



'Igniting the Future'

Deal Education Alliance Learning Trust

Code of Conduct (Governors)

Approved by: Finance Committee

Date: September 2024

Last reviewed on: September 2024

Next review due by: September 2027

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Code of Conduct for DEALT Local Governing Boards 2023-24

This Code sets out the expectations on and commitment required from local governing boards in order for the governing boards to properly carry out its work within the schools and the community. It can be amended to include specific reference to the ethos of the particular school.

This Code should be read in conjunction with the Governance Handbook, relevant law and DEALT Financial Handbook.

Once approved by the governing board, this Code of Conduct will apply to all DEALT governors.

1. Purpose of the Local Governing board

The purpose of governance is to provide confident and strong strategic leadership which leads to robust accountability, oversight and assurance for educational and financial performance. The governing board is the key strategic decision-making body in the school, setting the strategic framework and ensuring it meets all its statutory duties. High quality effective and ethical governance is key to success in our school and for the future of our pupils. Ensuring the best possible outcomes is at the heart of a governing board's strategic role; every child has the right to reach their potential.

2. The local governing board has the following core strategic functions:

Ensuring clarity of vision, ethos and strategic direction by:

- setting the vision, values, and objectives for the school
- agreeing the school improvement strategy as appropriate including its priorities and targets
- being the strategic key decision maker with decisions made in the best interest of pupils, staff and the whole community
- delegating operational matters to executive leaders and governance functions to committees as appropriate
- being connected with, and answerable to, the communities we serve, particularly parents/carers
- meeting statutory duties

Holding school 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
- performance managing the Headteacher
- robust holding to account for improving pupil and staff performance by asking the right questions
- workload consideration
- rigorous analysis of data
- understanding the curriculum offer, its intent, implementation, and impact
- monitoring and evaluating progress towards targets
- contributing to school self-evaluation

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

- ensuring financial probity
- ensuring financial compliance
- setting the budget
- monitoring spending against the budget
- ensuring value for money is obtained, with the money well spent
- ensuring risks to the organisation are managed

3. Collectively as a board we agree the following:

- **Organisational purpose** - our board is clear about the purpose of the school and ensures these are being delivered effectively and sustainably.
- **Leadership** - our school governing board provides strategic leadership in line with the school strategic aims, values and culture and a commitment to fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those of different faiths and beliefs. Our board bases our effectiveness on the six key features of effective governance: strategic leadership, accountability; people with the right skills, experience, qualities and capacity; structures that reinforce clearly defined roles and responsibilities; compliance with statutory and contractual requirement; and evaluation to monitor and improve the quality and impact of governance.
- **Integrity** - our board acts with integrity, adopting values and creating a culture which helps achieve the schools purpose. Our board is aware of the importance of the public and stakeholder confidence in our school and governors undertake their duties accordingly, abiding by the Seven Principles of Public Life (see appendix 1- Nolan principles) including avoiding placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Before acting and taking decisions, governors must declare and resolve openly any perceived conflict of interest and relationships, with our board managing, any risk appropriately.

- **Decision making, risk and control** - our board makes sure that its decision making processes which follow our required statutory procedures, which act solely in the interest of pupils, are informed, timely, impartial and fair, using the best evidence and without discrimination or bias, and that effective delegation, control and risk assessment, and appropriate management systems are set up and monitored. Further, our board assesses the risks attached to safeguard and promote pupils' welfare by abiding and role modelling the schools' culture to encourage pupils to respect other people with particular regard to the protected characteristics set out in the Equality Act 2010.
- **Board effectiveness** - our board works as an effective collective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions as informed by the competency framework for governance.
- **Diversity** - our board's approach to diversity supports its effectiveness, leadership and provides sufficient diversity of perspectives to enable robust decision making.
- **Openness and accountability** - our board leads the school in being transparent and accountable. Our board and school are open in its working- particularly to ensure transparency of decision-making.

4. As individuals on the board we agree the following:

Role & Responsibilities

- We understand the purpose of the board, the skillset required to perform our core, and any individual delegated, functions and the role of the Headteacher.
- We accept and abide by the Seven Principles of Public Life (see appendix 1).
- We accept that we have no legal authority to act individually, except when the board has given us delegated authority to do so, and therefore we will only speak on behalf of the governing board when we have been specifically authorised to do so and will report back accordingly to the governing board.
- 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.
- When making decisions we will act objectively, impartially and fairly. We will use the best evidence, and without discrimination or bias, be objective when exercising judgement and analysis solely for the good of the pupils.
- Upon communicating formally within our governing role, we will ensure any comments made reflect the school/organisation policy even if they differ from our personal views.
- 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.
- We will encourage open transparent governance and will act appropriately.
- We will consider carefully how our decisions may affect the community and other schools.
- 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 wider local community will reflect this.

- We will promote and demonstrate tolerance of and respect for those of different faiths and beliefs, races, genders, ages, disability and sexual orientation in accordance with the Equality Act 2010.
- We will demonstrate a professional attitude in all our undertakings as a member of the governing board.
- In making or responding to criticism or complaints we will follow the policies and procedures established by the governing board, acting without discrimination or bias.
- We will actively support the Headteacher and senior leadership team but challenge their expectations and hold them to account for school performance.
- We understand, accept, and respect the differences between the strategic board role and the staff day to day operational and management role, avoiding actions that may undermine these arrangements.
- We understand, will adhere to, and respect the differences between the strategic governor role and any other which we may undertake within the school as a parent, professional or volunteer.
- We agree to adhere to the school's rules and the policies and procedures we approve as a board as set out by the relevant governing documents and law, including complying within the required timeframe to apply for an enhanced criminal records certificate from the DBS and any subsequent DBS.
- We agree to abide by the school/ organisation e- safety protocols for social media and when communicating in a private capacity will strive to uphold the reputation of the school. We will always use social networking sites responsibly and ensure that neither our personal or professional reputation, nor the school's reputation is compromised by inappropriate postings.
- We agree to abide by the requirements of any Service Level Agreement (SLA) contracts procured by the governing board.
- We agree to use our governance portal and school email addresses for all governance communication both within and outside the school organisation. We recognise this will protect the school/organisation from any potential breach of data protection.
- We will fulfil our role and responsibilities as set out in our [scheme of delegation](#).

Commitment

- We acknowledge that accepting office as a school governor involves the commitment of significant amounts of time and energy.
- We will **each** involve ourselves actively in the work of the governing board, and accept our fair share of responsibilities, including service on committees, panels or working groups.
- We will make full efforts to attend all meetings, including any held virtually, and where we cannot attend explain in advance why we are unable to.
- We will get to know the school(s) well and respond to opportunities to involve ourselves in school activities.
- We will visit the school/s with all visits arranged in advance with the Headteacher and head of school and will be undertaken in accordance and abiding with the monitoring visit policy and schedule as established annually by the governing board.

- We will demonstrate commitment to our individual and collective needs for induction, training and development, and will undertake relevant training to develop the knowledge and skills required to effectively perform our core and individual delegated functions and keep them up to date.
- We accept that in the interests of open governance, our full names, date of appointment, terms of office, roles on the governing board, 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 until 12 months after our service has ended.
- In the interest of transparency, we will commit to declaring at meetings and updating our pecuniary and business interests as soon as possible.
- In the interest of transparency, we accept that information relating to governors will be collected and logged, until 12 months after our service, has ended on the DfE's national database of governors Get Information About Schools (GIAS) with updates to any changes made as soon as possible. In following statutory requirements, we will ensure we are registered with GovernorHub, the Kent County Council maintained school statutory database and keep our contact details up to date.

Relationships

- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other governors the clerk to the governing board and all school staff.
- We will always support the chair in their role of ensuring appropriate conduct both at and between meetings.
- We are prepared to answer queries from other board members 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.
- We will seek to develop effective working relationships with the Headteacher, head of school, staff and parents, the local authority and other relevant agencies and the wider community.

Confidentiality

- We will ensure we abide by the protocols of our virtual meeting policy and processes to ensure our attendance enables the confidential conditions required.
- We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside and outside school.
- We will always exercise the greatest prudence when discussions regarding school/trust business arise outside a governing board meeting.
- We will not reveal the details of any governing board vote.
- We will ensure all confidential documentation including any held electronically, is securely stored, and disposed of appropriately in accordance with our data protection policy and procedure, mindful of the GDPR legislation requirements.
- We will use school email accounts for all email communication in our governor role, both within and outside of the governing board.

Conflicts of interest

- We will record any pecuniary or other business interest (including those pertaining to people we are related to, connected with, or governing in other schools) in the Register of Business Interests and declare at all relevant meetings. If any pecuniary, business or relationship conflict perceived or real arises in a meeting, we will offer to leave the meeting for the appropriate length of time and accept the board's decision on managing the conflict. We accept that the Register of Business Interests will be published on the schools website.
- We will also declare any conflict of loyalty at the start of any meeting should the situation arise.
- We will act in the best interests of the school as a whole and not as a representative of any group, even if elected to the governing board.

We recognise this code of conduct is not exhaustive. If situations arise that are not covered by this code, governors will use their judgement and act in the best interests of the school, its pupils, and their role in holding public office.

Breach of this code of conduct

- If we believe this code has been breached, we will raise this issue with the chair and the chair will investigate and report back to the governing board. The governing board will only use suspension or removal (ensuring statutory guidance, procedures and regulations are followed) as a last resort after seeking to resolve any difficulties or disputes in more constructive ways. Removal will be used where serious misconduct has taken place.
- We understand, in maintained schools, we are expected only to exercise the power to remove an elected governor, with a five year disqualification term, in exceptional circumstances where the actions or behaviour of the elected governor warrants removal rather than suspension.
- Should it be the chair that we believe has breached this code, another governing board member, such as the vice chair or an appointed independent investigator, will investigate.

5. Annual Governor Declaration 2023

I declare that I am not disqualified from serving as a school governor (or associate member) in that I do not breach any of the circumstances in which a governor (or associate member) is disqualified from standing for election, being appointed or continuing in office:

Qualifications and disqualifications (regulation 17 and Schedule 4 to the Regulations)

Grounds for disqualification fall into three broad categories:

- general grounds
- grounds that apply to particular categories of governor; and
- grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

Registered pupils cannot be governors.

A governor must be aged 18 or over at the time of election or appointment.

A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period at the time of election or appointment.

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

A person is disqualified from being a partnership governor if they are:

- a parent of a registered pupil at the school
- eligible to be a staff governor at the school
- an elected member of the local authority; or
- employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing board of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing board. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.

A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve-month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office as a governor of a school if, in summary, that person:

- is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986; a disqualification order under the Companies (Northern Ireland) Order 2002; a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and

Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body

- has been removed from office as an elected governor within the last five years
- is included in the list of people considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children
- is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
- has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Disclosure and Barring Service for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing board.

Criminal record certificates

Maintained school governing boards must apply for an enhanced criminal records certificate and section 128 check for any governor who does not already hold one for the school. This must take place **within 21 days of appointment** or election if a governor is elected or appointed after 1 April 2016.

Academy/multi academy trusts

The trust board must make sure the following are carried out on members, trustees and local governors with delegated responsibilities within **14 days of appointment or election**:

Apply for an enhanced criminal records certificate

A section 128 direction check

Checks to confirm their right to work in the UK

Any other checks deemed necessary where the individual has lived or worked outside the UK

For a newly appointed Trust Chair they must apply for a suitability check from the ESFA

I have agreed to an application being made for an enhanced criminal record certificate, section 128 check and any other checks deemed necessary.

I agree to abide by the above Code of Conduct and know of no reason from the above disqualification criteria for not continuing to hold the office of governor.

Signed: _____ Date: _____

A failure to sign the Code of Conduct will be counted as a breach of the Code

Appendix 1

The Seven Principles of Public Life (Nolan Principles)

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

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.