



# Example Code of Practice for Voluntary Aided Governing Bodies

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**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



## Archdiocese of Birmingham

# St Dunstan's Catholic School

## Governing Body Code of Practice for Voluntary Aided Schools

### 1. Rationale

1.1 The purpose of this code of practice is to enable the governing body to contribute to the school securing its mission and sustaining its ethos as a Catholic school, as well as ensuring the school provides a quality educational experience for all its children and achieves high standards.

1.2 The mission of our school is:

***Our school is distinguished by the quality of care provided by a truly successful partnership between home, school and parish in the grounding of the faith. This will prepare pupils to live as responsible Christians.***

### 2. Legal Framework

2.1 The governing body is a corporate body. Governors have no authority to act individually except where the governing body has delegated authority to do so.

2.2 All governors have equal status, and although governors are appointed and elected by different groups, the central concern must be the welfare of our school as a Catholic school, conducted in accordance with the Diocesan Trust Deed.

### 3 Roles and Responsibilities

3.1 The governing body is responsible for:

- Promoting high standards of educational achievement, whilst ensuring the school meets statutory requirements [see Education Act 2002]
- Securing the Catholic ethos, thus ensuring the school is seen to bear witness to the faith in all aspects of its work [see the school's 'Instrument of Government'].

3.2 The governing body has a strategic role. As agent of accountability, on behalf of the Catholic community and the community of the school, the governing body decides what it wants the school to achieve, in order to secure its mission, and sets the framework for making sure those intentions are realised.

3.3 The strategic framework means:

- Ensuring the vision, ethos and strategic direction of the school are clearly defined by setting the aims and objectives of the school.
- Adopting policies, agreeing targets and determining priorities to achieve the aims and objectives.
- Ensuring there are plans and procedures in place to secure those policies, targets and priorities.
- Ensuring that the headteacher performs his or her responsibilities for the educational performance of the school.

- Reviewing the aims and objectives, and monitoring and evaluating progress in implementing the policies, achieving the targets and addressing priorities.
- Evaluating the effectiveness of the work of the school in providing a high quality education rooted in life, person and teachings of Jesus Christ and Gospel values.
- Ensuring the sound, proper and effective use of the school's financial resources.

3.4 In its strategic role the governing body is accountable to:

- The Trustees who own the school, for the school's effectiveness as a Catholic school.
- The Local Authority which maintains the provision, for the school's effectiveness in providing a broad, balanced, relevant education that meets the needs of the children in the school.
- The Catholic community, and the wider community, who entrust their children to the school for the outcomes achieved by their children, in all aspects of their being.

3.5 The headteacher is responsible for:

- Acting as professional adviser to the governing body, obliged by law to provide the information governors need to carry their legal duties.
- Advising on and implementing the strategic framework agreed by the governing body, which includes:
  - Formulating and drafting aims and objectives, policies and targets for consideration by the governing body.
  - Implementing policies set by the governing body.
  - Leading the school towards agreed targets.
  - Reporting on progress towards the agreed aims, objectives and targets.
  - Discharging delegated responsibilities on the governing body's behalf.
- The internal organisation, management and control of the school, including the implementation of the curriculum and the day to day running of the school.
- The educational performance of the school.

## **4 Commitment**

4.1 We acknowledge that being a governor:

- Involves committing significant amounts of time and energy.
- Involves participating fully in the work of the governing body so that individuals accept a fair share of the responsibilities and duties, including service on committees, working parties or as 'named governors'.
- Requires regular attendance at meetings of the full governing body and committees.
- Requires getting to know the school well and responding to opportunities to visit and get involved in school activities.
- Requires considering seriously our individual and collective training and development needs and using any designated funds to address them.
- Requires knowledge and understanding of their role within school procedures.

## **5 Confidentiality**

5.1 We understand that being a governor requires that we:

- Observe confidentiality routinely as a matter of course, but particularly when explicitly asked to do so, for example regarding matters concerning staff, children or their parents/carers.

- Keep discussion about decisions confidential even when decisions themselves are made public through the minutes of meetings.
- Exercise prudence when invited to respond in discussions and informal talk outside governing body meetings, and instead of passing individual comment, encourage issues to be brought to the attention of the headteacher or governing body (depending on the nature of the issue) through the proper channels.
- Exercise care that any discussions do not prejudice any formal procedures.

## 6 Relationships

6.1 Drawing on the model of the person, life and teachings of Jesus Christ, the governing body will strive to develop effective working relationships with:

- The headteacher
- Staff
- Children
- Parents
- The Diocese (i.e. Diocesan Education Service)
- The Local Authority
- Multi-agency representatives
- Our parish and local communities
- Other local schools, including Catholic and other VA, VC and Community schools and Academies.
- Local educational organisations/businesses etc.

6.2 In forming, building and sustaining good working relationships governors will strive to:

- Remember that we are typically representative of the *category* of governor to which we are appointed or elected. We are not representatives OF those *groups*, e.g. a parent governor expresses their views using their experience as a parent, they are not representing the views of the whole parent body of the school.
- Work as members of a team in which constructive working relationships are actively promoted, forming the governing body which functions with corporate responsibility and accountability.
- Develop an open and honest relationship with the headteacher and all school staff, acting as 'critical friend' to the school, ensuring a balance is struck between offering challenge and support.
- Ensure that effective relationships are built on trust and opportunities to network effectively and efficiently.
- Ensure that Gospel values underpin the relationships between governors and with other stakeholders. The governing body will draw on the guidance offered in 'Christ at the Centre' that whilst not definitive, the core values based on the Beatitudes may be summarised as follows:
  - Faithfulness and integrity
  - Dignity and compassion
  - Humility and gentleness
  - Truth and justice
  - Forgiveness and mercy
  - Purity and holiness
  - Tolerance and peace
  - Service and sacrifice

## 7 Conduct

7.1 Governors have a duty to act with integrity, objectivity and honesty in the best interests of the school at all times. Drawing on the model of the person, life and teachings of Jesus Christ, the governing body will strive to behave professionally at all times.

- Governors will aim to discharge their duties in a manner that maintains and develops the Catholic ethos of the school and its reputation in the parish, local community and wider educational community. Governors' actions at all times should reflect our responsibility to secure the Catholic ethos of the school.
- Governors should consider at all times, how we exercise stewardship, both as individuals and as a corporate body, which should manifest and be faithful to the teachings of Jesus Christ and the Catholic Church, and Gospel values.
- Governors should reflect on how we are perceived by stakeholders in all we say and do, both as individual governors and as a corporate body.
- Governors should consider carefully how our decisions and actions might affect others, whether they are individuals employed by the school; children or adults who are part of the school community; the parish; other schools in the locality; or the wider community.
- Governors should express views openly at meetings, but accept collective responsibility for all decisions made by the governing body or any individual governor delegated to do so.
- Governors will not speak out against majority decisions in public or in private outside the governing body. The intention is to protect the reputation and authority of the governing body and the school in the public domain.
- Governors, through their minutes, must be open about the decisions they make and the actions they take and in particular be prepared to explain their actions and decisions to interested parties.
- Governors will only speak or act on behalf of the governing body when we have been specifically authorised to do so.
- Governors will respond to criticism or complaints about the school and / or its staff by referring to the school's Complaints Procedure adopted by the governing body for the correct procedure to be followed, and will advise the complainant accordingly.
- Governors will record in the register of pecuniary interests any pecuniary interest we might have in connection with the governing body's business.
- Governors will be expected to declare an interest in any item of business and withdraw from the meeting while it is under discussion.
- Governors will always undertake visits within the framework established by the governing body and agreed with the headteacher. (See Section 10)

## **8 Structure of the Governing Body**

8.1 The governing body must appoint a clerk with a view to their efficient functioning and must have regard to advice from the clerk as to the nature of the governing body's functions.

8.2 The governing body will work efficiently and effectively in the best interests of the school by organising itself into a committee structure so that it can fulfil its statutory responsibilities, including ensuring the statutory right of appeal, through appropriate full delegation of powers and statutory functions to either:

- a committee
- a governor
- or
- the headteacher.

- 8.3 The governing body will be structured as follows:  
Standards Committee, Pupil Support Committee, Finance and Resources Committee.
- 8.4 There is an expectation that all committees will function with a view to securing the Catholic ethos of the school, as well as ensuring the school provides a high quality educational experience for all its children. Catholicity will not be viewed as a 'bolt-on' extra to be considered separately, instead the teachings of Jesus Christ and the Catholic Church and Gospel values will underpin all the aspects of the work of the governing body.
- 8.5 Full delegated powers, including delegated decision making powers, will be given to the committees enabling them to be fully effective.
- 8.6 The governing body must review the delegation of its statutory functions annually.
- 8.7 The governing body is unable to delegate the following functions:
- Functions related to the constitution of the governing body (unless otherwise provided by the Constitution Regulations).
  - Decision to discontinue the school.
  - Decision to approve alternative arrangements for participation in any vote at full governing body and in committees.
  - Decision to approve the first formal budget plan of the financial year.
  - Beginning the process for appointment of headteacher or deputy headteacher.
  - The appointment or removal of the Chair and Vice-Chair.
  - The appointment or removal of the clerk.
  - The suspension of governors.
  - The establishment of committees including membership and terms of reference.
  - The appointment or removal of Associate Members to committees, their term of office and any voting rights.
  - Decisions on which functions are to be delegated.
- 8.8 The committees will have clear terms of reference.
- No vote on any matter may be taken at any meeting of a committee unless the majority of the committee present voting are governors.
  - Observers will be allowed to attend meetings in order to promote a willingness to serve the community as a governor, or to extend the professional development of middle and senior managers. Observers are not members of the committee and will not be allowed to vote.
- 8.9 There is an open-door policy for committees. Any governor who has an interest in any specific matter being discussed may attend any meeting with the agreement of the chair of that committee. Whilst this option is useful, it is important to avoid a situation where most governors attend all or most committee meetings. This defeats the benefits of the smaller debating forum that committees provide.
- 8.10 Chairs of committees will be elected by the committees at the first meeting of the year, and not the full governing body. However, the governing body has the power to remove chairs of committees.

## **9 Meeting Structure and Management**

- 9.1 By working through an effective and efficient committee structure the governing body will strive to keep the number of full governing body meetings to the legal minimum of three per academic year, which in normal circumstances will be one a term.
- 9.2 An annual meeting plan (for governing body and committee meetings) which identifies all planned meetings; dates and times; expected items in line with the annual cycle of business (e.g. policy review, results, budget setting) will be published in advance of the start of each academic year.

- 9.3 Thought will be given to the timing of meetings, including holding them during the working day or at the end of the school day, rather than the evening. Where possible committee meetings may be held back to back to facilitate attendance at two committees in one evening, with a rotation of timings to ensure each committee takes turns at having an earlier start.
- 9.4 Whilst aiming for a tight regular meeting structure the governing body retains the flexibility to hold additional full governing body meetings in special circumstances (for example, to begin the appointment of a headteacher, Ofsted, etc.). Ad hoc committees which deal with specific procedural issues will only meet when necessary, in a manner determined by the governing body.
- 9.5 A clerk to the governors must be appointed. The governing body will use the services of a professional clerk at the meetings of the full governing body and at committee meetings. The investment in professional clerking is viewed as a way to improve the effectiveness and efficiency of the governing body as a whole by ensuring that meetings are properly organised and supported. (Note: staff governors, including the Headteacher, cannot be appointed as clerk to the governing body or a committee on which they serve. They can however, clerk the 'odd meeting' in the absence of the clerk.)
- 9.6 The clerk will have a clear job description, a contract for sufficient hours and will be appropriately trained. The role and hours of the clerk will be reviewed annually.
- 9.7 The clerk will produce agendas and minutes for meetings.
- 9.8 The clerk will send out agendas, minutes and any reports or other papers to be considered at the governing body/committee meeting at least seven clear days in advance to appropriate people
- 9.9 The chair of governors, chairs of committees, the headteacher, all other governors and the clerk will subscribe to the following expectations so that the governing body, whether working corporately or in committee, will achieve informed, collective decisions in an effective and efficient manner that meet the requirements of Regulations.
- The headteacher will agree which committee meetings it is appropriate for him/her to attend and whether or not the deputy headteacher or another senior leader will take responsibility for support some committee meetings. This will contribute to the professional development of other leaders within the school.
  - There will be an expectation that the chair (in the governing body and in committee meetings) manages the meeting to keep discussion focused; matters in proportion; draw on all members' contributions; and with due attention to the following points.
  - In advance of full governing body meetings the chair and headteacher will discuss and agree the agenda before it is published by the clerk, giving 7 days notice of the meeting.
  - All agenda items should be submitted through the clerk to the meeting and the agenda should be clear and purposeful.
  - In order to be effective meetings need to be quorate. The quorum for a governing body meeting is 50% of the membership (not including vacant positions).
  - Apologies will be considered at full governing body meetings, not simply accepted.
  - All meetings will have a maximum length of 2 hours.
  - Governors will be expected to be punctual and meetings will start at the agreed time.
  - The latest finish time for evening meetings will be 9.30pm
  - All governors must properly prepare for meetings by reading papers in advance and giving thought to the issues to be discussed. All papers circulated in advance of the meeting should be taken as read.
  - There will be a '15 minute' limit for discussion of each agenda item, unless the governing body or committee agree otherwise for a specific agenda item.



- Where any governor is unavoidably late, agenda items should not be re-run.
- 'Any Other Business' will be limited to genuinely urgent matters that need to be addressed by the members of the group.
- Governors will be expected to make relevant and purposeful contributions; understand how to challenge others in a constructive way; listen to others; and accept collective responsibility, even in relation to decisions individuals do not personally agree with.
- Decisions will be taken by vote on a simple majority.
- The decision of the governing body to allow alternative arrangements for governors/committee members to participate or vote at meetings remotely by telephone, conferencing or other prescribed methods must be strictly adhered to.
- In full governing body meetings there will be no rehearsing the debate already had by committees. Committees will be trusted to carry out their responsibilities and only report decisions to full governing body meetings.
- Minutes will record key matters discussed; summarise the key points discussed; record decisions and / or agreed actions accurately. The detail of the discussion and how governors vote is confidential. Minutes will be reviewed, amended as necessary and signed by the chair at the next meeting.

## **10 Visiting the School**

10.1 School visits are an essential part of the governors' role. Effective and well organised visits can provide the governing body with a strategy for monitoring the effectiveness of school policies.

10.2 Before the visit it will be important for the governor concerned to:

- Clarify the purpose.
- Discuss and agree the agenda with the headteacher well in advance; be clear what is being observed.
- Make sure that the date is suitable for the purpose identified.
- Receive and discuss with the headteacher any supporting information, e.g. Ofsted report, SEF, School Improvement Plan, performance data, relevant lesson plans.
- Discuss with the class teacher integration into the lesson.

10.3 During the visit it will be important for the governor to:

- Be aware of the timetable for the visit and aim to adhere to it, but be flexible.
- Decide with the teacher how they will be introduced and their role in the classroom.
- Be sensitive to the fact that the teacher is there to teach, so talk to the teacher when it is appropriate.
- Remain focused on the purpose of the visit in conversation with the teacher.
- Be discrete in your note taking, it can be disconcerting.
- Be courteous and polite, not critical.

10.4 After the visit it will be important for the governor to:

- Discuss what was observed with the class teacher and use the opportunity to clarify any matters.
- Make notes as soon as possible while they are fresh in the mind.
- Discuss what was observed with the headteachers.
- Be prepared to take on board others comments and explanations.
- Reflect on what was observed and experienced.
- Write up the draft report for the governing body, using the standard proforma, and share it with the headteacher and any staff involved before agreeing the final copy.
- Remember to communicate a personal 'thank you' to the teacher concerned.

10.5 The written report, using the standard proforma, will include:

- Who made the visit, when and why.
- The purpose of the visit and observation.
- Who they met and what was observed.
- Any observations relevant to the functions and policies of the governing body.
- Any positive comments.

## **11 Implementing the Code**

11.1 There is an expectation that anyone serving as a governor will adhere to this Code of Practice.

11.2 In the unlikely event of a serious breach of this Code of Practice, by behaving in a manner that would be inconsistent with the school's ethos, governors have the right to hold an individual governor to account (see the 'Governors' Handbook').

Agreed on:

Review on:

Final copies distributed to:

*N.B. This model code draws on a sample code published in 'Welcome to Governance' which was published by the National Governors' Council (note this is now part of 'The National Governors Association'). The model code also draws on a document produced by Warwickshire LA 'Warwickshire Advice on Partnership in Primary School Governance'. Other LA models have been considered including those published by Coventry and Sandwell LA.*

*An electronic copy is available on request from the DES or from our website*

# MODEL PROCEDURE FOR SUSPENSION OF A GOVERNOR

## 1 INTRODUCTION

- 1.1 Governors have a general duty to act with integrity, objectivity and honesty in the best interests of the school at all times. Drawing on the model of the person, life and teachings of Jesus Christ, the governing body will strive to behave professionally at all times.
- 1.2 The suspension of a governor is therefore a decision that cannot be taken lightly, but if the circumstances warrant it, it is a necessary responsibility. Governors need to behave in accordance with the Gospel values not only of dignity and compassion, but also truth and justice.
- 1.3 It is strongly recommended that governors seek the advice and assistance of the Diocesan Education Service before embarking on this course of action.

## 2 VALID GROUNDS FOR SUSPENSION<sup>1</sup>

- 2.1 That the governor is paid to work in the school and is subject to disciplinary proceedings<sup>2</sup> in relation to this work.
- 2.2 That the governor is the subject of proceedings in any court or tribunal and that the outcome could be that he<sup>3</sup> is disqualified from continuing to hold office as a governor<sup>4</sup>.
- 2.3 That the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or his office into disrepute.
- 2.4 That the governor is in breach of his duty of confidentiality to the school or to any member of staff or to any pupil at the school.
- 2.5 Any breach of a 'Code of Practice', adopted by the governing body is likely to be covered by one of these 'Grounds for Suspension'.

## 3 CALLING A SUSPENSION MEETING<sup>5</sup>

- 3.1 The decision to suspend a governor can only be taken at a full governing body meeting.
- 3.2 The full governing body meeting may be one of the regular meetings of the governing body, or an extraordinary meeting requested by the chair of governors or, in writing to the clerk, by three other governors.
- 3.3 The clerk to the governing body must convene the meeting and give notice of the meeting seven clear days in advance of the meeting.
- 3.4 While more notice than seven days is permissible, it is not permitted to reduce the notice below seven days. The power of the chair, in an emergency, to direct that a meeting be held within a shorter period does not apply in this case.
- 3.5 With notice of the meeting, the clerk must give a copy of the agenda, which must include the discussion of the suspension as a specified item.

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<sup>1</sup> The four grounds for suspension are found in Regulation 17 of 'The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013'

<sup>2</sup> This refers to the personnel procedures adopted by the governors for the school for dealing with alleged misconduct.

<sup>3</sup> While 'he' and 'his' is used in this section, it is not intended to be gender specific, but reflects the styling of the regulations quoted.

<sup>4</sup> Reasons for disqualification are found in Schedule 6 to the Constitution Regulations 2007 or Schedule 4 to the Constitution Regulations 2012 depending on the regulations under which the governing body has been constituted.

<sup>5</sup> This section is based on Regulations 13 and 17 of 'The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013'

- 3.6 This item should be specified as a **confidential item**.
- 3.7 Also with the notice of the meeting, the clerk should provide the governors with a copy of this procedure and a report. The report should give the grounds for the proposed suspension and outline the behaviour of the governor that gives rise to the proposal. The account of the governor's behaviour should be evidence based. It should be clear, concise and objective. It should avoid hearsay and emotive language. The report should note that a suspension may be up to six months.

#### **4 THE SUSPENSION HEARING**

- 4.1 In order to make a decision on a proposal to suspend a governor, the meeting must be quorate. That means there must be at least one half (rounded up to the nearest whole number) of the governors in office at the time.
- 4.2 When the item on the agenda is called, the clerk should remind the governors that this is a confidential matter and that the minutes of this item will be treated as such.
- 4.3 A governor must propose the resolution to suspend and give his/her reasons for doing so.
- 4.4 The governor who is the subject of the resolution is then given the opportunity to make a statement in response.<sup>6</sup>
- 4.5 After making his/her response the governor who is subject to the suspension must withdraw from the meeting while the suspension is discussed.
- 4.6 The governors need to discuss whether to suspend or not and if they are to suspend, the length of the suspension. This may be any length of time up to six months.
- 4.7 In the absence of any standing orders, the governors should decide whether to vote by show of hands or secret ballot.
- 4.8 Governors may vote for the resolution to suspend, against the resolution or they may abstain.
- 4.9 The votes will be counted by the clerk.
- 4.10 Should there be a tied vote, the chair of governors or in his absence the chair of the meeting, will have a second or casting vote.

#### **5 THE DECISION**

- 5.1 The governor subject to the resolution should be called back to the meeting to receive the decision of the governors.
- 5.2 If the decision is to suspend, the governor should then leave the meeting.
- 5.3 The decision should be confirmed in writing by the clerk to the governors as soon as reasonably possible.
- 5.4 The decision and all matters relating to it, including documentation, remain confidential to the governing body.
- 5.5 While suspended, the governor is still entitled to receive any agendas, reports or other papers for meetings of the governing body during the period of his/her suspension.
- 5.6 The time of suspension cannot be included in any length of time leading to disqualification from continuing to hold office by reason of failure to attend meetings.

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<sup>6</sup> The resolution to suspend may be discussed and a decision made if the governor who is the subject of the resolution fails to attend the meeting. The governors however should be sure that the subject of the resolution would have received notice of the meeting in time and that s/he could reasonably have attended.

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