

## Better Governor: Effective Governor Panel Hearings

27<sup>th</sup> March 2025

Written Q and A responses from Steve Barker and Linda Waghorn

Question	Response from Steve Barker
What happens if your clerk is new and doesn't know the process?	I would consider asking another external clerk to do this and the new, less experienced clerk to observe.
How is the complainant informed of where to send the complaint?	This should be in your policy, on your website.
If the clerk has a conversation with the complainant, is it minuted?	Ordinarily, no, but in exceptional circumstances it may be helpful. Professional judgement really comes into play here.
But parents do not always have access - or know where to look. Perhaps info to explain at start of school?	In most cases they will mention it at school gate or via e-mail, and this is a good opportunity to inform them of the correct process, where to find the policy etc.
The policy I am working with does not state what is to be included in the pack. Am I right in thinking the school see the complainant's letter in order for them to respond accordingly?	Yes, they really should. There is no definitive guidance, but rule of thumb is anything that is relevant, should be included.
Staff witnesses can be reluctant for their statements being sent to complainants. Even if their names are redacted it is usually easy to work out who they are particularly in a primary school.	True, but it is important that Headteachers support them in recognising this is a crucial part of their responsibility.
Our HR officer told the Clerk the full investigation report in a staff disciplinary case, for example, doesn't go to the panel for confidentiality reasons. They just provide a summary. Is this wrong then?	I would challenge that as I think it is crucial.
Would the panel be entitled to see the written responses to the complainant provided at previous stages i.e. HT response to stage 1, CoG response at stage 2 etc. in the pack	Absolutely.
There seems to be an increase in requests for an independent panel. With academies, can an independent person be a non-governor/trustee - for example an ex-teacher?	If it's a complaint, DfE guidance states that trusts must have at least one independent panel member from beyond the school/trust.
I work for more than one MAT and struggle to get panels - talking about independence, could I use governors from my other MAT school?	Absolutely - that is what my trust does. We have a reciprocal arrangement with another trust board.
How does a HT/CoG know in advance when discussing issues in a catch-up (say) that an incident will in future escalate to a panel hearing, at which one cannot then pretend ignorance?	They can't but, in my exp prof judgement, HTs will 'know'. My HT, where I am chair, says ' just a head's up that this may go to stage 2'... which then limits our conversation.
Following a panel, are anonymised findings published/available for governors for future reference to ensure continuity in future complaints?	Making recommendations that would make improvements for the future should be part of the role while being careful of the confidential nature of the hearing.

If there is a declaration of interest should that governor not be included in the panel?	Correct.
Difficult to answer! There is an element of that in there - along with possible breach of GDPR, dismissal of staff... it's a real difficult one! I've never (thank goodness) had to deal with anything like this.	GDPR does not extend to witness statements etc. as they are vital in determining balance of probability
Sharing panel members? How does this work for exclusions?	Exactly same way as with all other panels - have they got experience, updated training, are they available? Etc.
What happens if the school cannot get unbiased governors, and other local schools can't help - will the LA only be able to ask the same schools too?	Contact your local Governance Services, Trust etc.
This webinar is very informative, thank you. On the subject of impartiality, are the names of the subjects made known to the panellists?	Yes, all parties should be named except sometimes witnesses.
So, all staff statements etc but just anonymised then?	Generally, but in some hearings, it may be necessary to demonstrate who, what and when.
Should declaration of interest be added to the agenda for panel hearings for completeness?	Not necessary as there should be no conflicts and therefore nothing to declare.
I am a chair of governors, and an accident has to be investigated that I know about. We are able to get a panel together, but now I feel I shouldn't be involved in any appeal as I was informed about the incident from the outset? Is that advisable? So I feel I have knowledge of the incident	I would agree that the subject may feel you are unable to be impartial and it would be best to step aside from the panel itself.
Is there a limit to the number of people who can accompany a complainant/s? Interpreter plus someone else? We have excluded lawyers. Is that permissible?	Usually it is person, singular.
Does that independent person have to be another governor/trustee from another school?	Yes, most panels have it as a must that only governors/trustees can sit on a panel.
To meet the independent criteria, is it sufficient to have a governor from another school within the MAT to sit on a complaints panel?	Depends on the policy and the type of panel.
Does the investigation officer/governor who did the stage one investigation not present evidence?	It would be good practice, yes.
So the 'summing up' is done twice?	Once by the subject of the panel and then by school.
Should the independence of the panel be explained to the proposer at the start of the hearing?	I would do so, yes.
What should we do if complainants bring up new complaints which weren't in the initial complaint email and not raised in the earlier stages of the complaints process?	You have the power to say that's not in scope as not mentioned until now, but a little latitude can be helpful.
Can a panel member also be the person who investigated the complaint or is that considered an interest?	No.

Good practice for the governor who investigated to attend the panel and present the findings as part of the panel or separately?	Attendance is sensible but they cannot sit on the panel.
--	--