



Protocol for responding to a concern about a Member, Director or Governor

Date Published	October 2016
Version	2
Last Approved Date	October 2022
Review Cycle	3 Years
Review Date	October 2025

“Learning together, to be the best we can be”

1. Context

- 1.1. Nexus Multi Academy Trust and its constituent schools are committed to a coherent approach to the safety, protection and wellbeing of members of the schools community, and to fairness and consistency in the way that disciplinary matters and grievances are handled at all levels within the Trust.
- 1.2. This protocol will contribute to achieving this. It will be used alongside the policy on child protection and safeguarding, allegations of abuse, whistleblowing, the Nexus Governance Handbook and code of conduct for Members, Directors and Governors.
- 1.3. The Trust expects anyone in a governance role to be professional and hardworking. It does not expect to have to take action as a result of misconduct, but sanctions have to be in place should the need arise, if informal action has not been effective or is inappropriate.

2. Member, Director and Governor conduct in our schools

- 2.1. Anyone involved in a governance role should comply with the [Department for Education's Academy Trust Governance Guide](#) and ensure that their conduct is in line with Trust and school policy and sets a good example to pupils and students. This includes:

- observing the terms and conditions of the code of conduct;
- performing governance duties to the high standard expected;
- treating with respect everyone they come into contact with during the course of their work;
- complying with requirements relating to training and Continuing Professional Development, health and safety, and information sharing;
- alerting the Executive Leadership Team to any circumstances that may adversely affect their work;
- Complying with the requirements of Academy Trust Handbook, Trust Articles of Association and Memorandum of Understanding.

- 2.2. Failure to maintain satisfactory standards of conduct may result in action being taken under this procedure.

2.3. Nexus Multi Academy Trust –

3. Types of concerns which may merit response

3.1. Listed below are some actions normally considered to be misconduct or gross

Unauthorised removal of Trust property, or malicious damage to Trust property or equipment;

Criminal offences that in the Trust's opinion may undermine that individual's ability to do their job or adversely affect internal relations, staff or pupils;

Dishonesty involving anything that relates to life in schools;

Fraud or forgery, including falsification of documents such as expense claims, pupils' work, examinations or assessments;

Theft;

Being under the influence of alcohol, illegal drugs or other substances during governance hours or not being capable of fulfilling duties because of their effects;

Any action that harms the reputation of the Trust;

Negligence or a deliberate breach of an employee's contract of employment;

Failure to obey instructions, or any other act of insubordination;

Accessing internet sites at work or at home, or using schools equipment, which contains pornographic, offensive or obscene material;

Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare;

The disclosure of confidential information;

Failure to ensure confidential information is kept securely;

Possession, use, supply of illegal substances;

Serious misuse of IT policies or systems.

4. Member, Director or Governor investigation procedures

- 4.1. It is the Trust policy to ensure that any response to a cause for concern is dealt with in accordance with the Trust's procedures.

4.2.6.1.

the Chief Executive Officer who will in turn ensure the alleged individual is informed in writing within 7 days of the investigatory meeting, at which point the suspension period will end.

- 4.4.1. If the investigator believes that the misconduct was a one-off, a misunderstanding, or an act of poor judgement, the CEO may wish to arrange a follow-up meeting to discuss this with the Member, Director or Governor in question and the implications of their conduct.

An Investigation Hearing will take place

- 4.5. In cases where an act of gross misconduct or incidents of misconduct have taken place, the CEO will convene an Investigation Hearing to review the behaviour.

(dependent on the tier of governance the alleged individual operates at – the Trust Article of Association outline which tier of governance has the power to remove others). The CEO will act as an advisor to the panel, unless they have also been the investigating officer. The Trust's HR advisor may also advise the panel.

4.6.2. The individual will be notified in writing as soon as is practicable of the date, time and location of the hearing (at least 7 days' notice). The procedure and copies of relevant documentation that will be used - or may be useful or necessary to prepare a response - will be provided. The individual

impact for all parties. All alleged individuals must treat information communicated to them in connection with an investigation as confidential.

4.8.1. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation or a sanction hearing before they are charged or summonsed.

4.8.2. Where the Trust is legally required or entitled to make a statement in relation to the outcome of action, individuals will be informed of this wherever possible.

Resignations

4.9. If a Member, Director or Governor submit their resignation when a sanction hearing has been ordered or during an investigation, the investigation may still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to respond to the hearing. A referral to the Disclosure and Barring Service and Secretary of State will also be made where the thresholds for referral are met.

Record keeping

4.10. Detailed records of all investigations and outcomes should be kept securely, and in line with the Data Protection Act, in the personal file of the person who has been under investigation, who should be given a copy of the same information. This will enable the Trust to:

provide all the necessary information in future if the individual requires a reference. Where DBS checks highlight allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached; prevent unnecessary re-investigation in the future if an allegation re-surfaces.

4.11. Allegations or investigations that are proven to be malicious will not be

Action on conclusion of the case

- 4.12. The individual will be informed in writing of the decision and the reasons for it, usually within 7 days of the hearing.
 - 4.12.1. The Investigation Committee may find that there is no case to answer.
 - 4.12.2. The Chief Executive Officer will inform the Education & Skills