

Governor Support Service Summer 2015 Update to Chairs of Governors and Headteachers

Amendments to Governance Regulations mean that there a number of changes which Heads and Chairs need to be aware of with effect from 1 September 2015:

1. Changes to Statutory School Website Information – Publication of Governor Details & Register of Interests

Publication of Governor Details

Governors hold an important public office and their identity should be known to their school and wider communities. Changes to Governance Regulations mean that governing bodies should therefore publish on their website information about their members.

In the interest of transparency, this needs to be published in a readily accessible form, meaning that the information should be available on the webpage without the need to download or open a separate document.

The information that governing bodies should publish should, as a minimum include:

- The structure and remit of the governing body and any committees, together with the chair of each.
- For each governor who has served at any point over the last 12 months, their:
 - Name
 - Category (Co-opted, Parent, Staff etc.)
 - Date of appointment
 - Term of office
 - Date they stepped down (where applicable)
 - Who appointed them (in accordance with the governing body's Instrument of Government)
 - Relevant business and pecuniary interests including:
 - Governance roles in other educational establishments
 - Any material interests arising from relationships between governors or relationships between governors and school staff (including spouses, partners and close relatives)

Governing bodies should also publish this information for associate members, making clear whether they have voting rights on any of the committees they serve on (see item 3 below)

Publication of Register of Interests

It is important that governors and staff not only act impartially, but are also seen to act impartially. The governing body and school staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the school.

To help put this duty into practice, a governing body is required to establish and maintain a register detailing for all governors and the Headteacher, any business and personal interests. This should include, if appropriate, the company by whom they are employed, directorships, significant shareholdings or other appointments of influence within a business or other organisation which may have dealings with the school. They should include their own interest and those of any member of their immediate family (including partners) or other individuals known to them who may exert influence. A suggested declaration form is attached – this should be signed by each governor and kept in school to be reviewed on an annual basis.

The register itself should be compiled from the information contained on the declaration form. It will enable governors to demonstrate that in spending public money they do not benefit personally from decisions that they make.

From 1 September 2015, governing bodies are also under a duty to publish the register on their website. Governing bodies should ensure the register is up to date, complete and includes all governors.

Declaration of Pecuniary Interests at Governing Body Meetings

At the beginning of each full governing body and each committee meeting, there is a legal duty for all governors to declare if they have any personal interest in any item on the agenda. Any interest can then be recorded in the minutes and where necessary the relevant person can be asked to leave the meeting for that item.

Completion of the declaration of interest form and the publishing of the register does not mean that this item should be omitted from the agenda.

2. Model Governor Code of Conduct

Governing bodies should make it clear in their code of conduct that this information will be published on their governors and, where applicable, their associate members.

Any governor failing to reveal information to enable the governing body to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the governing body into disrepute. In such cases the governing body should consider suspending the governor.

The Local Authority Model Code of Conduct has been reviewed for 2015 to include the requirement to publish governors' details on the website and it is available for download from:

<https://www.sheffield.gov.uk/education/schoolgovernors/guidance/governingbodydevelopment/code-of-conduct.html>

The specific points that have been added or amended are:

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Commitment – new point added

- We accept that in the interests of open government, our names, terms of office, roles on the governing body, category of governor and the body responsible for appointing us will be published on the school's website.

Conflicts of Interest – point amended

- 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 board'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.

3. Associate Members

Why appoint Associate Members?

Associate members should be appointed because of the specific expertise and experience they can contribute to the effective governance and success of the school. The definition of associate member is wide. Subject to the disqualifications set out in the Regulations, the governing body may appoint a pupil, school staff member, or any other person as an associate member so that they can contribute their specific expertise. This can help to address specific gaps identified in the skills of governing body members, and/or help the governing body respond to particular challenges that they may be facing.

Associate members are appointed by the governing body to serve on one or more governing body committee. They may also attend full governing body meetings.

They are not governors and therefore do not have a vote in full governing body decisions, but agreement may be given to allow Associate Members a vote on decision made by committees to which they are appointed. If such an agreement is made, this should be recorded in the terms of reference for the individual committee.

Associate members do not count towards committee quoracy rules (the quorum for any meeting of a committee must be determined by that committee, but in any event must be not less than three governors who are members of the committee, excluding associate members).

Term of Associate Members

Associate members have in the past been appointed by the Governing Body on an open-ended basis with no 'end date' and only removed when Governing Bodies have asked us to do so. On appointment, these members should really have been given a specific term of between one and four years so we have taken this opportunity to add an 'end date' to each Associate Member which will be 4 years from the date of their original appointment.

If appointed more than 4 years ago, we have assumed that they will have been reappointed on a 4 yearly basis thereafter.

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| Original appointment date: | 1 September 2009 |
| Reappointed: | 1 September 2013 |
| New end date: | 31 August 2017 |

Details of who we have on record as your Associate Members can be supplied on request.

4. Changes to Individual Governor Terms of Office Rules

The term of office for all categories of governor is a normally for a fixed period of four years, but a shorter term for individual categories of governor can be agreed by the Governing Body.

From September 2015, the Governing Body can also now choose to specify that the term of office for an individual governor within a category of governor may be between one year and the maximum term the governing body has set for that category, as determined by the appointing body at the time of appointment.

5. Amendment of the School Staffing (England) Regulations 2009

An amendment has been made to these regulations which means that staffing matters (i.e. grievance or disciplinary hearings) may now be delegated to a committee which may include associate members who may also be given voting rights.

Declaration of Business and Personal Interests for School Governors

Name of Governor/Associate _____ Date of Appointment _____ Date of Resignation/Retirement _____

Business Interests	Please provide details of the interest	Date interest ceased
Current Employment		
Businesses (of which I am a partner/proprietor)		
Company directorships		
Charity trusteeships		
Any other conflict		

Personal Interests	Their name	Relationship to me	Nature of the interest	
Immediate family/close connections to the governor working in school				
Business involvement/ company directorships or trusteeships of family/close connections to the governor (e.g. a business the school might deal with)				

Other schools where I am a governor	Name of school	Position held	Date appointed / elected	

Record of Reviews (To be reviewed by each governor for amendment as necessary and signature annually)

Date				
Governor's Signature				

Governors are reminded that completion of this form does not remove the requirement upon them to disclose orally any interest at any specific meeting and to leave the meeting for that agenda item.

Guidance notes

Governors have a legal duty to act only in the best interests of their schools. Where a situation arises in which they cannot do this due to a personal interest they have, steps should be taken to identify, prevent and record the conflict. This ensures governors are acting in the best interests of the school.

In the declaration above, you must provide details relating to:

- Your ownership or partnership of a company or organisation which may be used by the school to provide goods or services;
- Goods or services you offer which may be used by the school;
- Any close relation you have to someone who satisfies either of the above;
- Any close relationship you have to someone who is employed by the school.

Declaring your conflicts of interest is a legal requirement within the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 and for academies, in the Articles of Association and Academies Financial Handbook. However, making an annual declaration does not remove your requirement to make an oral disclosure of the interest and temporarily leave the meeting, where the interest is relevant to something being discussed.

Pecuniary interests

Generally, governors should not participate in any discussions in which they may directly or indirectly benefit from a pecuniary interest, except where the relevant authority has authorised this i.e. legislation for maintained schools or articles of association for academies. A direct benefit refers to any personal financial benefit and an indirect benefit refers to any financial benefit you may have by virtue of a relationship to someone who stands to gain from a decision of the governing body. Both direct and indirect interests must be declared.

Non-pecuniary interests (Conflicts of loyalty)

There may be a non-pecuniary interest whereby the governor does not stand to gain any benefit but a declaration should still be made. For example, this might be where a governor has a family member working in the school. While the governor might not benefit personally, their judgment could be impaired if something was brought up that would affect the family member.

FOR THE GUIDANCE OF GOVERNORS, A SUMMARY OF THE RELEVANT PART OF THE REGULATIONS ABOUT WITHDRAWAL FROM MEETINGS AND DISCLOSURE OF INTEREST ARE SET OUT BELOW.

WITHDRAWAL FROM MEETINGS - HAVING AN INTEREST

The general principle is that no-one should be involved in a decision where his or her personal interests may conflict with those of the governing body or, where his or her interest is greater than any other member of the governing body

- The regulations apply to all members of the governing body and the headteacher and any others in attendance at the meeting, though if a matter is to be voted upon, then only to the members of the governing body.
- The clerk to the governing body shall only be required to withdraw when the governing body is discussing the clerk's pay/contract or disciplinary action against the clerk.
- Governors have to withdraw when their own appointment, reappointment or removal as a member of the governing body or a committee is under consideration.
- Any governor who is employed to work at the school (other than the headteacher), must withdraw from a meeting where the pay or performance appraisal of any particular person employed to work at the school is under discussion.
- The headteacher must withdraw from any meeting where his/her own pay or performance appraisal is under discussion.
- If a person has any pecuniary interest, direct or indirect in any contract, proposed contract or any other matter under discussion at a meeting s/he shall at the meeting disclose the fact and -
 - (a) withdraw from a meeting during the consideration or discussion of the meeting;
 - (b) not vote on any question with respect to that matter.
- A person has an indirect pecuniary interest if:
 - (a) s/he, or any nominee of hers/his, is a member of a company or other body with which a contract is under consideration or has been made;
 - (b) s/he is a partner in business or in the employment, of a person with whom the contract is made or under consideration.
- A person has a direct or indirect pecuniary interest in a matter if a relative (including a spouse) living with her/him, has a direct or indirect pecuniary interest.
- The headteacher (whether a governor or not), a governor who is a teacher or member of the non-teaching staff, or any teacher who is in attendance in an advisory capacity should not have an interest that is greater than the interest of the generality of teachers at the school.
- A person present at a meeting of a selection panel at which the subject for consideration is that person's appointment (or that of his/her relative or spouse) to a post as a teacher or otherwise at the school, a transfer or promotion or retirement or shall be a candidate for the resulting vacancy, s/he shall be deemed to have an interest.