



# MODEL PROCEDURE

For

## SUSPENSION OF A GOVERNOR

September 2013



**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



# **MODEL PROCEDURE FOR SUSPENSION OF A GOVERNOR**

## **1 INTRODUCTION**

- 1.1 Governors have a general duty to act with integrity, objectivity and honesty in the best interests of the school at all times. Drawing on the model of the person, life and teachings of Jesus Christ, the governing body will strive to behave professionally at all times.
- 1.2 The suspension of a governor is therefore a decision that cannot be taken lightly, but if the circumstances warrant it, it is a necessary responsibility. Governors need to behave in accordance with the Gospel values not only of dignity and compassion, but also truth and justice.
- 1.3 It is strongly recommended that governors seek the advice and assistance of the Diocesan Education Service before embarking on this course of action.

## **2 VALID GROUNDS FOR SUSPENSION<sup>1</sup>**

- 2.1 That the governor is paid to work in the school and is subject to disciplinary proceedings<sup>2</sup> in relation to this work.
- 2.2 That the governor is the subject of proceedings in any court or tribunal and that the outcome could be that he<sup>3</sup> is disqualified from continuing to hold office as a governor<sup>4</sup>.
- 2.3 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 his office into disrepute.
- 2.4 That the governor is in breach of his duty of confidentiality to the school or to any member of staff or to any pupil at the school.
- 2.5 Any breach of a 'Code of Practice', adopted by the governing body is likely to be covered by one of these 'Grounds for Suspension'.

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<sup>1</sup> The four grounds for suspension are found in Regulation 17 of 'The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013'

<sup>2</sup> This refers to the personnel procedures adopted by the governors for the school for dealing with alleged misconduct.

<sup>3</sup> While 'he' and 'his' is used in this section, it is not intended to be gender specific, but reflects the styling of the regulations quoted.

<sup>4</sup> Reasons for disqualification are found in Schedule 6 to the Constitution Regulations 2007 or Schedule 4 to the Constitution Regulations 2012 depending on the regulations under which the governing body has been constituted.

### **3 CALLING A SUSPENSION MEETING<sup>5</sup>**

- 3.1 The decision to suspend a governor can only be taken at a full governing body meeting.
- 3.2 The full governing body meeting may be one of the regular meetings of the governing body, or an extraordinary meeting requested by the chair of governors or, in writing to the clerk, by three other governors.
- 3.3 The clerk to the governing body must convene the meeting and give notice of the meeting seven clear days in advance of the meeting.
- 3.4 While more notice than seven days is permissible, it is not permitted to reduce the notice below seven days. The power of the chair, in an emergency, to direct that a meeting be held within a shorter period does not apply in this case.
- 3.5 With notice of the meeting, the clerk must give a copy of the agenda, which must include the discussion of the suspension as a specified item.
- 3.6 This item should be specified as a **confidential item**.
- 3.7 Also with the notice of the meeting, the clerk should provide the governors with a copy of this procedure and a report. The report should give the grounds for the proposed suspension and outline the behaviour of the governor that gives rise to the proposal. The account of the governor's behaviour should be evidence based. It should be clear, concise and objective. It should avoid hearsay and emotive language. The report should note that a suspension may be up to six months.

### **4 THE SUSPENSION HEARING**

- 4.1 In order to make a decision on a proposal to suspend a governor, the meeting must be quorate. That means there must be at least one half (rounded up to the nearest whole number) of the governors in office at the time.
- 4.2 When the item on the agenda is called, the clerk should remind the governors that this is a confidential matter and that the minutes of this item will be treated as such.

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<sup>5</sup> This section is based on Regulations 13 and 17 of 'The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013'

- 4.3 A governor must propose the resolution to suspend and give his/her reasons for doing so.
- 4.4 The governor who is the subject of the resolution is then given the opportunity to make a statement in response.<sup>6</sup>
- 4.5 After making his/her response the governor who is subject to the suspension must withdraw from the meeting while the suspension is discussed.
- 4.6 The governors need to discuss whether to suspend or not and if they are to suspend, the length of the suspension. This may be any length of time up to six months.
- 4.7 In the absence of any standing orders, the governors should decide whether to vote by show of hands or secret ballot.
- 4.8 Governors may vote for the resolution to suspend, against the resolution or they may abstain.
- 4.9 The votes will be counted by the clerk.
- 4.10 Should there be a tied vote, the chair of governors or in his absence the chair of the meeting, will have a second or casting vote.

## **5 THE DECISION**

- 5.1 The governor subject to the resolution should be called back to the meeting to receive the decision of the governors.
- 5.2 If the decision is to suspend, the governor should then leave the meeting.
- 5.3 The decision should be confirmed in writing by the clerk to the governors as soon as reasonably possible.
- 5.4 The decision and all matters relating to it, including documentation, remain confidential to the governing body.
- 5.5 While suspended, the governor is still entitled to receive any agendas, reports or other papers for meetings of the governing body during the period of his/her suspension.
- 5.6 The time of suspension cannot be included in any length of time leading to disqualification from continuing to hold office by reason of failure to attend meetings.

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<sup>6</sup> The resolution to suspend may be discussed and a decision made if the governor who is the subject of the resolution fails to attend the meeting. The governors however should be sure that the subject of the resolution would have received notice of the meeting in time and that s/he could reasonably have attended.





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