based on the National Governors' Association's Code of Conduct for Governing Bodies 2016 and The SchoolBus model Governing Body Code of Conduct September 2016*

**Approved by the Board of Directors  
19th April 2017**

## Suspension of a Director

**Reference: St Luke Academies Trust Articles of Association**

**Paragraphs: 67A to 67E**

- 67A With the prior written approval only of the Diocesan Bishop in the case of Foundation Directors, the Board of Directors may by special resolution passed at a meeting of the Directors suspend any Director for all or any meeting of the Company, or of a committee, for a fixed period of up to 6 months where the Director has acted in a way that is inconsistent with the Objects and has brought or is likely to bring the Company or any of its Academies or the office of the Director into disrepute. In the event that any Foundation Director has acted in a way that is inconsistent with the Articles or the professional ethos of the Board of Directors or has brought or is likely to bring the Company or any of its Academies or the office of the Director into disrepute, the Board of Directors may petition the Diocesan Bishop with a request for the suspension of the Foundation Director. The Diocesan Bishop who appointed a Foundation Director may suspend him as a Director.
- 67B A resolution to suspend a Director from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting and evidence of the written approval of the Diocesan Bishop is submitted to the meeting.
- 67C Before a vote is taken on a resolution to suspend a Director, the Director proposing the resolution must at the meeting state the reasons for doing so. In addition the Director who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting.
- 67D Nothing in Articles 67A-C may be read as affecting the right of a Director who has been suspended to receive notices of, and agendas and reports or other papers for, meetings of the Board of Directors during the period of their suspension or the right of any person appointing such Director to remove them.
- 67E A Director may not be disqualified from continuing to hold office for failure to attend any meeting of the Board of Trustees under Article 71 while suspended under Article 67A.

Directors 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 in relation to their employment;
- they are the subject of a court or tribunal proceedings, the outcome of which may mean disqualification as a Director;

- 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, Board of Directors, Local Governing Body, or their office as a Director into disrepute;
- they are in breach of the duty of confidentiality to the school, or to any member of staff or pupil at the school.

### **Prior to the meeting**

Suspension of a Director must be an item on the agenda for the Board of Directors meeting.

### **At the meeting**

The Director is not allowed to bring a representative to the meeting.

Before a vote is taken on a resolution to suspend a Director, the Director proposing the resolution shall, at the meeting, state his/her reasons for doing so.

The Director who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting.

A vote will be required by a secret ballot and the Director allowed back in the room to witness the count. A resolution is passed by the Board of Directors.

If the majority vote is that the Board of Directors agree to the suspension then the Director is asked to leave the meeting. If the vote is against the suspension of the Director, normal proceedings will continue.

### **Non-attendance at the meeting**

If the Director that is the subject of suspension fails to turn up at the meeting at which suspension is an item on the agenda, the suspension cannot proceed.

A further meeting would need to be arranged (giving full seven days' notice) with the item on the agenda again. S/he would need to be informed in writing of the importance of his/her attendance at this second meeting to allow him/her to make a statement. However, if s/he is not able to attend s/he can send a statement to the Chair of the Board of Directors/Local Governing Body, which the Directors will consider at the meeting before making a decision.

The Board of Directors/Local Governing Body can, at this meeting, make the decision to suspend the Director. This needs to be recorded in the minutes and the Director informed in writing.

### **Whilst a Director is under suspension**

Nothing in the regulation affects the right of a Director who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the Board of Directors/Local Governing Body during the period of his/her suspension.

### **Removal of an Academy Representative (Governor)**

**Reference: St Luke Academies Trust Scheme of Delegation**

**Paragraph: 6.4.2 to 6.4.4**

- 6.4.2 A person serving on the Academy Committee shall cease to hold office if he is removed by the person or persons who appointed him, i.e. either the Diocesan Bishop or the Directors as the case may be. Whilst at the same time acknowledging that no reasons need to be given for the removal of a person who serves on the Academy Committee by a person or persons who appointed him, any failure to act in a way which is appropriate in light of this Scheme and the Diocesan Memorandum of Understanding will be taken into account. A person (except as an Academy Foundation Representative) may also be removed by the Directors but only after the Directors have given due regard to any representations by the Academy Committee.
- 6.4.3 If any person who serves on the Academy Committee as an Academy Staff Representative ceases to work at the Academy then he shall be deemed to have resigned and shall cease to serve on the Academy Committee automatically on termination of his work at the Academy.
- 6.4.4 Where a person who serves on the Academy Committee resigns his office or is removed from office, that person or, where he is removed from office, those removing him, shall give written notice thereof to the Academy Clerk who shall inform the Directors and the Diocesan Bishop.

#### **Procedure for removal**

1. The removal of the Academy Representative to be on the agenda of a Local Governing Body meeting.
2. Those proposing the removal must give the reasons for the removal at the meeting.
3. The Academy Representative in question must be given the opportunity to make a statement in response to the proposal.
4. A vote is taken on a resolution to remove the Academy Representative in question.
5. At a further meeting held not less than fourteen days after the first meeting, it again must be on the agenda as a resolution to confirm the removal.

## **Removal of the Chairman or Vice Chairman of the Academy Committee**

**Reference: St Luke Academies Trust Scheme of Delegation**

### **Schedule 3 Paragraphs 1.8 to 1.10**

- 1.8 The Chairman or Vice Chairman may only be removed from office by the Directors at any time or by the Academy Committee in accordance with this Scheme.
- 1.9 A resolution to remove the chairman or vice-chairman from office which is passed at a meeting of the Academy Committee shall not have effect unless:
  - 1.9.1 it is confirmed by a resolution passed at a second meeting of the Academy Committee held not less than fourteen days after the first meeting; and
  - 1.9.2 the matter of the chairman's or vice-chairman's removal from office is specified as an item of business on the agenda for each of those meetings.
- 1.10 Before a resolution is passed by the Academy Committee at the relevant meeting as to whether to confirm the previous resolution to remove the chairman or vice-chairman from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the chairman and vice-chairman shall be given an opportunity to make a statement in response.

### **Procedure for removal**

1. The item to remove the Chair or Vice Chairman of the Local Governing Body from office must be specified on the agenda of a Local Governing Body meeting.
2. The person(s) proposing the removal shall, at the meeting, state their reasons for the proposal.
3. The Chair or Vice Chair of the Local Governing Body shall be given an opportunity to make a statement in response before withdrawing from the meeting.
4. The Local Governing Body makes the resolution to remove the Chair or Vice Chair of the Local Governing Body.
6. A vote is taken on a resolution to remove the Academy Representative in question.

7. At a further meeting held not less than fourteen days after the first meeting, it again must be on the agenda as a resolution to confirm the removal.

Complaints process from start to finish

