Code of Conduct for Berry Hill Primary School and Nursery Governing Body
September 2026

The governors' code of conduct policy set out the expected standards conduct that we expect all governors to follow. This policy provides a common understanding of the broad principles by which the Governing Body, individual governors and associate members of our school will operate, in order to effectively carry out its role within the school and community. Governors have a general duty to act with integrity, objectivity and honesty in the best interests of the school at all times. Failure to follow the code of conduct may result in disciplinary action being taken.

Content:

Part 1

- Strategic Role of the Governing Body/Board. Page 2
- The Seven Principles of Public Life (The Nolan Principles). Page 2
- Role & Responsibilities. Page 3
- Commitment. Page 3
- Relationships Page 4
- Use of social media. Page 4
- Confidentiality and breaches Page 5
- Data protection and breaches Page 5
- Conflicts of interest Page 5
- Published information about Governors. Page 6
- Breach of this Code of Conduct Page 6
- Signed Declaration Page 7

Part 2

- Appendix A - Addressing concerns about the conduct of a governor. Pages 8 – 20
- Appendix B – Template letter following the informal stages or a formal investigation. Page 21

Strategic Role of the Governing Body/Board

1 **Ensuring clarity of vision, ethos and strategic direction by:**
- Setting the vision, values, and objectives for the school
- Agreeing the school improvement strategy with priorities and targets
- Meeting statutory duties.

2 **Holding executive leaders to account for the educational performance of the organisation and its pupils, and the effective and efficient performance management of staff by:**
- Appointing the Headteacher.
- Monitoring progress towards targets.
- Performance managing the Headteacher.
- Engaging with stakeholders and ensuring the voices of stakeholders are heard.
- Contributing to school self-evaluation.

3 **Overseeing the financial performance of the organisation and making sure its money is well spent by:**

- Setting the budget.
- Monitoring spending against the budget.
- Ensuring value for money is obtained.
- Ensuring risks to the organisation are managed.

The Seven Principles of Public Life (The Nolan Principles)

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

The Governing Body accepts the following principles and procedures:

Role & Responsibilities

1. We understand the purpose of the board and the role of the Headteacher and accept that our role is strategic and will not therefore involve ourselves in the day-to-day management of the school.
2. We accept that we have no legal authority to act individually, except when the board has given us delegated authority to do so (as detailed in the scheme of delegation or evidenced in full governing body minutes), and therefore we will only speak on behalf of the governing board when we have been specifically authorised to do so.
3. We accept collective responsibility for all decisions made by the board or its delegated agents. This means that we will not speak against majority decisions outside the governing board meeting, including by the use of any social media.
4. We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.

5. We will encourage open government and will act appropriately upholding the school's reputation in our communications.
6. We will consider carefully how our decisions may affect the community and other schools.
7. We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
8. In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing board.
9. We will actively support and appropriately challenge the headteacher.
10. We will follow school policies and procedures as well as adhering to regulations applying to school governance including equality legislation.
11. We will promote equity and diversity throughout our organisation, including the board's operation.

Commitment

1. We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
2. We will prepare well for our meetings having read the papers presented and be equipped to positively contribute to the meeting.
3. We will each involve ourselves actively in the work of the governing board, accept our fair share of responsibilities, including service on committees or working groups.
4. We will make full efforts to attend all meetings and where we cannot attend, explain in advance why we are unable to.
5. We will get to know the school well and respond to opportunities to involve ourselves in school activities.
6. We will undertake our fair share of our role to monitor by visiting the school, with all visits arranged in advance with the staff and undertaken within the framework and policies established by the governing board and agreed with the Headteacher. We will complete a monitoring report for each visit we undertake which will be shared with the Full Governing Body.
7. We will consider seriously our individual and collective needs for training and development and will undertake relevant training.
8. We accept that in the interests of open government, our full names, date of appointment, terms of office, roles on the governing body, attendance records, relevant business and pecuniary interests, category of governor and the body responsible for appointing us will be published on the school's website.

Relationships

The power to take action and make decisions lies with the board as a whole, not its individual members. Governors work as a team and make collective decisions:

1. We will strive to work as a team in which constructive working relationships are actively promoted.
2. We will express views openly, courteously and respectfully in all our communications with other governors and staff.
3. We will support the Chair, Vice Chair and Chair of Committees in their role of ensuring appropriate conduct both during meetings and at all other times.

4. We are prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
5. We will seek to develop effective working relationships with the Headteacher, staff and parents, the local authority and other relevant agencies/partners and the community.

Use of social media

We will abide by any requirements set out in our school's social media policy.

We will:

- Uphold the reputation of the school at all times.
- Maintain a professional presence online and carefully consider how we interact with the school community.
- Review privacy settings regularly to make sure we are happy with the information about us that is publicly available.
- Report any incidents of harassment we experience, or see towards governors, to the chair of governors and the headteacher.

We will not:

- Accept friend requests from pupils.
- If this is in line with the school policy, not join any private parent groups associated with the school.
- Disclose any information that is confidential or would breach data protection principles.
- Make comments online about any members of the governing board or school community.
- Post any inappropriate/offensive language, images or comments on social media that may bring us or the school into disrepute.

Confidentiality

1. We will observe complete confidentiality when matters are deemed sensitive or confidential or where they concern specific members of staff or pupils, parents/carers both inside or outside school, including by the use of any social media.
2. We will not reveal the details of any governing board vote
3. We will not use information for a purpose other than what it was collected and intended for
4. We will exercise the greatest prudence at all times when discussions regarding the school ~~business~~ arise outside a governing board meeting.
5. We will ensure confidential papers are securely held and disposed of at all times in line with school procedures.
6. We will maintain confidentiality, even when we are no longer a governor at the school.

Our commitment to confidentiality does not overrule our duty to report child protection concerns to the appropriate channel where we believe a child is at risk of harm.

Breaches of confidentiality

In the event of a breach of confidentiality, we will inform the chair as soon as possible who will investigate the matter further.

We understand that if we breach confidentiality, we may be suspended or removed.

7. Data protection

We will follow the school's GDPR policy and information security processes and measures.

Our commitment to data protection does not overrule our duty to report child protection concerns to the appropriate channel where we believe a child is at risk of harm.

Conflicts of interest

We will act in the best interests of the school at all times and are aware that governors are not there to represent the views of any single group or individual.

To make sure our board takes impartial decisions without bias, we will:

- Publish an up-to-date register of business and pecuniary interests of all governors including associate members.

- Declare any potential conflicts of interest at the beginning of each meeting, withdraw from the meeting for the relevant item of business and not vote on the matter.

Published information about Governors.

The following information about each governor/associate member will be published on the school's website:

1. Full name, date of appointment, term of office, date they stepped down (where applicable) and who appointed them (in accordance with the governing body's instrument of government)
2. business and financial interests relevant to the role of school governor (that a governor could potentially gain from by the position on the governing board)
3. governance roles in other educational institutions
4. any material interests arising from relationships between governors or relationships between governors and school staff (including spouses, partners and close relatives)
5. attendance record at governing body and committee meetings over the last academic year,
6. details of the structure and responsibilities of the governing body and its committees and the approved board and committee minutes, and any agenda and papers considered at a meeting will be made available to any interested person.
7. the school are also required to submit personal information about governors to the Department of Education's national database of governors (Get Information About Schools – GIAS) some of which will be publicly available.

8. Governor's diversity data to be publish on the school website, which could include information on any of the 9 protected characteristics in the Equality Act 2010 (Providing this information is voluntary governors are able to request it be removed from any reporting).

Breach of this Code of Conduct

1. Governing bodies should ensure that prior to appointment (or as soon as possible thereafter), all new governors/associate members agree to the expectations for behaviour and conduct, as set out in this Code of Conduct, and that the governor understands the circumstances in which the governing body may suspend or remove a governor. The governing body will provide support to a new governor/associate member via good induction, training and mentoring and any potential issues will be addressed promptly.
2. If we believe this code has been breached, we will raise this issue with the Chair, and the Chair will follow the procedures as detailed in Appendix A. The governing board will only use suspension/removal as a last resort after seeking to resolve any difficulties or disputes informally as detailed in Appendix A. The responsibility for the suspension/ removal of a governor can only be undertaken by the Full Governing Body or the appointing body in accordance with the regulations and cannot be delegated elsewhere. The Chair will seek advice from Governor Services should a governor be considered for suspension/removal.
3. Should it be the Chair that we believe has breached this code, another governor, such as the Vice Chair (or independent governor/person appointed by the Vice Chair) will follow the procedure detailed in Appendix A.
4. All governors will adhere to the Nolan Principles:

This code of conduct will be reviewed annually, and it will be endorsed by the full governing board.

Signed ..... Printed name .....

Chair of Governors

Date .....

Adopted by the governing body/board of [insert name of school] on [date].

Governor's Declaration

I have ready this document and understand the expectations of the Nolan Principles and the required conduct of a school governor.

I understand all the requirements of this policy and agreed to abide by this policy and the Nolan Principles.

I will endeavour to be an ambassador for the school, supporting its aims, values and ethos and prioritise the wellbeing of the children, staff and parents/carers.

I understand that potential or perceived breaches of this code will be taken seriously and that a breach could lead to formal sanctions that could include suspension or removal as a governor.

Signed:

Printed name.

Date

Appendix A

If a formal complaint has been received about a governor, the governing body should refer to its School Complaints Procedure in the first instance to ensure that a thorough investigation has been completed and a response provided to the complainant accordingly. Upon completion of the complaint's procedure, any recommendations about the conduct of the governor can be considered in the procedures detailed below

The Chair will need to determine whether this investigation is sufficient, or whether further investigation is required to specifically address the alleged breaches in the Code of Conduct or religious ethos of the school.

Addressing concerns about the conduct of a governor (including procedures to consider the Suspension and/or Removal of a Governor).

1. The procedures detailed below are to address incidents of alleged misconduct by a school governor in a maintained school (including Voluntary Controlled and Voluntary Aided maintained schools). This procedure does not apply to governors who are disqualified, or those governors who become disqualified from the governing body due to non-attendance in accordance with the School Governance (Constitution) (England) Regulations 2012 (Schedule 4, 9 (1-2)). (For Academies, schools should refer to the Articles of Association and Scheme of Delegation for details on how to respond to concerns about governor conduct.)
2. Governing bodies should ensure that prior to appointment, all new governors agree to the expectations for behaviour and conduct – as set out in this Code of Conduct and that the governor understands the circumstances in which the governing body may address concerns about behaviour including considerations to suspend or remove a governor. The governing body will provide support to a new governor via good induction, training and mentoring and any potential issues will be addressed promptly. A failure to provide adequate support to a new governor will not preclude the governing body from taking formal action against a governor to address misconduct but should be taken into account by the governing body in their deliberations.
3. Governors, especially new governors sometimes misunderstand their role. Common misunderstandings can include mistakenly believing that they are a representative of a group who elected them or when governors promote their own agenda such as directing discussions about their own child. Sometimes governors can step beyond being strategic and enter into operational aspects of managing the school which has been delegated to the Headteacher. Governors may not understand that as a school governor, they must abide by the Code of Conduct at all times as they are representatives of the school, and therefore any actions or communications they make outside of the school (especially on social media) can detrimentally affect the reputation of the school and governing body. These misunderstandings should be addressed using the processes detailed below.
4. If a formal complaint has been received about a governor, the governing body should refer to its School Complaints Procedure in the first instance to ensure that a thorough investigation has been completed and a response provided to the complainant accordingly. Upon completion of the complaints procedure, any recommendations about the conduct of the governor can be considered in the procedures detailed below.

Informal Stage

5. If it is believed that the Code of Conduct has been breached, the Chair (or Vice Chair if the Chair is not able to undertake this role) should determine the seriousness of the infringement and seek advice from Governor Services. For less serious cases of misconduct the Chair (or Vice Chair) should set up an informal meeting with the governor in question and raise the concerns about their

behaviour or conduct. Cases of misunderstandings about the role and their responsibilities can often be addressed through a careful discussion and reference back to the Code of Conduct. The Chair (or Vice Chair) may consider offering further training to the governor concerned as well as providing a mentor to the governor to help them understand their role. It is advised that the content and outcome of the discussion should be recorded in a letter after the meeting to the governor concerned. This will ensure that should there be any further incidents of misconduct a record of previous discussions can be evidenced. (A template letter is provided in Appendix B.)

6. Parties involved in the Informal Stages of the procedure may wish to be accompanied to any meetings for support which should be accommodated wherever possible. However, maintaining confidentiality may need to be a consideration in particularly sensitive cases, and we may need to discuss with you the appropriateness of being accompanied.

7. The emphasis should always be on finding a resolution to the matter and seeking positive working relationships moving forward. Where working relationships on the governing body or with school staff have been detrimentally affected, it is important that carefully planned meetings to foster reconciliation and reparation of relationships is considered and offered to parties to resolve the matter at an early stage. This will provide the greatest opportunity for the governing body to work effectively into the future in the best interests of the school and children.

Formal Investigation

8. For repeated incidents of misconduct, or if an allegation of misconduct is of a serious nature which would be inappropriate to be addressed through an informal discussion, the Chair of Governors (or Vice Chair if the Chair is unable to fulfil this role) will need to consider whether a formal investigation should take place. It is imperative that dependent on the category of governor the correct person is appointed to undertake an investigation:

    i. Co-opted, Parent and Staff Governors - the Chair of Governors would appoint an appropriate governor to undertake the investigation into the alleged misconduct. This could be the Chair, the Vice Chair or another governor, but in any case, the investigating governor must be able to complete an impartial investigation. If the Chair does not feel there is anyone on the governing body who could complete an impartial investigation (for example the misconduct is in a governing body meeting and all the governors are therefore witnesses) the Chair may appoint an independent governor/person to undertake the investigation on behalf of the governing body.

    ii. Local Authority nominated Governors- the Chair of Governors should contact Governor Services to agree who will be appointed to undertake the investigation. This could be as described above an impartial governor on the governing body, an independent governor or another suitably experienced person (which could include an officer from the Local Authority).

    iii. Foundation Governors - the Chair of Governors should contact the governance professional within the Diocese to agree who will be appointed to undertake the investigation.

9. If the conduct of a governor has been investigated as part of the School Complaints Procedure, the Chair will need to determine whether this investigation under the School Complaints Procedure is sufficient, or whether further investigation is required to specifically address the alleged breaches in the Code of Conduct or religious ethos of the school.

10. During the investigation period, members of the governing body who are not part of the investigation need to be protected from involvement in conversations and any correspondence relating to the investigation in order to remain as impartial as possible should they be required to consider the conduct of the governor concerned at a later stage in the process.

11. During the investigation, the governor concerned is still a full member of the governing body and must continue to have access to all documentation related to the functioning of the governing body as well as being invited to governing body meetings in the usual way.

12. The investigation must be conducted in a fair and thorough manner. The investigating person should meet with those individuals who are alleging the misconduct, any relevant witnesses and the governor concerned to ensure that thorough consideration of all the information available is undertaken. The governor who is the subject of the allegations of misconduct must be provided with clear information on what the allegations are in advance of the meeting with the investigating person so that they have a reasonable opportunity to understand the allegations of misconduct and prepare a response. If a complaint has been received, the complainant should be asked if they are willing to share the complaint letter/document with the governor concerned, or a summary of the complaint will be agreed with the complainant and shared with the governor who is the subject of the allegation of misconduct.

13. Good records must be maintained throughout the investigation including notes of meetings with the parties involved and copies of any documentation or evidence that has been considered by the investigating person. Parties involved in the investigation should be made aware that any documents they submit, or information they provide may be seen by the governor concerned, the governing body or the appointing body at a later stage of the process.

14. Upon conclusion of the investigation, the Chair of Governors will review the outcome and consider the best way forward. The Chair may wish to arrange to meet with the governor concerned (accompanied by a representative from the Diocese or Local Authority if appropriate) to informally discuss the outcome of the investigation and to help the governor understand the implications of the investigation. Where the investigation has indicated that a breach of the Code of Conduct has occurred, the Chair could determine that expectations detailed within the Code of Conduct should be reiterated and consider whether further training or mentoring would be appropriate. If this is the outcome, as in the informal stage, a letter should be written to the governor concerned to document this (See Appendix B).

15. As in the informal stages (paragraphs 5-7), consideration should be given to how working relationships can be repaired or improved through carefully planned mediation meetings with a view to reconciliation and reparation of relationships. This will provide the greatest opportunity for the governing body to work effectively into the future in the best interests of the school and children.

16. If the alleged misconduct is so serious as to require the consideration of suspension or removal of the governor from the governing body, the Chair of Governors should discuss this with the governor concerned and outline the procedures that will be undertaken by the governing body (as detailed below). The Chair of Governors should sensitively discuss with the governor whether they wish to continue on the governing body in the circumstances or consider whether resignation would be in the best interests of all concerned.

Addressing concerns about the conduct of Associate Members

17. The School Governance (Constitution) (England) Regulations 2012 (Part 2, 12) states that Associate Members are appointed by the governing body as a member of any committee established by them, but they are not a governor. The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (Part 5, 24) states that an Associate Member may be removed from office by the governing body at any time.

18. When a governing body appoints an Associate Member, they should ensure that the Associate Member is also made aware (and signs) the Code of Conduct. Concerns about the conduct of an Associate Member should be addressed in the same way as for governors in the informal stages as detailed above. However, if concerns are of a serious nature the Chair of Governors (or other governor) may raise the concerns with the Full Governing Body under the "Membership" item on the Agenda and ask the Governing Body to consider the Associate Member's removal. There is no requirement for a formal investigation or exchange of papers prior to the meeting. The Associate Member will be given the opportunity to respond if they so wish but must then withdraw from the meeting whilst the Governing Body reach a decision by vote. The decision of the governing body is final and there is no right of appeal for an Associate Member removed from the governing body.

Suspension of a Governor

19. The suspension of a governor from a governing body is a serious sanction and should always be considered very carefully before proceeding. Governing Boards will need to consider the impact of suspending a governor on the governing body as a whole and how this might affect the efficient function of the governing body both during the suspension and when the suspended governor returns to the governing body. The decision to suspend a governor must be taken by the Full Governing Body and cannot be delegated to an individual governor, the Chair or a Committee (Regulation 19 of the Roles Procedures and Allowances Regulations 2013).

20. Given the sensitivity of the situation and that Associate Members do not have voting rights in Full Governing Body meetings, only Governors should attend meetings to consider the suspension of a governor and Associate Members should not be involved in this process or receive any documentation in relation to a suspension.

21. **The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, allow maintained school governing bodies to suspend any category of governor for a fixed period of up to six months. Regulation 17 details the power of the governing body to suspend a governor from all or any meetings for one or more of the following grounds**:

    (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his or her employment;

    (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that the governor is disqualified from continuing to hold office as governor under Schedule 6 to the Constitution Regulations 2007 or Schedule 4 to the Constitution Regulations 2012;

    (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or the office of governor into disrepute (including failing to undertake training appropriate to the role, whether or not directed to do so by the board)

    (d) that the governor is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school.

(e) acted to undermine fundamental British values or the board's commitment or ability to deliver on its Prevent duty

The procedure to consider the suspension of a Governor

22. As detailed in the sections above, prior to the commencement of proceedings to suspend a governor, the Chair of Governors (or Vice Chair) should have had discussions with the governor to outline the concerns around the misconduct and to advise that the governing body will be asked to consider the suspension of the governor. Usually, the Chair (or Vice Chair) would be the governor proposing to the governing body that the governor is suspended. However, if an investigation has been undertaken by another governor, they may be the governor proposing the suspension to the governing body instead of the Chair.

23. The Chair should explain to the governor the process that will be undertaken as detailed below:

a) The Chair (or clerk) will explore with the governor concerned and governing body a date to convene a Special Full Governing Body meeting to consider the suspension within a reasonable time frame (at least 14 calendar days' notice of the meeting will be given). The Chair will make reasonable efforts to accommodate the governor's availability but ultimately it is the Chair's decision to determine the date of the meeting.
b) At least 14 days in advance of the Special Governing Body meeting, the governor will be provided with a statement and papers detailing the grounds for the proposal to suspend. The papers would usually be (but not limited to) documents/evidence obtained during the investigation stage and any previous correspondence with the governor about their conduct along with the stated grounds for suspension.
c) The governor will be allowed 7 calendar days to consider the documents presented and be provided with an opportunity to provide a written response. The governor's written response should be returned to the Chair or clerk by the given deadline. If the written response is not received within the prescribed timescale it will be at the discretion of the Chair as to whether any late response is accepted. The meeting will not be postponed on the grounds of a late submission of papers and the governor should ensure that the papers are received on time.
d) At least 7 calendar days prior to the Special Full Governing Body meeting, the Governing Body will be provided with an Agenda and the matter must be specified as an item on the Agenda. All papers provided by the Chair/Vice Chair/Governor proposing the suspension, and the governor's response will be made available to the governing body. All governors will be provided with all papers for consideration, every governor receiving a copy of the same papers. Careful consideration must be given to the content and dissemination of the documentation prior to the meeting to ensure that there are no data breaches.
e) As with all Full Governing Body meetings, the Special Full Governing Body meeting must be professionally clerked and an accurate set of minutes produced. It is advised that governing bodies give careful consideration to the confidential nature of the meeting and ensure that items are deemed confidential in the minutes as appropriate and as advised by the clerk.
f) Consideration must be given by the Governing Body as to who will Chair the meeting. In the event that the Chair of Governors is proposing the suspension of the governor, the Governing Body may need to agree that the Vice Chair will preside as Chair at the meeting or appoint an alternative Governor to Chair the meeting.
g) Governors must carefully consider if they have a conflict of interest and whether they can consider the matter impartially. Conflicts of interest must be declared and that governor should withdraw from the meeting accordingly. Governors may need to seek advice from the clerk or Governor Services as to whether a conflict of interest is actually relevant to the suspension procedure.

h) Witnesses would normally provide statements during the investigation stage of the process and their statements would be included in the papers presented to the governing body. If a witness's evidence has not been included in the investigation, they would be allowed to submit a statement in evidence as part of the papers. As such, it would not normally be appropriate for witnesses to attend the meeting.
i) All governors should read all papers carefully prior to the meeting so that they are fully informed and aware of the situation. Verbal statements to the governing body at the meeting by the governors proposing and responding should be made on the premise that the governing body has read all the information provided to them in advance of the meeting and therefore a short summary of the pertinent facts should be presented. The Chair of the meeting may agree with the governor proposing and responding a reasonable time limit for their statements to the governing body in order for the meeting to proceed as effectively as possible.
j) The governor proposing the suspension will need to outline their reasons for the proposal to the rest of the governing body.
k) The governor in question must be given an opportunity to make a statement in response.
l) The governing body must be allowed an opportunity to question the statements or evidence from either party.
m) Once the governing body are satisfied that they have heard and received all the evidence required to reach a decision the governor proposing the suspension and the governor concerned should withdraw from the meeting to allow the governing body an opportunity to consider the matter. The Chair of the meeting will agree with both parties how and when the outcome of the meeting will be communicated to them before they leave the meeting.
n) The governing body will be allowed an opportunity to discuss and deliberate the evidence presented to them.
o) Governors will then be required to take a vote on whether to suspend the governor based on the evidence presented and how long the governor will be suspended for (up to a maximum of 6 months). A majority decision must be reached and the decision will have immediate effect. If there is an equally split decision the Chair of the meeting will cast a deciding vote. Both parties will be informed of the decision in the agreed way either by the Clerk or by the Chair of the meeting.
p) The Governing Body, having considered the evidence may determine that further recommendations are made such as (but not limited to) a review of the Code of Conduct, a review of induction and training for governors, mediation for the parties involved with a view to fostering positive working relationships into the future etc.
q) For Governors appointed by other bodies (e.g. Local Authority Governors or Foundation Governors) the governing body should determine whether a recommendation should be made to the appointing body to request consideration be given to the removal of the appointed governor.
r) Upon conclusion of the meeting, the Chair of the meeting must write to the governor concerned within 7 calendar days to confirm the outcome of the meeting. If the governor is not suspended, consideration must be given as to what intervention or action is required to avoid similar circumstances arising in the future. If the governor is suspended the letter should confirm the length of the suspension and any recommendations agreed by the governing body at the meeting including whether a referral is being made to the appointing body to consider removal. A copy of the outcome letter should be provided to the Headteacher, Chair of Governors and the appointing body if appropriate.
s) The minutes of the meeting should be made available to the governing body for approval at the next Full Governing Body meeting but careful consideration should be given as to where the minutes are stored due to the confidential nature of the meeting.
t) There is no right of appeal against the decision to suspend a governor from the governing body.

24. In accordance with the regulations, during the period of the suspension the governor concerned will still receive notices of, and agendas and reports or other papers for meetings of the governing body. The suspended governor may not be removed from the governing body on the grounds of non-attendance at governing body meetings during the period of suspension.

25. The Chair of Governors must consider how the suspended governor will be communicated with during the period of suspension and how they will be reintegrated into the governing body at the end of the suspension period. This will need very careful management which should include an informal meeting with the governor shortly before the end of the suspension period to ensure that the return is a successful one and that no further concerns about conduct arise.

Removal of a Governor

26. **The removal of a governor must only ever be considered in the most serious and exceptional cases where informal resolution, training or suspension is either not appropriate or has not addressed the conduct of the governor**. There is no requirement in the regulations for a governor to be suspended prior to being considered for removal.

27. The removal of a governor should not be considered simply to remove dissenting or challenging voices. Good governance involves asking courageous questions, and offering appropriate professional challenge and a divergence of viewpoints and perspectives in a healthy debate supports good decision making.

28. In its guidance to The School Governance (Constitution) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017, the Department for Education details the circumstances and procedures for the removal of a governor.

29. **Examples which could give rise to the removal of a governor** could include (but not exhaustively):

a) There have been repeated grounds for suspension.
b) There has been serious misconduct. Serious misconduct should be determined by the governing body based on the facts of a case. However, it is expected that any actions that compromise the Nolan Principles, if sufficiently serious, would be considered in scope of this reason for removal. This also links to a serious breach of the Governing body's Code of Conduct.
c) The governor displays repeated and serious incompetence despite appropriate support to develop the skills required to be an effective governor, or where attendance is so irregular that the governor is unable to make any meaningful contribution to the work of the board.
d) The governor has engaged in conduct aimed at undermining fundamental British Values of democracy, rule of law, individual liberty, mutual respect and tolerance of those with different faiths or beliefs; and/or
e) Their actions are significantly detrimental to the effective operation of the governing body, distracting it from its core strategic functions and/or their actions interfere with the operational efficiency of the school thereby wasting a significant amount of headteacher and/or senior leadership time.

The procedures for the removal of a governor

30. When considering the removal of a governor, the Chair of Governors must seek advice from Governor Services to ensure that the correct procedure is being followed. Different procedures are required depending on the category of governor, and who appointed the governor as detailed in the Instrument of Government.

Removal of a Co-opted Governor, Partnership Governor, Ex-Officio Foundation Governor, Appointed Parent Governor, Elected Parent Governor or Staff Governor.

31. The decision to remove a governor must be taken by the Full Governing Body and cannot be delegated to an individual governor, the Chair or a Committee. Prior to the commencement of proceedings to remove a governor, the Chair of Governors (or Vice Chair) should have had discussions with the governor to outline the concerns around the misconduct and to advise that the governing body will be asked to consider the removal of the governor. Usually, the Chair (or Vice Chair) would be the governor proposing to the governing body that the governor is removed. However, if an investigation has been undertaken by another governor, they may be the governor proposing the removal to the governing body instead of the Chair.

32. As with the procedure for the suspension of a governor, given the sensitivity of the situation and that Associate Members do not have voting rights in Full Governing Body meetings, only Governors should attend meetings to consider the removal of a governor and Associate Members should not be involved in this process or receive any documentation in relation to a removal.

33. The Chair should explain to the governor being considered for removal the process that will be undertaken as detailed below:

a) The Chair (or clerk) will explore with the governor concerned and governing body a date to convene a Special Full Governing Body meeting to consider the removal within a reasonable time frame (at least 14 calendar days' notice of the meeting will be given). The Chair will make reasonable efforts to accommodate the governor's availability but ultimately it is the Chair's decision to determine the date of the meeting.
b) At least 14 days in advance of the Full Governing Body meeting, the governor will be provided with a statement and papers detailing the grounds for the proposal to remove. The papers would usually be (but not limited to) documents/evidence obtained during the investigation stage and any previous correspondence with the governor about their conduct along with the stated grounds for removal.
c) The governor will be allowed 7 calendar days to consider the documents presented and be provided with an opportunity to provide a written response. The governor's written response should be returned to the Chair or clerk by the given deadline. If the written response is not received within the prescribed timescale it will be at the discretion of the Chair as to whether the late response is accepted. The meeting will not be postponed on the grounds of a late submission of papers and the governor should ensure that the papers are received on time.
d) At least 7 calendar days prior to the Full Governing Body meeting, the Governing Body will be provided with an Agenda and the matter must be specified as an item on the Agenda. All papers provided by the Chair/Vice Chair/Governor proposing the removal, and the governor's response will be made available to the governing body. All governors will be provided with all papers for consideration, every governor receiving a copy of the same papers. Careful consideration must be given to the content and dissemination of the documentation prior to the meeting to ensure that there are no data breaches.

e) As with all Full Governing Body meetings, the meeting must be professionally clerked and an accurate set of minutes produced. It is advised that governing bodies give careful consideration to the confidential nature of the meeting and ensure that items are deemed confidential in the minutes as appropriate and as advised by the clerk.
f) Consideration must be given by the Governing Body as to who will Chair the meeting. In the event that the Chair of Governors is proposing the removal of the governor, the Governing Body may need to agree that the Vice Chair will preside as Chair at the meeting, or appoint an alternative Governor to Chair the meeting.
g) Governors must carefully consider if they have a conflict of interest and whether they can consider the matter impartially. Conflicts of interest must be declared and that governor should withdraw from the meeting accordingly. Governors may need to seek advice from the clerk or Governor Services as to whether a conflict of interest is actually relevant to the suspension procedure.
h) Witnesses would normally provide statements during the investigation stage of the process and their statements would be included in the papers presented to the governing body. If a witness's evidence has not been included in the investigation, they would be allowed to submit a statement in evidence as part of the papers. As such, it would not normally be appropriate for witnesses to attend the meeting.
i) All governors should read all papers carefully prior to the meeting so that they are fully informed and aware of the situation. Verbal statements to the governing body at the meeting by the governors proposing and responding should be made on the premise that the governing body has read all the information provided to them in advance of the meeting and therefore a short summary of the pertinent facts should be presented. The Chair of the meeting may agree with the governor proposing and responding a reasonable time limit for their statements to the governing body in order for the meeting to proceed as effectively as possible.
j) The governor proposing the removal will need to outline their reasons for the proposal to the rest of the governing body.
k) In the case of an ex-officio foundation governor or a partnership governor whose removal has been requested by the nominating body (or person named in the instrument of government as the person entitled to make such a request), the nominating body/person would provide the grounds for the removal of the governor and any associated documentation. A representative from the nominating body/person may be invited by the Chair of Governors to present the reasons for the request for the removal of the governor to the Full Governing Body, or the case may be presented on behalf of the nominating body/person by the Chair of Governors or other governor with agreement from the nominating body/person.
l) The governor in question must be given an opportunity to make a statement in response.
m) The governing body must be allowed an opportunity to question the statements or evidence from either party.
n) Once the governing body are satisfied that they have heard and received all the evidence required to reach a decision the governor proposing the removal and the governor concerned should withdraw from the meeting to allow the governing body an opportunity to consider the matter. The Chair of the meeting will agree with both parties how and when the outcome of the meeting will be communicated to them before they leave the meeting.
o) The governing body will be allowed an opportunity to discuss and deliberate the evidence presented to them.
p) Governors will then be required to take a vote on whether to remove the governor based on the evidence presented. A majority decision must be reached. If there is an equally split decision the Chair of the meeting will cast a deciding vote. Both parties will be informed of the decision in the agreed way either by the clerk or by the Chair of the meeting.

q) The Governing Body, having considered the evidence may determine that further recommendations are made such as (but not limited to) a review of the Code of Conduct, a review of induction and training for governors, mediation etc.

r) Upon conclusion of the meeting, the Chair of the meeting must write to the governor concerned within 7 calendar days to confirm the outcome of the meeting. If the decision of the governing body is that the governor is not removed, consideration must be given as to what intervention or action is required to avoid similar circumstances arising in the future. If the decision of the governing body is that the governor is removed the letter should confirm the removal and a summary of the grounds for the removal. A copy of the outcome letter should be provided to the Headteacher, Chair of Governors and the nominating body/person if appropriate in the case of the Ex-officio or partnership governor.

s) The minutes of the meeting should be made available to the governing body for approval at a Full Governing Body meeting but careful consideration should be given as to where the minutes are stored due to the confidential nature of the meeting.

t) In accordance with the regulations, a further Full Governing Body meeting must be convened no less than 14 days after the first removal meeting to confirm by resolution following a vote, the removal of the governor. The matter of confirmation of the governor's removal must be specified as an Agenda item and in accordance with the regulations, 7 calendar days' notice must be given of this meeting. There is no requirement for any further evidence to be presented to, or considered by, the governing body at this meeting. The governing body are simply required to confirm their decision. It is advised that only those governors who were present and voted at the first removal meeting attend this second confirmation meeting as they are the governors who have heard, seen and considered all the evidence. The governor who proposed the removal and the governor who was the subject of the removal decision should not attend the meeting. Once this meeting has taken place, the outcome of the meeting will be communicated in writing by the Chair of the meeting within 7 calendar days to the governor subject of the removal, the Chair of Governors, the Headteacher and nominating body/person if appropriate. The governor is considered removed from the date of the second meeting to confirm the removal.

u) Following the second meeting, the removed governor has an opportunity to appeal the decision to remove them as detailed in paragraphs 35-38. The removed governor should write to the Chair of Governors no more than 14 calendar days from the date of the outcome letter from the second meeting stating their intention to appeal the decision to remove them and the grounds for their appeal.

Disqualification following removal.

34. Any person removed as an elected governor from the governing body during their term of office will be disqualified from serving or continuing to serve as a school governor for five years from the date of their removal – not just at the school they have been removed from, but any school. This does not apply to other categories of governors who have been removed.

Governor Removal Appeal Process (for Co-opted Governors, Partnership Governors, Ex-Officio Foundation Governors, Appointed Parent Governors, Elected Parent Governors or Staff Governors only.)

35. The Department for Education (DfE) advises that governing bodies are expected to provide an appeals procedure to enable any removed governor to test the reasonableness of the governing body's decision to remove them. The DfE advise that an independent panel conducts the appeal which could include a governor from another school, and/or a suitable official from the Local Authority, or a suitable diocesan representative.

36. Upon receipt of the statement of appeal from the removed governor, the Chair of Governors should contact Governor Services, Nottinghamshire County Council. Governor Services will work with the Chair of Governors to determine the arrangements to consider an appeal with an independent panel (3 in number) appointed by Governor Services. The independent panel will review the actions of the governing body and associated documentation and consider the grounds for appeal and response from the Chair of Governors or governor responding to the appeal on behalf of the governing body.

37. The process for the appeal will be confirmed to all parties by Governor Services. Having reviewed the documentation received associated with the removal and appeal, the panel will determine whether the appeal can be made by a review of the documentation alone, or whether a meeting with the parties is required for further clarification.

38. The independent panel can either determine that the appeal is upheld and the governor is therefore reinstated with immediate effect, or the appeal is not upheld and the decision of the governing body to remove the governor is confirmed. The decision of the independent panel will be final and will be confirmed in writing within 7 calendar days of the decision being made.

Removal of a Local Authority nominated Governor

39. Under the regulations, any Local Authority governor may be removed from office by the Local Authority who nominated the Local Authority governor to the governing body for appointment. The regulations state that the Local Authority must give written notice of the removal from office to the clerk to the governing body and to the Local Authority governor who is being removed.

40. Prior to considering the removal of a Local Authority governor, the Local Authority would need to be satisfied that the governing body had fulfilled its responsibilities to induct, train and mentor the Local Authority governor on appointment and that it has addressed any concerns at an informal level in accordance with the Code of Conduct. Any concerns about the conduct of a Local Authority governor must be raised by the Chair of Governors with Governor Services. An agreed approach will then be made with regard to any formal investigation or remedial actions that need to be taken to address any concerns about conduct.

41. Where more serious concerns are raised by the Chair of Governors, Governor Services will work with the Chair of Governors to convene a Special Full Governing Body meeting to consider the suspension of the Local Authority governor (as detailed previously in this procedure) and to ask the Full Governing Body to recommend a request to the Local Authority to consider the removal of the Local Authority governor. This will ensure that the Full Governing Body have authorised the request rather than the Chair of Governors acting alone in seeking a removal.

42. With authority from the governing body as detailed above, the Chair of Governors should formally write to the Service Director, Education, Learning and Skills at Nottinghamshire County Council requesting the Local Authority consider the removal of the Local Authority Governor. The Chair of Governors should provide a full copy of the papers presented to the Full Governing Body for the suspension meeting along with the outcome letter and minutes of the Full Governing Body meeting. This documentation will then be considered by the Service Director.

43. If the Service Director determines that there is sufficient evidence that a full and fair process has been undertaken by the Governing Body to suspend the governor, the Service Director will consider the same evidence and reach a decision on whether to remove the governor without the requirement for a further meeting with the governor concerned.

44. If the Service Director is not satisfied that sufficient evidence has been presented by the Chair of Governors to consider the removal of a Local Authority Governor, or in the case where the governing body have not suspended the LA governor or provided little or no evidence of misconduct, or the Local Authority has its own concerns about the conduct of a Local Authority Governor, the following procedure will be applied:

a) The Service Director will commission an investigation into the conduct of the Local Authority Governor as detailed in the Formal Investigation section of this procedure (paragraphs 8-16). Only the Full Governing Body can suspend a governor, so the Local Authority Governor will still be a full participant in governance at the school during the investigation period.
b) The Service Director will receive the report from the investigating governor/officer and determine what further action is required. If there is insufficient evidence that the Local Authority governor should be removed, the Service Director may recommend to the governing body that further training, mentoring, mediation or other action be undertaken. Nottinghamshire County Council Governor Services will support the Chair of Governors in implementing these recommendations to ensure the effectiveness of the governing body moving forward.
c) Where the Service Director determines that there is sufficient evidence to consider the removal of the Local Authority governor, the Governor will be contacted by either the Service Director or their nominee to discuss the content of the report to outline the concerns around the misconduct. The Officer should sensitively discuss with the governor whether they wish to continue on the governing body in the circumstances or consider whether resignation would be in the best interests of all concerned.
d) If the Local Authority Governor remains in position following this discussion (or the governor doesn't engage in a discussion), the report will be sent to the Local Authority Governor and the Governor will be given 7 calendar days to provide a written response.
e) The Service Director will consider the investigation report and response from the Local Authority Governor and make a determination on whether the Local Authority Governor is removed. The Service Director may either make the decision on the documentation presented or convene a meeting with the parties concerned to gain further clarity before reaching a decision if this is required. If the Service Director concludes that the governor is not removed, the Service Director will confirm this in writing to the Governing Body and the Governor concerned with any recommendations accordingly. If the Service Director determines that the Local Authority Governor is removed, the Service Director will confirm this in writing within 7 calendar days of the decision being made to the Governor concerned, the clerk to the Governing Body and the Chair of Governors.
f) The decision of the Service Director is final and there is no right of appeal under the regulations.

<u>Removal of a Foundation Appointed Governor.</u>

45. Any Foundation Governor other than an Ex-officio foundation governor may be removed from office by the person/body who appointed the foundation governor as detailed in the instrument of government. The person/body who removed the governor must give written notice of the removal from office to the clerk to the governing body and to the Foundation governor who is being removed. There is no provision under the current Regulations, to appeal the appointing person/body's decision.

46. The Chair of the Governing Body is advised to contact their Diocesan governance professional for advice about the procedures for the removal of a Foundation Appointed Governor.

Appendix B – Template letter addressing conduct of a governor/associate member following the informal stages or a formal investigation.

Private and confidential
Insert name and address
Date

Dear [Name]

Re: Governor Code of Conduct – meeting/investigation outcome

Further to our meeting on [*date*] or further to the recent investigation, I am writing to confirm the outcome of our discussions/investigation.

I have concluded that your conduct [*state what happened*] was in breach of the Governor Code of Conduct and dropped below the standards expected of you as a school governor. I must remind you that should there be any further occurrences of this nature or any other issues of concern about your conduct, then consideration will be given to taking further action against you in line with the Governor Code of Conduct which could include suspension or removal from the governing body.

In order to support you in your role as a governor we agreed/I request that you revisit and re-sign the Code of Conduct attached to this letter to ensure that you are aware of the standards expected of you in this role. I would also advise that you undertake the following training which will further enhance your understanding of your role (detail training here). I have also arranged that you are provided with enhanced support from another governor, insert name, who has agreed to act as a buddy or mentor to help you with any queries or questions you have in the future about how you appropriately fulfil your role and responsibilities as a governor.

As agreed in our discussion, a meeting has been arranged with *insert details of meeting* in order to promote further understanding and foster good working relationships moving forward.

School governors are a valued and essential part of the leadership of the school and your appropriate commitment to the role into the future is of importance to us. If there is anything further we can do to help you in your role please do not hesitate to ask and we will do what we can to support you (insert details of any resources/training the governor can access.)

Finally, I would like to stress to you that the meeting and discussions that took place as part of this process are confidential and should be respected as such by all parties.

If you have any questions or queries about the content of this letter, please do not hesitate to contact [*name*] on [*telephone number*].

Yours sincerely

[Name]

[Title – Chair of Governors/Vice Chair of Governors etc]

CC – Headteacher, Chair of Governors, Nominating Body (e.g Local Authority/Diocese as appropriate)