

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

SCHOOL GOVERNORS – CODE OF PRACTICE

1. OBJECT AND KEY POINTS IN THIS REPORT

1.1 To consider approving the draft governors' code of practice 2014.

- A code of practice has been drafted which outlines the roles, responsibilities and expectations of governors. The draft takes into account advice provided by local consultative fora (North Lincolnshire Association of Governing Bodies and the Governors' Advisory Group).
- Clarifying roles, responsibilities and expectations will help governors focus on key priorities, which should consequently improve outcomes for all our children.
- Whilst governors are not obliged to have a code of practice, the LA would strongly recommend that the draft code be adopted or, if necessary, adapted to suit.

2. BACKGROUND INFORMATION

2.1 The draft governors' code of practice¹ has been written taking in to account the following:

- (a) Guidance from the National Governors' Association which recommends that all "governing boards adopt a code of conduct which sets out the purpose of the governing body and describes the appropriate relationship between individual governors, the whole governing body and the leadership team of the school."
- (b) The Department for Education advice (May 2014) which states that, for maintained schools:

¹ Whereas the DfE and NGA use the terminology 'Code of Conduct', the LA's approach is to use the phrase 'Code of Practice'.

“A code of conduct should be maintained and communicated to all prospective governors to set clear expectations of governors’ role and behaviour”.

“The governing body’s code of conduct should set an ethos of professionalism and high expectations of governors’ role, including an expectation that they undertake whatever training or development activity is needed to fill any gaps in the skills they have to contribute to effective governance”.

(c) A specific outcome from the Governors Spring Term conference (2014) was for the LA to produce a document clarifying the roles, responsibilities of governors. This was seen as especially important given the changing educational environment and new expectations of board of governors as outlined in recent publications².

2.2 In view of the above, it was considered timely to publish a new code of practice, which would replace the existing ‘Governors Working Together’ code.

2.3 The draft code of practice (appendix 1) is based on the NGA’s model code and has been written by the LA in conjunction with the Governors’ Advisory Group. The executive of North Lincolnshire Association of Governing Bodies (NLAGB) have considered draft copies of the code and subsequently endorsed the final version.

2.4 The code of practice does not differentiate between different types of educational establishments (ie it is suitable for academies, community schools, foundation schools etc).

3. OPTIONS FOR CONSIDERATION

3.1 **Option 1:** (a) To approve the governors’ code of practice reflecting the enhanced expectations of governors.

(b) For all candidates seeking the position of LA governor, to accept the code of conduct as part of the application process.

3.2 **Option 2:** Not to approve the governors code of practice.

² DfE (May, 2014): “The constitution of governing bodies of maintained schools”, Statutory guidance for governing bodies of maintained schools and local authorities in England.

North Lincolnshire Education Strategy for Schools “All our Children”.

DfE (Jan, 2014) “The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013”. Departmental advice for school leaders and governing bodies of maintained schools and management committees of PRUs in England

4. ANALYSIS OF OPTIONS

4.1 Option 1:

4.1.1 As the roles and demands of governors are changing, it is important that governors have a clear understanding about expectations. The code of practice therefore provides 'terms of reference' which will help governors focus on key issues and improve outcomes for all our children.

4.1.2 The DfE identify that a code of conduct is necessary for the following reasons:

- So all prospective governors can understand the role of a governor prior to appointment.
- To provide a common reference point should any difficulties arise in the future.

4.1.3 The proposed code is based on the NGA template and has been developed in conjunction with the Governors' Advisory Group and the NLAGB executive. As such it takes into account best practice at a local and national level.

4.1.4 The code of practice will be recommended for adoption by all boards of governors. Board of governors may choose to adopt the code of practice in full, adapt it to suit their particular circumstances or not to have a code of practice. Without exception, LA governor positions will only be offered on the basis that the candidate has agreed, in writing, to uphold the code of practice.

4.1.5 Whilst the LA cannot impose a code of practice (other than for LA governor appointments), it is essential that it has an 'exemplar' code of practice which sets-out the LA's expectations of governors and boards of governors.

4.1.6 The code of practice supports the ambitions outlined in North Lincolnshire's Education Strategy for Schools 'All our Children'.

4.1.7 If approved, the code of practice would be distributed to all boards of governors for their formal consideration. Thereafter, it will be recommended that boards review their code of practice annually.

4.2 Option 2

4.2.1 If the new code of practice is not approved, board of governors will continue to use the 'Governors Working Together Code'. This document does not take into account the latest DfE guidance² or North Lincolnshire's Education Strategy for Schools 'All our Children'. Therefore, using the 'Governors Working Together Code' may actually curtail governors' expectations which may impact on their contribution to achieving ambitious outcomes for all our children.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 None

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT

6.1 An integrated impact assessment has not identified any issues.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The code has been developed in partnership with the governors' advisory group, and has been endorsed by the executive of the NLAGB.

8. RECOMMENDATIONS

8.1 It is recommended that option 1 be implemented.

DIRECTOR OF PEOPLE

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Authors: Joanne Edgar/Steve Piper

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Document used to write this report:

- 1) NGA Website "Model Code of Conduct"
<http://www.nga.org.uk/Guidance/Legislation,policies-and-procedures/Model-Policies/Code-of-Practice.aspx>
- 2) DfE (May, 2014): "The constitution of governing bodies of maintained schools", Statutory guidance for governing bodies of maintained schools and local authorities in England.
- 3) DfE (Jan, 2014) "The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013". Departmental advice for school leaders and governing bodies of maintained schools and management committees of PRUs in England
- 4) North Lincolnshire Education Strategy for Schools "All our Children".

GOVERNORS' CODE OF PRACTICE

The board of governors

The board of governors is the school's accountable body and is responsible for the conduct of the school and for promoting high educational standards. The board aims to ensure that children are attending a successful school providing them with a good education and supporting their well-being. The board of governors:-

- Sets the strategic direction of the school by:
 - Setting the values, aims and objectives for the school
 - Agreeing the policy framework for achieving those aims and objectives
 - Safeguarding and promoting the welfare of all children and young people
 - Setting targets and ensuring all statutory duties are met
 - Agreeing the school improvement strategy including approving the budget and staffing structure
- Challenges and supports the school by monitoring, reviewing and evaluating:
 - The implementation and effectiveness of the policy framework
 - Progress towards achieving ambitious outcomes for **all** children and young people
 - The implementation and effectiveness of the school improvement strategy
 - The budget and the staffing structure
- Ensures accountability by:
 - signing off the school's own self-evaluation report
 - responding to Ofsted reports when necessary
 - holding the head teacher and leaders at all levels to account for the performance of the school
 - ensuring parents and pupils are involved, consulted and informed as appropriate
 - making information available to the community
 - ensuring all statutory duties are met
- Appoints and performance manages the head teacher who will deliver the aims (through the day to day management of the school, implementation of the agreed policy framework and school improvement strategy, and delivery of the curriculum) and report appropriately to the board of governors

The role of the governor

In law, the board of governors is a corporate body, which means:

- No governor can act on her/his own without proper authority from the board
- All governors carry equal responsibility for decisions made; and
- Although appointed through different routes (i.e. parents, staff, Local authority, Co-opted, Foundation) the overriding concern of all governors has to be the welfare of the children and the school as a whole

The role of the head teacher

To enable governors to carry out these duties effectively the head teacher will:

- Respect governors and value their skills, experience and contribution to the board
- Facilitate decision making by providing transparent, clear, concise and relevant information
- Contribute to the induction, training and development of governors enabling them to become an active part of the life of the school

General

We understand the purpose of the board of governors, the role of governor and head teacher as stated
We are aware of and accept the Nolan seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership

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 board when authorised

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 transparency whilst respecting the need for confidentiality in certain circumstances

We accept collective responsibility for all decisions made by the board of governors or its delegated agents

We will not speak against majority decisions outside the board meeting

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 local community will reflect this
In making or responding to criticism or complaints we will follow the established procedures

Commitment

We acknowledge that accepting office as a governor involves a significant time and energy commitment
We will each involve ourselves actively in the work of the board of governors, and accept our fair share of responsibility, including service on committees or working groups
We are committed to attend all meetings having read any paperwork provided and on the rare occasion we are unable to attend, to provide an explanation in advance
We will actively support collaboration, partnership working and support from other agencies where this is considered of benefit to the pupils
We will get to know the school well and respond to opportunities to involve ourselves in school activities
Our visits to school will be arranged in advance with the staff and undertaken within the framework established by the board of governors and agreed with the head teacher
We will consider seriously our individual and collective needs for training and development, and will undertake relevant training to ensure our effectiveness as a board of governors
We are committed to actively supporting and challenging the head teacher
We will communicate with the head teacher in a positive and constructive way.

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
We will support the chair in their role of ensuring appropriate conduct both at meetings and at all times
We are prepared to answer queries from other governors 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 head teacher, staff and parents, the local community, the local authority and other relevant agencies

Confidentiality

We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school
We will exercise the greatest prudence at all times when discussions regarding school business arise outside a board meeting
We will not reveal the details of any board of governors vote

Conflicts of Interest

We will record any pecuniary or other business interest that we have regarding the board of governors business in the Register of Business Interests
We will declare any pecuniary or personal interest which could be conceived as a conflict of interest in a matter under discussion at a meeting, and offer to leave the meeting for the appropriate length of time

Breach of this Code of Practice

If we believe this code has been breached, the issue will normally be raised with the Chair, or where appropriate an alternative governor
In certain circumstances issues of misconduct may be raised directly with the local authority which may decide to investigate
The Chair or an independent person will investigate the matter further
This would lead to the appropriate action being undertaken in accordance with the relevant legislation

**The Board of Governors () Adopted this code of practice on
Governors will sign the Code on appointment, and subsequently at the first board meeting of each school year.**

Signed

Dated