

STANDING ORDERS AND CODE OF PRACTICE

**Including the 2013 Roles, Procedures and Allowances
Regulations 2013**

Contents	Page No.
1. Introduction – including The Roles, Procedures and Allowances Regulations 2013.	2
2. Standing Orders	4
3. Model Standing Order document for schools	5
4. Model Code of Practice/Conduct	12

INTRODUCTION

This document provides an example of “Standing Orders” and a “Code of Conduct/Practice” which you may find helpful. Below is explained the importance of having clear standing orders for your governing board and a good quality code of conduct. However, before you and your governing board make decisions about adopting these documents you need to be aware of the latest legislation concerning governing board and how they are able to operate. To do this you should read the Governance Handbook and legislation on roles, procedures and allowances post 2013. There are links to these documents on <https://cyps.northyorks.gov.uk> Click Governance.

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

To read the full document please go to our website:

<http://cyps.northyorks.gov.uk>

Click – “Governance”, - “General Information”, - “Links.”

This will take you to the DFE website which holds the latest document titled “School Governance Regulations 2013” as well as a lot of other information you may find useful.

The regulations and advice apply to the governing board and school leaders of maintained schools and of federations of maintained schools and the management committees of pupil referral units in England.

The regulations do not apply to academies. However, many of the principles of good governance set out in this advice are reflected in the Governance Handbook which also applies to the boards of academies.

The KEY POINTS are:

- The ‘board of governors’ should operate at a strategic level, leaving the head teacher and senior school leaders responsible and accountable to it for the operational day-to-day running of the school.
- The board should avoid its time being consumed with issues of secondary importance, and focus strongly on 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 its money is well spent.**
- Governors need a robust process and framework for setting priorities, creating accountability and monitoring progress.

- It is good practice for the board to review its own performance regularly and publish an annual statement to explain how it has fulfilled its responsibilities.
- Boards should develop and maintain a scheme of delegation to define explicitly at which level each of its functions will be exercised. It is crucial that the board as a whole retains oversight of the core functions.
- The chair has a vital role in keeping the board focused on its core functions, and in ensuring it operates effectively, including through the active contribution of all its members.
- High quality professional clerking is crucial to the effective functioning of the board.
- Members of the board and its committees must be present in a meeting to vote, but they may be present 'virtually', for example by telephone or video conference

Other points to note in the regulations include:

- The Chair can now be a shared role or if the governing board cannot recruit a chair they can now advertise and recruit a suitable person. This person must be appointed to the governing board prior to the election as chair to an existing vacancy.
- All governors must now be appointed on the basis of their suitability to act in the best interest of the school. **They must have the relevant skills.** In organising elections the governing board can now highlight the skills they are hoping to recruit but the elected governor cannot be removed if they do not have these skills.
- The core functions should drive the work of the governing board.
- Governors should have in place a robust process and framework for setting priorities, creating accountability and monitoring progress.
- Although volunteers, the governors have a vital and demanding role the "School Inspection Handbook" sets out how Ofsted will judge the leadership and management of the school. (See the Ofsted website).
- Governing board can now delegate some functions to committees or individuals. See Governance Handbook.
- Succession planning arrangements should be in place.
- High quality professional clerking is crucial to the effective functioning of the governing board.
- Associate members can now be allowed to vote on committees.
- Proxy voting is NOT permitted but governors can use video conference or telephone to participate in meetings. This should be discussed in advance and a policy agreed.

Standing Orders

Current legislation gives to governing board the flexibility to decide their own procedures unless there is a specific legislative requirement to operate in a particular way.

Whilst most governing boards conduct business in a relatively informal way there is much benefit in having a framework to formalise the business of the governing board.

Standing orders provide such a framework and can avoid disputes arising by procedures and conventions having been agreed previously by the governing board. Standing orders cannot replace regulations or statutory guidance but are additional and supplementary to them.

Set out in this booklet are example standing orders. Governing boards should use the examples as a basis for discussion and take into account their own individual circumstances and adapt the standing orders as appropriate. Those points shown in ***bold italics*** are statutory requirements and cannot be adapted.

The advice contained in this booklet is based on the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

The full details of the Regulations can be found on <http://cyyps.northyorks.gov.uk>

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**Standing Orders for Procedural Workings of
The Management Committee
of Craven Pupil Referral Service**

1. Meetings of the Management Committee

The governing board shall meet twice each term, ie: 6 meetings each school year. **(Note: governing boards are legally required to meet at least 3 times per school year)**

2. Chair and Vice-Chair – term of Office

The chair and vice-chair shall have a term of office of 4 years. The term shall begin at the first governing board meeting of the autumn term at which the chair and vice-chair are normally elected and shall end at the first meeting following the (insert period) anniversary of their election. In the event of the chair and/or vice-chair ceasing to occupy their post(s) part way through their respective term(s) of office then their successor(s) shall serve out the remainder of their predecessor's term.

When the office of chair or vice-chair becomes vacant the governing board must elect a new chair or vice-chair at the next meeting. If the chair is absent from a meeting, or if the chair is vacant, the vice-chair will act as chair for all purposes.

3. Election of Chair and Vice-Chair

The clerk shall take the chair for the item dealing with the election of the chair and, in the event of a failure to elect a chair, for the item dealing with the election of the vice-chair. In the event of the governing board failing to elect a chair or a vice-chair the governing board shall elect a chair for the meeting. In the event of the governing board failing to elect a chair for the meeting then the meeting shall stand adjourned and the clerk, acting in consultation with the immediate past chair and the head teacher, shall convene a further meeting within 28 days of the adjournment.

4. Election of Chair and Vice-Chair – procedure

(Note: Unless the chair and/or vice-chair have been elected for a longer period the election of the chair and vice-chair takes place at the first meeting of the governing board held in the autumn term. Governing boards are free to adapt the following procedure to suit their own needs.)

The following procedure shall apply to the election of the chair and vice-chair:

- the clerk shall invite nominations from the meeting. A governor may nominate him/herself;
- if only one candidate is nominated that candidate must withdraw from the meeting whilst the remaining governors vote by secret ballot on whether to accept or reject the nominated candidate. In the event of an equality of votes the clerk **does not** have a casting vote and a "no decision" shall be recorded in the minutes;
- the clerk shall then invite further nominations from the meeting. If a further candidate is nominated but the result is the same, or the candidate is rejected, the clerk shall move on to the election of the vice-chair. The election of the chair shall then be placed as an item on the agenda for the next meeting of the governing board;
- if two candidates are nominated then both nominated candidates shall withdraw from the meeting whilst a secret ballot takes place. The chair shall be elected by a simple majority of the votes cast. In the event of each candidate polling the same number of votes then the successful candidate shall be decided by the toss of a coin;
- if 3 or more candidates are nominated and none of the candidates achieves a simple majority of the votes cast (e.g. 5.3.3.) then there shall be a second secret ballot to try to achieve a candidate with a simple majority (e.g. 6.3.2.) or, failing that, the candidate with the fewest votes (e.g. 5.4.2.) shall be eliminated;
- the unsuccessful candidate may then return to the meeting and a further secret ballot takes place between the two remaining candidates;
- following his/her election the chair shall take over the meeting immediately and conduct the election of the vice-chair using the same procedure.
- if the governing board fails to elect a chair or a vice-chair it shall elect a chair for the meeting;
- if the meeting fails to elect a chair for the meeting then the meeting shall stand adjourned and shall be re-convened within 7 days. (*not more than 28*).

5. Annual Calendar of Meetings and Business

At the first meeting of the autumn term the governing board shall approve a calendar of governing board and committee meetings and of planned business for the ensuing year and the clerk shall, within 14 days, of the meeting provide a copy of the calendar to all members of the governing board.

6. Notice of Meetings and Agenda

Every member of the governing board shall receive the following *at least seven clear days in advance of a meeting*:

- *written notice of the meeting*;
- *a copy of the agenda for the meeting*;

- *a copy of any reports or papers to be considered at the meeting.*

This standing order shall not apply where the chair of the governing board so determines on the ground that there are matters demanding urgent consideration. In that case the written notice of the meeting shall state that fact and the agenda, reports and other papers to be considered at the meeting are received within such shorter period, as the chair shall direct.

Where the governing board agree, notice can be sent by email but this should be discussed in the FGB and a protocol agreed. Governors who have shared family emails should set up one for themselves which is not accessed by other family members and all aspects of confidentiality should be discussed.

7. Agenda Items

With the agreement of the chair of the governing board or of the relevant committee any member of the governing board shall be entitled to include, on the agenda for any governing board or committee meeting, an item(s) on any particular issue provided that written notice thereof is given, as appropriate, to the chair of the governing board, or of the relevant committee and to the clerk at least 14 days prior to the meeting taking place.

8. Quorum

- the quorum for a meeting of the Management Committee shall be not less than 50% of the number of members in post at the time of the meeting or such other number as may be determined from time to time by regulations issued by the Department for Education;
- the quorum for a meeting of any committee of the Management Committee shall be at least three (3) members who are members of that committee;
- associate members shall not be included in the calculation for quorum purposes.

9. Voting

- every proposition shall be seconded prior to the vote being taken;
- every proposition shall be determined by a show of hands or, at the discretion of the chair of the meeting, by general consensus;
- only those governors at the meeting and present in the room at the time of the proposition being put by the chair shall be entitled to vote; (please note the one exception to this is a vote to change the name of the school where ALL governors would be required to vote and for this reason a proxy vote is allowed, this would also require the school to

adopt the 2012 School Governance (Constitution) (England) Regulations)

- in the event of a tied vote the chair shall have a second or casting vote;
- after a proposition is put from the chair, but before the vote is taken, any two governors by show of hands may require that the voting be recorded in the minutes of the meeting to show whether each governor present gave his/her vote for or against the proposition or abstained from voting. It is recommended that this would be a confidential minute;
- after a proposition is put from the chair, but before the vote is taken, any two governors by show of hands may require that the voting shall be by secret ballot;
- in the event of requisitions for both a secret ballot and a recorded vote then the requisition for the secret ballot shall take precedence and no action shall be taken on the requisition for a recorded vote.

10. Confidential Matters

Prior to the consideration of or discussion on any matter on any agenda for a meeting of the governing board or of any committee, consideration shall be given as to whether the matter includes confidential information and the governing board or committee shall determine whether the public or any other person, not being a member of the governing board, should be excluded from the meeting during the consideration of the matter. In the event of any matter being deemed to be confidential then the minutes of the discussion and decision **shall be excluded** from the minutes of the meeting to be made available for public inspection. This standing order is additional to the requirement for governors to withdraw from a meeting and take no part in the consideration or voting on any item in which they have a declarable interest as required by standing order 18.

11. Minutes of Meetings

The draft minutes of all governing board and committee meetings shall be approved by the chair of the meeting within 14 days of the meeting having taken place. Thereafter the approved draft governing board minutes shall be circulated to all members of the governing board *within 21 days of the meeting having taken place* or with the agenda for the next meeting of the governing board/committee**. The minutes of committee meetings shall be circulated with the agenda for the next succeeding governing board meeting.

All non-confidential minutes shall be made available for public inspection only after they have been submitted for approval to the next succeeding meeting of the governing board or committee, as appropriate.

**delete as appropriate*

12. Record of Attendance

Every governor attending a meeting of the governing board or of any of its committees of which s/he is a member shall sign her/his name in the attendance book or sheet provided for that purpose.

13. Apologies for non-attendance at meetings of the Management Committee

All apologies together with the reason(s) for non-attendance at a meeting of the governing board shall be submitted to the clerk or to the chair not later than the commencement of the meeting. ***The Management Committee shall then determine whether such absence(s) should be treated as a 'consented' or 'non-consented' absence(s) and recorded as such in the minutes of the meeting.*** The failure to submit an apology shall be deemed to be a 'non-consented' absence and recorded as such in the minutes of the meeting.

14. Disqualification for non-attendance

Any governor, with the exception of the head teacher, who fails to attend any meeting of the governing board for a consecutive period of 6 months without the approval of the governing board, and such approval being recorded in the minutes, shall be automatically disqualified from serving as a governor. The period of 6 months shall begin from the date of the first meeting missed by the governor. Foundation (but not ex-officio foundation) governors, community governors, partnership governors or sponsor governors so disqualified shall not be eligible for nomination, election or re-appointment as a governor of any category for a period of 12 months immediately following his/her disqualification. Parent or staff governors are eligible for nomination and election (or appointment in the case of parent governors) immediately following their disqualification.

15. Records of the Management Committee

The clerk to the Management Committee shall be responsible for maintaining and keeping up to date the records of the Management Committee which for the purpose of this standing order shall comprise the following:

- the minutes of the meetings of the Management Committee and its committees;
- the record of attendance;
- the register of business interests;
- the record of hospitality/gifts;
- copies of DBS information;

- copies of self-declaration forms to confirm that members are not disqualified for any of the criteria listed;
- any such other records as may be determined from time to time by formal resolution of the Management Committee.

The records of the Management Committee shall be kept in a secure place provided at the school and shall be available for inspection by the public, members of the governing board, parents of pupils at the school and the Local Authority. Confidential items and confidential minutes shall not be made available for public inspection.

16. Register of Business Interests

Every member shall complete the register of business interests within one month of their election/appointment as a governor. Entries in the register shall be updated as and when necessary and in any event annually. In the event of any member having no registerable business interests then a NIL return shall be recorded for that member(s).

17. Conduct

All Members of the Management Committee shall abide by the The Nolan Principles on Public Life as follows:

- **Selflessness** - holders of public office should take decisions 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 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 decisions and actions that they take. They should give reasons for their decisions 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.

18. Declarations of Interest

If any member of the Management Committee has any interest, whether pecuniary or otherwise, in any item on the agenda for any meeting at which they are present, they shall declare such interest prior to the consideration of that item and shall immediately leave the room and take no part in the consideration of or voting on that item.

19. Urgent action by the chair/vice-chair of the Management Committee

Where it is not reasonably practical to hold a meeting of the Management Committee (or of the relevant committee that has the delegated authority to deal with any matter) or where the relevant 7 days notice of the meeting cannot be given and there will be a delay that would be seriously harmful to the school or to any pupil or member of staff if the matter is not dealt with then the chair (or in their absence the vice-chair) shall have authority to take such action as is deemed appropriate in the circumstances to deal with the matter. Such action must be reported to the next available meeting of the governing board or committee.

20. Financial and other guidance

The Management Committee and any committee(s) established by it shall, at all times, abide by the North Yorkshire County Council Financial Standing Orders and any directions that may be issued by the Children and Young People's Service (LA) under The Code of Practice on Local Education Authority – School Relations, Ref.: Def. 0027/2001 and any subsequent amendment thereto. The governing board shall also have regard to and take account of any advice or guidance that may be issued by the LA from time to time.

21. Variation and revocation of standing orders

Any motion to add to, vary or revoke these standing orders unless appearing in full on the agenda for the meeting shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Management Committee. Any decision to add to, vary or revoke standing orders shall take effect when specified in the resolution or immediately in default of a time and date being specified.

22. Interpretation of Standing Orders

The ruling of the chair as to the construction or application of any of these standing orders, or as to any proceedings of the governing board, shall be final and shall not be challenged at any meeting of the Management Committee or committee.

23. Associate Members

Any reference in these standing orders to a member shall, where the context so admits, include associate members.

If you have any queries about information in this booklet please contact:
Governor Support Services
Tel: 01609 532936 email: Governor.Support@northyorks.gov.uk

Code of Practice (Conduct)

The ability of a Management Committee to work together for the good of the school depends essentially on trust and an understanding of common purpose. Governing boards may find it helpful, therefore, to consider adopting a Code of Practice, which would also be a valuable guide for prospective new members. An example of a Code of Practice is given below. It is not intended to be definitive but to offer guidance and governing board should use it as a basis of discussion and adapt it to suit their own individual needs.

Code of Practice

The Management Committee of Craven Pupil Referral Service

At a meeting of the Management Committee of Craven Pupil Referral Service held on 13th October 2016 the principles and procedures embodied within this Code of Practice were formally adopted.

- Reconfirmed at the meeting held 17th September 2019

General

- we have corporate responsibility for determining, monitoring and keeping under review the strategic policies, plans and procedures within which the school operates;
- we recognise that the headteacher is responsible for the implementation of policy, day-to-day management of the school and the implementation of the curriculum;
- we accept that all governors have equal status, and although appointed by different groups (e.g. parents, staff, LA) our overriding concern will be the welfare of the school as a whole;

- we have no legal authority to act individually, except when the governing board has given us delegated authority to do so;
- we have a duty to act fairly and without prejudice, and in so far as we have responsibility for the employment of staff, we will fulfil all that is reasonably expected of a good employer;
- we will encourage open government and should be seen to be doing so;
- we will consider carefully how our decisions may affect other schools and the community served by our school.

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 board, attend regularly, and accept our fair share of responsibilities, including service on committees or working groups;
- we will get to know the school well and respond to opportunities to involve ourselves in school activities;
- we will consider seriously our individual and collective needs for training and development.

Relationships

- we will strive to work as a team;
- we will seek to develop effective working relationships with the head, staff, parents, the LA and other relevant agencies (including the Diocesan Authorities, where appropriate) and the community.

Confidentiality

- we will observe complete confidentiality when required or asked to do so by the governing board, especially regarding matters concerning individual staff or pupils;
- as a matter of trust we will not discuss the views of fellow governors with members of the public outside our meetings;
- we will exercise the greatest prudence if a discussion of a potentially contentious issue affecting the school arises outside the governing board.
- we will take great care when using any social media platforms that we do not break any confidences or bring the school or governing board into disrepute.

Conduct

- we will encourage the open expression of views at meetings, but accept collective responsibility for all decisions made by the governing board or its delegated agents;

- we will not speak or act on behalf of the governing board unless we have been specially authorised by it to do so;
- in making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing board;
- our visits to the school will be undertaken within the framework established by the governing board and agreed with the headteacher;
- in discharging our duties we will always be mindful of our responsibility to maintain and develop the aims, values, ethos and reputation of our school;
- we will abide by The Nolan Principles of Public Life.
- we will not use any social media platforms to bring the school into disrepute or discuss any confidential issues.

Publication of Governor's details and register of interest*

I agree to publish on the school website the following information:

- 1) name
- 2) category of governor
- 3) the board which appoints me
- 4) my term of office
- 5) the names of any committees I serve on
- 6) the details of any positions of responsibility such as chair or vice-chair of the governing board or a committee of the governing board

I agree to the publication of my relevant business interests and any details of any other educational establishments I govern.

I also agree to the publication of information on the school website any relationships between myself and any staff members including spouses, partners and relatives.

*The Constitution of Governing Bodies of Maintained School Statutory Guidance Sep 2016. (Points 30 – 33).