

Governor Behaviour Protocol – SEATON DELAVAL FIRST SCHOOL [JUNE 2019]

When Governors join the governing board of any school they give an undertaking to always have the achievement and well-being of the pupils and the reputation of the school at heart. They also undertake to strive to be an ambassador for the school; publicly supporting its aims, ethos and values. The Governor Code of Conduct details the expectation that they would never say or do anything that would embarrass the school, the governing body, the headteacher or the staff, this includes through any use of social media.

Problems can occur when Governors lose sight of these undertakings and other specific expectations around the role of Governance, relationships, confidentiality and conflicts of interest. Unfortunately, dealing with such concerns and the resultant breakdowns in relationships can be both difficult and time consuming.

In trying to encourage compliance with the School's Code of Conduct; it is good practice to consider how adherence to the expectations in the code of conduct might be supported. Individuals rarely intend to act in inappropriate or unhelpful ways and failure to tackle issues at an early stage can result in behaviours becoming embedded when a "quiet word" might have prevented circumstances building up into a more serious situation.

This protocol will try to help Governors manage both expectations and behaviours by highlighting trigger points for action and determining the right set of steps to tackle particular concerns. A graduated approach to dealing with issues and infractions will be appropriate with minor issues being dealt with in a swift and supportive manner and more serious infractions with appropriate rigour.

This protocol has been adopted by the Governing Board and will be applied at need - review date to be 3 years from adoption or when significant amendments are required by changes to legislation or statute.

Associated Documents:

- Governor Code of Conduct
- Nolan Principles
- Examples

LEVEL 1

This first level of concern might include:

- Misunderstanding of role - acting without mandate in a particular issue
- Failure to maintain confidentiality
- Pursuit of personal agenda through the Governing Board

The appropriate steps to address such issues would be:

Conversation with the Chair (Vice-Chair if the Chair is the subject)

If actions are being taken that are inappropriate but that might be due to a misunderstanding of the role of Governor and how issues should be brought forward then it might be appropriate for the Chair, Vice-Chair or a more long standing Governors to have a “quiet word” with the subject. The Chair (or Vice) should decide or agree an approach and notes kept of the conversation. Training should be offered if this is deemed to be an issue in the matter.

Informal Mediation / Facilitated Discussion

It can be difficult to initiate discussions and if the Chair (or Vice) does not feel confident of achieving an appropriate outcome without support then the Clerk could be commissioned to facilitate the initial discussion and act as a moderator for the conversation.

LEVEL 2

This second level of concern would include:

- Behaviours being continued even after having been drawn to the attention of the individual
- A serious breach of confidentiality (including breaches in Data Protection)
- Conduct in public or via social media likely to bring the school’s reputation into question

This elevated level of concern would require more serious sanctions, including:

Letter of censure from the Chair (Vice)

Should inappropriate actions continue or become more serious, a formal letter of censure might be appropriate - it is likely that this would refer to the inappropriate behaviour and act in the same way as a “drawing the line” letter in staff management. The subject should be warned that further action and sanctions could follow should the inappropriate behaviour continue.

Record in the Minutes

If the behaviour were to continue the behaviour should be mentioned without reference to an individual in the minutes to ensure an understanding of required norms. This may reference code of conduct and general expectations. This may be instigated by the Chair or Vice-Chair but also by any other Governor who is witness to inappropriate behaviour and who has tried to address this through the Chair/Vice without success. The individual would not be identified in the record at this stage.

Mandatory Training

Should behaviour still not be moderated and concerns continue, then an agreement from the Governing Body to require that the individual (or the Governing Board as a whole) attend training that they themselves should deem mandatory. Governors identified the need for all/individual Governors to undertake training in respect of a specific issue. It was agreed that this would be within 2/4/6 months].

LEVEL 3

This third level of concern, leading to the more formal consideration of behaviour might include:

- Serious misuse of position to either bully or intimidate individuals
- Aggressively pursuing a personal agenda or viewpoint
- Becoming party to or leading a campaign against the school or a member of staff
- Repeated concerns at level1 and/or level 2 having to be addressed

This, higher, level of concern would lead to more serious and more formal actions being taken, for example:

Investigation

If the behaviour being exhibited is particularly egregious then an investigation should be instigated - the Chair might ask the Vice Chair to investigate and draw up a report for consideration by the Governing Body - the subject and other witnesses should be interviewed, statements drawn up & signed and a report with conclusions and recommendations should be prepared. This report may be considered by the Chair (or Vice) and an outcome letter drawn up. One possible recommendation is that a meeting of full Governors should consider the appropriate sanction, if any, that should be imposed on the subject. The subject must have the opportunity to address the allegations.

Formal Mediation

Governors may wish to consider offering a formal mediation stage following the investigation and outcome letter to see if an agreement can be reached before the need to call a full Governors meeting to consider any formal sanction. It would be appropriate to commission a mediator without a current connection to the school.

Suspension

Suspension for a period of time from the Governors could be an appropriate sanction and would need to be made by the full board of Governors. The Governing Board would need to consider the appropriate length of time that any suspension might be applied for.

Dismissal

Dismissal from the Governing Body, This would be likely to be appropriate in extreme and rare cases only. A full meeting of the Governing Board would need to be called to determine this sanction and a second meeting to confirm the decision.

Support & Advice

This can always be sought from the School Support Service who will try to help you manage these situations and provide support to all Governors.

Governor Behaviour Protocol - Record of Conversation / Facilitated Discussion

Record of Discussion	Action
<p>Present: ** (Subject) ** (Chair / Vice) ** (Facilitator)</p> <p>Concern being raised:</p> <p><i>(Detail the concerns that have led to the meeting being held and the ways that these concerns contravene the expected standards of Governance and the particular expectations within the School's Code of Conduct.)</i></p> <p>Agreed actions:</p> <p><i>(These might include agreeing to undertake voluntary training; offering apologies where appropriate or changes to behaviours & attitudes.)</i></p> <p><i>It is recommended that a timeline for actions to be undertaken is agreed.</i></p>	
<p>Signatures/Dates:</p>	

Code of Conduct for School Governors

Northumberland Governor Support Team recommends that governing bodies adopt a code of conduct which sets out the purpose of the governing body and describes appropriate relationships between individual governors, the governing body as a whole, and the leadership of the school. It also details the expectations on and commitment required from school governors, trustees and committee members in order for the governing body to properly carry out its work within the school and the community.

The Code of Conduct embraces the Nolan Principles of Public Life, as detailed in appendix 1.

We recommend that all governors thoroughly discuss the code to ensure it is appropriate to their particular setting and reflects the ethos of the school. Once adopted governors should be asked to review and sign it on an annual basis, ideally in the autumn term.

This Code of Conduct is adapted from the National Governance Association model Code of Conduct 2016.

The purpose of the governing body

The purpose of the governing body is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance. All governing bodies, have three core functions:

- 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; and
- Overseeing the financial performance of the organisation and making sure best value is achieved.

The governing body has the following core strategic functions:

Establishing the strategic direction, by:

- Setting the vision, values, and objectives for the school
- How the school is working towards its vision
- Agreeing the school improvement strategy with priorities and targets
- Meeting statutory duties

Ensuring accountability, by:

- Appointing the headteacher
- Monitoring progress towards targets
- Performance managing the headteacher
- Engaging with stakeholders
- Contributing to school self-evaluation

Ensuring financial probity, by:

- Setting the budget
- Monitoring spending against the budget
- Monitoring use of resources
- Ensuring value for money is obtained
- Benchmarking
- Ensuring risks to the organisation are managed

As individuals on the body we agree to the following:

Role & Responsibilities

- We understand the purpose of the body and the role of the headteacher.
- We accept that we have no legal authority to act individually, except when the body has given us delegated authority to do so, and therefore we will only speak on behalf of the governing body when we have been specifically authorised to do so.
- We accept collective responsibility for all decisions made by the body or its delegated agents. This means that we will not speak against majority decisions outside the governing body meeting.
- We have a duty to act fairly and without prejudice, and insofar as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage open government 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 local community will reflect this.
- In making or responding to criticism or complaints we will follow the procedures established by the governing body.
- We will actively support and challenge the headteacher.

Commitment

- We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing body, and accept our fair share of responsibilities, including service on committees or working groups.
- We will make full efforts to attend all meetings and where we cannot attend explain in advance why we are unable to.
- We will get to know the school well and respond to opportunities to involve ourselves in school activities.
- We will visit the school, with all visits arranged in advance with the headteacher and undertaken within the framework established by the governing body.
- We will consider seriously our individual and collective needs for induction, training and development, and will undertake relevant training.
- We accept that in the interests of open government, our full names, date of appointment, terms of office, roles on the governing body, 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.

- In the interests of transparency we accept that information relating to governors will be collected and logged on the DfE's national database of governors (Get Information About Schools).

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 and the clerk to the governing body.
- 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 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, staff and parents, the trust, the local authority and other relevant agencies and the community.

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 governing body meeting.
- We will not reveal the details of any governing body vote.
- This confidentiality extends to any use of social media we undertake.

Conflicts of interest

- We will record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the governing body's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting, we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the school's 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 body.

Implementation 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; the governing body will only use suspension/removal as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.
- Should it be the chair that we believe has breached this code, another governing body member, such as the vice chair will investigate.

Undertaking:

As a member of the governing body I will always have the achievement and well-being of the pupils, and the reputation of the school at heart. I will strive to be an ambassador for the school, publicly supporting its aims, ethos and values. I will never say or do anything that would embarrass the school, the governing body, the headteacher or the staff. This includes through any use of social media.

Signed:

Print name:

Date:

Nolan Principles: The Seven Principles of Public Life

(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.

Governors should act in the interest of the pupils, parents, staff and community.

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.

Governors should declare all interests annually and at meetings, and agree to have them published on the school website.

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.

Governors should make informed decisions in the best interests of the school.

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.

Governors should make themselves available to families and members of the community and be prepared to answer for decisions taken to the Local Authority, Diocese, Ofsted, as appropriate.

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.

Governors should ensure that minutes are available to be read and that decisions are made following agreed delegated arrangements.

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.

Governors should act honestly at all times and ensure minutes and documentation reflect this.

Leadership - Holders of public office should promote and support these principles by leadership and example.

Governors should act as role models for each other and for the school community.

Tackling Inappropriate Behaviour - Examples

The following actions / infractions have been considered to determine if these were appropriate and if not what was inappropriate and what the proper sanction from the Governing Body might be. These examples are provided to help Governors consider their own circumstances and whether steps need to be taken. Your School Support Adviser will be able to provide help and support.

Action by Governor	Reason Inappropriate	Appropriate Sanction from Governing Body
1. Bullying the Head Teacher	Duty of Care Dignity at Work Potential Grievance Potential Constructive Dismissal Could destabilise the school	This should be nipped in the bud if anyone sees it happening - all Governors have a responsibility in this area - might be a discussion with Chair / Vice (if it is the Chair) - if continues might be a letter of sanction, suspension or request / requirement to step down
2. Constant pursuit of personal item - particularly if this has been discussed and resolved at previous meetings	Once a decision is made by the GB this should be supported by all governors regardless of personal position	Chair to discuss with individual - Vice if it is the Chair If continues- letter of censure then censure recorded in the minutes Mandatory training required by GB
3. Seeking opinions on specific issues without a mandate from the Governing Body - by-passing Head & Chair to canvass staff/governors	Undermining the positions of the Head & Chair - trying to set own agenda when should only act to meet the requirements of the GB	Chair to discuss with individual - Vice if it is the Chair If continues- letter of censure then censure recorded in the minutes Mandatory training required by GB
4. Acting in such a way, publicly, as to bring the school into disrepute eg voicing opinions to the press that do not reflect the agreed position of the GB or expressing negative opinions on social media	Governors as individuals do not have a mandate to pursue such matters taking advantage of their enhanced access to information and decision making - the GB needs to be able to debate issues prior to any public sharing of sensitive information - also - all decisions of the GB are corporate and all Governors are required to support such decisions once made.	Ultimately - any Governors unable to support (even if they personally disagree) the corporate decisions and positions of the GB would need to consider stepping down - this might even require action to dismiss from the GB.