



LIONHEART
EDUCATIONAL
TRUST

POLICY FOR COMPLAINTS AGAINST A TRUSTEE
OR GOVERNOR

Including process for managing a breach of the Code of Conduct outside
the Complaints process

**This policy applies to all the schools within
the Lionheart Educational Trust**

Approved by the Trust

December 2023 – 2026



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Introduction

There are no nationally agreed procedures for dealing with complaints against academy Trustees or governors. It is acknowledged that all Trusts are autonomous and, as such, their boards are free to determine their own procedures where these are not set out in legislation.

Background

Whilst Trustees and governors are required to challenge and hold to account the senior managers within the Trust and individual schools, they should do so constructively and from a position of Trust. Although Trustees and 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

All Lionheart Trustees and governors are appointed on the basis that they will follow the Trust's Code of Conduct and that any breaches of the Code will be subject to this policy.

Complaints

Occasionally complaints or concerns may arise relating to the behaviour and / or actions of an individual Trustee or governor. This guidance is designed to advise the Board / Local Governing Body what to do in the event of this happening, and to ensure that all Trustees and governors are treated fairly and equally, irrespective of any protected characteristic.

General Principles

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 board or governing body
- where help and support is needed in managing a complaint against a Trustee or governor, this may be sought from another Trust, or from the Members of the Trust

Types of Complaint

There are several forms of complaint which may arise including (this is not an exhaustive list):

- those from Trustees in relation to another Trustee
- those from governors in relation to another governor or Trustee
- those from a Trustee against a governor
- those from parents or members of the community against a governor or Trustee
- those from Trust staff against a governor or Trustee



Irrespective of the category of complaint, the responsibility for dealing with the complaint is that of the Board. This would normally fall to the Chair to manage, who may then choose to delegate responsibility to a suitable person.

Where the complaint is made against the Chair, one of the following may apply:

- it could be passed to the Vice Chair
- it could be passed to a Member of the Trust (Members are the body which ensures that the Board acts responsibly and in line with its purpose as outlined in the Articles of Association)
- in the case of a governor, it could be passed to the Governance Professional of the Trust
- it could be passed to an experienced governance expert such as the Chair, Governance Professional or senior leader of another Trust

Procedure

Stage 1

All complaints must be made in writing and must explicitly state what the complainant feels would be a fair outcome of the process.

Complaints should be sent to the Chair of the Trust and senior Governance Officer
governance@lionheartTrust.org.uk.

Complaints against the Chair of the Trust should be sent to the CEO
kath.kelly@lionheartTrust.org.uk.

Complaints should be acknowledged **within 5 working days**, unless there are exceptional circumstances

The Chair must inform the Trustee or governor against whom the complaint is made, the content of the complaint and how it is to be managed, where possible maintaining the confidentiality of the complainant.

All complaints against a Trustee or governor must be reported to the board as soon as possible, however the information must be restricted to:

- the date the complaint was received
- against which Trustee or governor the complaint is made

in order to prevent Trustees who may later be involved in a panel hearing having unnecessary prior knowledge.

The Chair 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.

Within 5 school days of meeting with the complainant, the Chair should write to the complainant describing their conclusions regarding the case and explaining that, if the complainant is still not satisfied, they should write within 5 school days to the Chair to request that the complaint is escalated to Stage 2.

The content of the letter, with the identity of the complainant removed, should be shared immediately with the Trustee or governor complained against.



Stage 2

Where the complaint cannot be resolved at the initial meeting with the complainant, the Chair will carry out an investigation, meeting with the Trustee or governor and any other relevant parties. As part of the investigation, they may take witness statements where relevant. This investigation may be delegated to another party, as outlined above.

Their investigation will reach a recommendation which may include (this is not an exhaustive list):

- the complaint against the Trustee or governor was not upheld
- the complaint was upheld in part or in full, with a recommended next step (an apology, additional training, etc.)
- the Trustee should be removed by the persons who appointed them (Members for the Trustees appointed by the Members)
- the governor should be suspended for 6 months, after which a review by the Chair at Stage 2 will determine whether the governor will be removed or the suspension lifted.
- the governor should be removed from this, or all, governing bodies in the Trust

Stage 3

If the complainant is not satisfied with the outcome of the investigation they may request that the process moves to Stage 3 in which the complaint is heard by a panel. The request should be sent to the Senior Governance Officer governance@lionheartTrust.org.uk **within 5 working days** of receipt of the investigation report.

A panel of 3 people will then meet to hear the recommendation of the person completing the investigation, **within 20 school days** of receipt of the request to escalate to Stage 2.

The panel will be made up of people independent of the complaint. This could include:

- Trustees
- Members
- in the case of a governor, governors from other schools in, or beyond, the Trust
- governance experts from outside the Trust, such as Governance Professionals, Chairs or senior leaders

Where the Trustee complained about is the Chair of the Trust, at least 2 of the 3 members of the panel should be Members or external experts.

The Trustee or governor will be invited to attend, with a friend or colleague for support.

The complainant will be invited to attend, with a friend or colleague for support.

The panel may be supported by a Governance Professional or other suitably experienced person.

Both parties will be invited to submit paperwork, which must be received at least 7 school days in advance of the meeting. Paperwork will be distributed to all parties 5 school days in advance of the meeting.



Agenda:

1. Welcome and introductions
2. The Chair or their representative presents their investigation report and recommendations
3. The complainant states their case
4. The Trustee or governor asks the complainant questions
5. The panel asks the complainant questions
6. The Trustee or governor responds
7. The complainant asks the Trustee or governor questions
8. The panel asks the Trustee or governor questions
9. The complainant has an opportunity to sum up
10. The Trustee or governor has an opportunity to sum up
11. The Trustee or governor and the complainant leave
12. The panel comes to a conclusion
13. The panel writes to the complainant and the Trustee or governor complained against, with their conclusions, **within 3 working days**

This is the end of the process. There is no further stage or appeal process.



Lionheart Educational Trust

Process for managing concerns over the conduct of a Local / Operations Governor relating to a breach of the Code of Conduct

It may be necessary, in exceptional circumstances, to consider removing a governor from office due to a breach of the Lionheart Code of Conduct for Governors, or any action which may cause significant harm to the school or Trust.

Where an issue has been raised regarding the conduct of a governor, the Chair of the Local / Hub Governing Body should be approached in the first instance. Where the concern is regarding the Chair, the Chair of Lionheart Educational Trust should be contacted.

The Chair of the Local / Hub Governing Body should consider whether the concern is valid. If they feel this is the case, they should speak to the governor concerned to clarify the situation. If they still feel that this is the case, they should share their concern with the Chair of the Trust.

If the Chair of the Trust agrees that there may have been a serious breach of the Code of Conduct, the governor concerned should be invited to a meeting with 3 governors or Trustees from across the Trust, including the Chair of the governing body (or their representative), the Chair of the Trust (or their representative) and another governor/Trustee.

A letter outlining the concern should be sent to the governor in advance of the meeting. The governor should be invited to bring a friend or relative with them for support.

At the meeting, the concern which has been raised will be outlined by the Chair or their representative and the governor concerned will be given an opportunity to respond.

The 3 governors/Trustees will then meet and come to a decision, which will be either:

- No further action
- A final warning
- The removal of the governor

The decision will be sent to the governor concerned within 3 working days.

The decision is final. There is no appeal.