

Code of Practice for Foundation Governors (Updated May 2019)

The NGA (National Governance Association) has produced a model Code of Conduct (updated 2018). The Diocese of Chichester has based this Code of Practice for Foundation Governors 2019 (updated) on this guidance, including the additional responsibilities that foundation governors are expected to undertake.

The NGA Code sets out the expectations on and commitment required from school governors, trustees and academy committee/Local Governing Board members in order for the governing board to properly carry out its work within the school and the community. Unless otherwise stated 'school' includes academies and Free Schools and it applies to all levels of school governance. The words governing board and governing body are used interchangeably here.

1. The Purpose of the Governing Board:

As the accountable body of the school the governors are the vision setters and strategic decision makers, with the vital role of ensuring the best possible education for every child and young person in their school, which also supports their well-being.

The three core functions of school governance set out in the DfE Governance Handbook March 2019 are:

- Ensuring clarity of vision, ethos and strategic direction
- Holding executive leaders to account for the educational performance of the organisation and its pupils and the performance management of staff
- Overseeing the financial performance of the organisation and making sure its money is well spent

2. The Role of the Church School Governing Board:

i) Sets the strategic direction by:

- a) Setting the vision, values, aims and objectives for the school in line with the school's Christian distinctiveness
- b) Upholding and developing the Christian ethos set out in the school's Trust deed and Instrument of Government
- c) Agreeing the school improvement strategy
- d) Agreeing the policy framework and targets for achieving those aims and objectives

ii) Ensures accountability by:

- a) Monitoring and evaluating the impact of the Church school ethos
- b) Monitoring and evaluating the impact and outcomes of the school improvement plan and strategy
- c) Monitoring the implementation and effectiveness of the policy framework
- d) Holding the headteacher to account for the performance of the school
- e) Ensuring that parents/carers, pupils and other relevant stakeholders are involved, consulted and informed, as appropriate, on the work of the school
- f) Ensuring that the SIAMS toolkit or equivalent is kept up to date, monitored and evaluated for impact
- g) Responding to and being involved in Ofsted and SIAMS Inspections

- h) Appointing and appraising the headteacher who manages the day to day management of the school

iii) Oversees the finances of the school by:

- a) Monitoring, evaluating and reviewing the budget and finances of the school
- b) Agreeing the staffing structure
- c) Ensuring the viability and efficiency of the school through effective business and financial planning and adherence to all relevant legal requirements

3. Role of Foundation Governors:

- a) No governor can act alone without proper authority from the full governing board; all governors carry equal responsibility for decisions made
- b) The chair is elected by the governing board to lead meetings and ensure the efficient and effective work of the team, but has no individual power as a governor
- c) Although appointed/elected through different routes (parents, Local Authority, co-opted, Foundation) governors do not act as representatives of those groups and must act in the best interests of the pupils and welfare of the school
- d) A foundation governor has the specific role of ensuring the Church school ethos and Christian distinctiveness of the school is reflected in all aspects of school life, according to the school's trust deed

4. As a Foundation Governor on the Board:

i) Responsibilities

- a) I understand the core purpose of the governing board and the role of the lead executive/Headteacher
- b) I accept that I have no legal authority to act individually, except when the board has given me delegated authority to do so
- c) I accept collective responsibility for all decisions made by the board, which means I will not speak against majority decisions outside of the board meetings
- d) I have a duty to act fairly and without prejudice and in so far as the governing board has responsibility for staff, I will fulfil all that is expected of a good employer
- e) I will encourage open government and will act appropriately
- f) I will consider carefully how board decisions may affect the community/parish and other schools
- g) I will always be mindful of my responsibility to maintain and develop the Church school ethos and reputation of our school/group of schools. My actions within the school and the local community will reflect this
- h) In making or responding to criticism, concerns or complaints I will follow the procedures established by the governing board
- i) I will actively support and constructively challenge the lead executive/headteacher in order to promote best outcomes for the pupils of the school

ii) Commitment

- a) I acknowledge that accepting office as a governor involves the commitment of a significant amount of time and energy
- b) I will involve myself actively in the work of the governing board and accept my fair share of responsibilities, including service on committees/working groups as appropriate
- c) I will make a full effort to attend all meetings and where I cannot attend explain in advance why I am unable to
- d) I will get to know the school well and respond to opportunities to involve myself in school activities
- e) I will visit the school with all visits arranged in advance with the headteacher and undertaken within the framework established by the governing board

- f) I will undertake training and development for the role of governor and foundation governor in particular, by attending local authority and diocesan training and on-going updating as appropriate
- g) I will attend diocesan induction training for new foundation governors and safeguarding (local authority or diocesan) within a year of being appointed

iii) Governing board records, conflicts of interest and confidentiality:

- a) I accept that in the interests of open governance and in line with current DfE requirements, my full name, date of appointment, terms of office, roles on the governing body, attendance records, relevant business and pecuniary interest, category of governor and the body responsible for appointing me will be published on the school website
- b) In the interests of transparency, I accept that information relating to being a governor will be collected and logged on the DfE's national database of governors
- c) I will record any pecuniary or other business interest (including those related to people I am connected with) that I have in connection with the governing board's business in the Register of Business interest. If any such conflicted matter arises in a meeting I will offer to leave the meeting for the appropriate length of time. I accept that the Register of Business Interests will be published on the school's website
- d) I will also declare any conflict of loyalty at the start of any meeting should the situation arise
- e) I will observe complete confidentiality both inside and outside the school when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside the school
- f) I will exercise the greatest prudence at all times if discussions regarding school business arise outside a governing board meeting
- g) I will not reveal the details of any governing body vote
- h) I understand that the requirements relating to confidentiality will apply after a governor leaves office

iv) Relationships:

- a) I will strive to work as a member of the team in which constructive working relationships are actively promoted
- b) I will express views openly, courteously and respectfully in all communications with other governors, the clerk to the governing board and school staff both inside and outside meetings
- c) I will support the chair in their role of ensuring appropriate conduct both during and outside meetings
- d) I am prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed and I will acknowledge the time, effort and skills that have been committed to the delegated function by those involved
- e) I will seek to develop effective working relationships with the lead executive / headteacher, staff, parents / carers, the Trust, the local authority, the diocese and other relevant agencies and the school community
- f) As a holder of public office I agree to the Nolan Principles (see Appendix 1)

v) Breach of this Code of Practice:

- a) If I believe this Code has been breached, I will raise this issue with the chair and the chair will investigate
- b) The governing body will only use suspension of a governor or recommend removal of a foundation governor, as a last resort after seeking to resolve any difficulties or disputes in more constructive ways
- c) Should it be the chair that I believe has breached this Code, another governing board member such as the vice chair will investigate
- d) I am aware that the diocese, through the Diocesan Board of Education (DBE) may remove from office any foundation governor in line with the Diocesan Removal Policy, whose conduct in the view of the Board, does not fulfil their role in accordance with the DBE's expectations or whose conduct is not in keeping with the Christian character and Church school ethos

5. Regulations:

I am aware of the provisions contained within the relevant regulations relating to school governance:

The School Governance (Constitution) (England) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/1034/pdfs/uksi_20121034_en.pdf

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

http://www.legislation.gov.uk/uksi/2013/1624/pdfs/uksi_20131624_en.pdf

Undertaking:

(please sign that you have read and agree with the Code and retain for your records)

As a member of the governing board I will always have the well-being of children and young people, the effective running of the school and the reputation of the school at heart. I will do all I can to be an ambassador for the school publically supporting its aims and Christian values and Church school ethos. I will never say or do anything publically that would embarrass the school, the governing board, the headteacher, staff or Diocese. The nomination form confirms that I have signed this Code of Practice.

Signed.....
Printed Name.....
School/Federation.....
Date.....

Appendix 1: The Nolan Principles:

Originally published by the Nolan Committee, The Committee on Standards in Public Life made the following recommendations (adapted here by the NGA for the Code of Practice 2016):

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 decision and actions that they take. They should give reasons for their decision 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

Appendix 2: 2012 School Governance (Constitution) (England) Regulations

PART 4

Notification of appointments, term of office, removal and disqualification

Notification of appointments

16. Where any person makes an appointment or nominates a person to be appointed to the governing body, that person must give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person appointed or nominated.

Qualifications and disqualifications

17. Schedule 4 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

Term of Office

18. (1) Subject to paragraphs (2) to (5), a governor holds office for a fixed period of four years from the date of that governor's election or appointment.

(2) A person who is a governor by virtue of being head teacher of the school or who is an ex officio foundation governor may not hold office for longer than the position from which the governorship derives is held by that person.

(3) Any additional governor or additional foundation governor appointed under Part 4 of the Education and Inspections Act 2006(a) may hold office for such period up to a maximum of four years as is determined at the time of appointment by the person making the appointment.

(4) The instrument of government may specify a shorter term of office for a particular category of governor, not being less than one year.

(5) A substitute governor holds office until the earlier of the following:

(a) the expiry of four years from the date when the appointment of the substitute governor takes effect;

(b) the date when the original governor ("O"), not having been removed from office under regulation 21, gives written notice to the clerk to the governing body to the effect that O is able and willing to act as a foundation governor; or

(c) the date when a person other than the original governor takes the office by virtue of which the ex officio foundation governorship exists.

(6) This regulation does not prevent a governor from -

(a) being elected or appointed for a further term, save as otherwise provided in these Regulations;

(b) resigning from the office of governor in accordance with regulation 19(1);
(c) being removed from office under regulations 20 to 25; or
(d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

(7) An associate member may hold office for a period of four years, or such shorter period (not being less than one year) as may be determined by the governing body at the date of the appointment.

(8) Nothing in this regulation prevents an associate member from being reappointed at the expiry of the associate member's term of office.

(9) In this regulation "the original governor" means the ex officio foundation governor in whose place the substitute governor is appointed to act.

Code of Practice agreed by the Chichester Diocesan Board of Education February 2018

Signed: The Right Reverend Mark Sowerby, Bishop of Horsham Date: 28th February 2018 (updated May 2019)

Chair of Diocese of Chichester Board of Education