



**DISCOVERY**  
EDUCATIONAL TRUST

## **Trustee and Local Governor Code of Conduct**

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## **Introduction**

Trustees and Local Governors are considered “holders of public office”. This Code of Conduct, therefore, incorporates the relevant provisions of the Code of Conduct for Board Members of Public Bodies (June 2019).

In discharging the duties of Trustees of the Trust Board (TB) and of Local Governors on Local School Committees (LSCs), an individual must always be mindful of the over-riding responsibility to maintain and develop the ethos, values and reputation of the Discovery Educational Trust (DET) and its Schools.

As a Trustee or Local Governor, an individual’s behaviour and actions must be governed by the principles set out in this Code of Conduct. It is an individual’s responsibility to ensure that they are familiar with and complies with all the provisions of the Code.

## **Key Principles of Public Life**

The key principles upon which this Code of Conduct is based are the Seven Principles of Public Life, as developed by the Nolan Committee. These are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try, inappropriately, to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles, and be willing to challenge poor behaviour wherever it occurs.

These principles should inform all actions and decisions taken as Trustees and Local Governors.

## **General Conduct**

### **Use of Public Funds**

Trustees and Local Governors have a duty to ensure the safeguarding of public funds, and the proper custody of assets, which have been publicly funded.

Trustees and Local Governors must carry out these obligations responsibly – that is, take appropriate measures to ensure that DET and its Schools use resources efficiently, economically and effectively, avoiding waste and extravagance.

It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby Parliament, Government or political parties.

### **Allowances**

Trustees and Local Governors must comply with the rules as detailed in the Financial Regulations (refer Appendix 1) set by the TB regarding remuneration, allowances and expenses. It is a Trustee/Local Governor responsibility to ensure compliance with all relevant [HM Revenue and Customs' requirements concerning payments, including expenses.](#)

### **Gifts and Hospitality**

Trustees and Local Governors must not accept any gifts or hospitality, which might, or might reasonably appear to, compromise their personal judgement or integrity or place them under an improper obligation.

Trustees and Local Governors must never canvass or seek gifts or hospitality.

Trustees and Local Governors should inform the Chair of the TB or the Chair of the LSC respectively of any offer of gifts or hospitality, and ensure that, where a gift or hospitality is accepted, this is recorded in a public register. The DET register is maintained and managed by the DET Deputy Chief Financial and Operations Officer (DCFOO).

Trustees and Local Governors are responsible for decisions taken on the acceptance of gifts or hospitality, and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring their role, DET and its Schools into disrepute.

Reference should be made to the DET Gifts and Hospitality Policy.

### **Use of Official Resources**

Trustees and Local Governors must not misuse official resources for personal gain or for political purposes. This includes facilities, equipment, stationery, telephony and other services.

### **Use of Official Information (Confidentiality)**

Trustees and Local Governors must not misuse information gained in the course of their role for personal gain or for political purpose.

Trustees and Local Governors must observe confidentiality regarding proceedings of the TB and LSC in meetings, including any vote, and from visits to the DET Schools.

Trustees and Local Governors must not disclose any information, which is confidential in nature or which is provided in confidence, without authority. This duty continues to apply after they have left the role of Trustee or Local Governor.

Trustees and Local Governors must observe complete confidentiality when required or asked to do so by the TB or LSC, especially regarding matters concerning individual members of staff or pupils, both inside and outside of School.

Trustees and Local Governors must exercise the greatest prudence if a discussion of a potentially contentious issue affecting DET and/or its Schools arises outside of TB or LSC meetings.

Trustees and Local Governors must ensure that all confidential papers are held and disposed of appropriately.

### **Political Activity**

Trustees and Local Governors should be, and should be seen to be, politically impartial. They should not occupy a paid party-political post, or hold a particularly sensitive or high-profile role in a political party. They should abstain from all controversial political activity and comply with the principles set out [in Cabinet Office rules on attendance at party conferences](#) and on [conduct during the period prior to elections and referendums](#), whether local or national.

On matters related directly to the work of DET and its Schools, Trustees and Local Governors should not make political statements or engage in any other political activity.

Trustees and Local Governors should inform the Chair of the TB or the Chair of the LSC respectively before undertaking any significant political activity. Subject to the above, they may engage in political activity, but should, at all times, remain conscious of their responsibilities as a Trustee or Local Governor, and exercise proper discretion.

If a Trustee or Local Governor is a Member of Parliament, member of the House of Lords, member of a devolved legislature, directly elected mayor, local councillor or police and crime commissioner, they are exempt from these requirements. There is no bar on such representatives taking a political party whip relating to their political role. Trustees and Local Governors must exercise proper discretion on matters directly related to the work of DET and its Schools, and recognise that certain political activities may be incompatible with the role of Trustee or Local Governor. Trustees and Local Governors should not allow themselves to become embroiled in matters of political controversy.

In an official capacity, Trustees and Local Governors should be even-handed in all dealings with political parties.

### **Employment and Appointments**

If a Trustee/Local Governor wishes to take up additional employment or appointments during their term of office as Trustee or Local Governor, they must inform the Chair of the TB or the Chair of the LSC respectively in advance, and allow them the opportunity to comment.

### **Conflicts of Interest**

It is important for anyone involved in spending public money to avoid any actual or perceived conflict between their business and personal interests, financial or otherwise, and the affairs and interests of DET and its Schools, and to demonstrate that they do not benefit personally from the decisions in which they are involved.

It is the responsibility of Trustees and Local Governors to ensure that they are familiar with the requirement to comply with DET's processes on handling conflicts of interest. Should a Trustee/Local Governor identify a conflict of interest, they should consider, with advice from

the Chair of the TB or the Chair of the LSC, how these should best be managed and agree these with the TB.

All Trustees, Local Governors and staff with significant financial responsibility and/or influence are required to complete an annual declaration of business interests. The register is open to public inspection and is published on the DET/School websites. All registers are also distributed to all Chairs (TB, LSC and Committees), EHT/HTs and School Business Managers to ensure full awareness of all conflicts/potential conflicts.

- Trustees and Local Governors must declare publicly, on the TB's or LSC's register of interests, any private financial or non-financial interests of their own, or of close family members, which may, or may be perceived to, conflict with their public duties as Trustee or Local Governor.
- Trustees and Local Governors must ensure that their entry in the TB or LSC public register of members' interests is complete, current and accurate.

All Trustees, Local Governors and staff must be given the opportunity to verbally declare previously undeclared interests, and any previously declared interests that may be relevant to the agenda, at every Committee, LSC and TB meeting.

- Trustees and Local Governors must remove themselves from the discussion or determination of matters in which they have a financial interest.
- Trustees and Local Governors may remain in the meeting, but must not participate in the discussion or determination of matters in which they have a non-financial interest, where the interest might suggest a danger of bias.

Trustees and Local Governors accept that, in the interests of open governance, their full name, date of appointment, terms of office, roles on the TB/LSC, attendance records, relevant business and pecuniary interests, category of Local Governor and the body responsible for the appointment is published on the DET and its Schools' websites.

In the interests of transparency, Trustees and Local Governors accept that information relating to them is collected and logged on the Department for Education's (DfE) national database of governors (Get Information About Schools – GIAS).

## **Responsibilities as a Trustee and Local Governor**

Trustees and Local Governors must ensure that they understand the purpose and role of the TB and LSC.

Trustees and Local Governors should play a full and active role in the work of the TB and the LSC. They should fulfil their duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of DET and its Schools. Trustees and Local Governors have a public sector [Equality Duty](#) to promote an inclusive and diverse culture in DET and its Schools, and their actions should help create an environment where different perspectives and backgrounds are encouraged and valued. Trustees and Local Governors must act to prevent and reduce inequality and actions that would cause DET and its Schools to breach the Equality Act 2010.

Trustees and Local Governors should deal with members of the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of their ability.

Trustees and Local Governors must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.

Trustees and Local Governors must not harass, bully or act inappropriately towards or discriminate others. Such behaviour is inconsistent with what is expected of them in the role of Trustee or Local Governor and is not tolerated.

Trustees and Local Governors must comply with any statutory or administrative requirements relating to their post.

Trustees and Local Governors must always be mindful of their responsibility to maintain and develop the ethos and reputation of DET and its Schools.

Trustees and Local Governors must not use, or attempt to use, the opportunity of public service to promote their own personal interests or those of any connected person, firm, business or other organisation.

Trustees and Local Governors must inform the Chair of the TB or the Chair of the LSC respectively of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director in advance of appointment, or should any such instances occur, during their appointment.

Trustees and Local Governors must inform the Chair of the TB or the Chair of the LSC respectively of any change in their circumstances, which results in them becoming bankrupt, subject to a police investigation, convicted of a criminal offence or disqualified from being a company director.

The Chair of the TB or LSC has additional responsibilities in leading the TB or LSC and in ensuring that the principles covered in this Code of Conduct are upheld.

### **General**

The TB and LSC have responsibility for determining, monitoring and keeping under review the broad policies, plans and procedures within which DET and its Schools operate.

The TB and LSC accepts and respects the difference in the roles between the TB, LSC, executive leaders and staff, ensuring that everyone works collectively for the benefit of the organisation.

The TB and LSC recognises that the Executive Headteacher (EHT)/Headteacher (HT) is responsible for the implementation of policy, management of the School(s) and the implementation and operation of the curriculum.

The TB and the LSC accept that all Trustees and Local Governors have equal status and, although appointed by different groups, i.e. Members, parents/carers and staff, the overriding concern is the welfare of DET and its Schools and the staff and pupils.

Trustees and Local Governors have no legal authority to act individually, except when the TB or the LSC has delegated that authority to them and, therefore, Trustees and Local Governors should only speak on behalf of the TB or LSC when authorised to do so.

Trustees and Local Governors have a duty to act fairly and without prejudice and, in so far as they have responsibility for staff, they fulfil all the legal expectations as, or on behalf of, the employer.

The TB and the LSC encourage open government and shall be seen to be doing so.

The TB and the LSC carefully consider how decisions may affect the local community and other schools.

In making or responding to criticism or complaints, Trustees and Local Governors must follow the DET Complaints Policy and Procedure.

### **Commitment**

Trustees and Local Governors acknowledge that accepting office in these roles involves commitment of significant time and energy. They are appointed to serve on trust in the expectation that they will make time in their schedule to attend and fully participate in the work of DET.

Trustees and Local Governors should actively involve themselves in the work of the TB and LSC respectively, attend regularly and accept an equitable share of responsibilities, including service on committees or working groups and in Link Trustee/Local Governor roles.

Trustees and Local Governors must make every effort to attend all meetings and, where they are unable to attend, explain, in advance, the reason.

Trustees and Local Governors should make themselves familiar with DET Schools and respond to opportunities to involve themselves in School activities.

The expectation is that all Trustees visit all DET Schools, at least, once in each academic year, and that Local Governors make regular and frequent visits to their respective School for monitoring visits and for whatever other reason as may be relevant/necessary.

Trustees and Local Governors seriously consider individual and collective needs for induction, training and development and undertake relevant training in a timely manner.

### **Relationships**

The TB and the LSC strive to work as a team in which constructive working relationships are actively promoted.

The TB and LSC support the Chair in their role of ensuring appropriate conduct both at meetings and at all other times.

The TB and LSC are prepared to answer queries in relation to delegated functions, consider concerns expressed, and recognise the time, effort and skills of those involved in the delegated function.

The TB and the LSC seek to develop effective working relationships with the Members, Trustees, Local Governors, the Chief Executive Officer (CEO), EHT/HT, staff, parents/carers, other relevant agencies and the local community.

The TB and LSC express views openly, courteously and respectfully in all communications with other Trustees and Local Governors, the Governance Professional and School staff both during and outside of meetings.

### **Decision Making**

The TB and the LSC encourage the open expression of views at meetings.

Trustees and Local Governors should respect the principle of collective decision-making and corporate responsibility. This means that, once the TB or LSC has made a decision, they should support that decision both in public or private, outside of TB and LSC meetings.

## **Public Statements**

Trustees and Local Governors should only speak or act on behalf of the TB or LSC when they have been specifically authorised to do so. In making or responding to criticism or complaints affecting DET or its Schools, they should follow the DET Complaints Policy and Procedure.

## **Visits to DET Schools**

When visiting DET Schools, all visits should be arranged in advance with the CEO, EHT/HT and relevant staff.

Trustee and Local Governor visits to the DET Schools must be undertaken within the framework established by the TB and LSC, in agreement with the CEO, the EHT/HT and staff.

When visiting the DET Schools in a personal capacity, i.e. as a parent/carer, a Trustee/Local Governor must maintain an underlying responsibility as a Trustee/Local Governor.

## **Communications**

When formally speaking or writing as a Trustee or Local Governor, they must ensure that any comments reflect current organisational policy, even if they differ from their personal views.

When communicating in a private capacity (including on social media and via electronic message applications), Trustees and Local Governors must be mindful of, and strive to uphold, the reputation of DET and its Schools.

Trustees and Local Governors must avoid becoming involved in any communication (including email and all electronic message applications), which may lead to a conflict of interest with their role on the TB or LSC.

Trustees and Local Governors must not engage in any electronic communication/chat mechanism, including SMS and WhatsApp, that involves the disclosure of personal data or sensitive personal information of anyone associated with DET/its Schools.

DET and its Schools' business must always be conducted through official email addresses, which must be secured with password controls. Email should be treated like any other form of written communication and, as such, the content should be appropriate and accurate and data compliant.

## **Social Media**

Social media is a public forum and the same considerations, including the provisions of this Code, apply as would to speaking in public or writing something for publication, either officially or in a personal capacity. When engaging with social media, a Trustee/Local Governor should, at all times, respect confidentiality, financial, legal and personal information.

Where any personal social media accounts, used by a Trustee/Local Governor, refer or link to their role as Trustee or Local Governor, care must be taken to ensure that it is clear in what capacity the Trustee/Local Governor is acting.

## **Responsibilities towards Employees**

Trustees and Local Governors treat any staff employed by DET with courtesy and respect. It is expected that employees will show Trustees and Local Governors the same consideration.



Trustees and Local Governors must not ask or encourage employees to act in any way, which would conflict with their own Code of Conduct.

### **Raising Concerns**

Trustees and Local Governors should confront malpractice by speaking up against and bringing to the attention of the relevant authorities, any decisions and actions that conflict with the seven principles of public life, or which may place pupils at risk.

Trustees and Local Governors should ensure that DET and its Schools have open, transparent and safe working environments, where employees feel able to speak up and raise concerns and where complaints procedures are clearly communicated.

Reference should be made to the DET Whistleblowing Policy.

If Trustees/Local Governors have concerns about a possible breach of this Code, that is:

- a concern that a Trustee/Local Governor or any member of DET staff is being asked to act in contravention of their own Code of Conduct, or
- a concern about misconduct or wrongdoing in any other area

they have a responsibility to raise that with the Chair of the TB or the Chair of the LSC respectively.

Should it be the Chair, who has breached this Code of Conduct, the matter should be referred to the Vice Chair to investigate.

### **Suspension of Trustee or Local Governor**

The Members and the TB may suspend any Trustee or Local Governor for a breach of this Code of Conduct.

However, Members or Trustees only use suspension/removal as a last resort after seeking to resolve any difficulties in more constructive ways.

**I agree to abide by this Code of Conduct. Additionally, I attest to having read the Charity Commission Guidance CC3 – The Essential Trustee: what you need to know, what you need to do, CC8 – Internal Financial Controls for Charities and CC23 – Exempt Charities.**

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**Signed [insert Trustee or Local Governor Name]**

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**Date**

## Appendix 1

### Extracted from DET Financial Regulations

#### 12.MEMBERS, TRUSTEES and GOVERNORS' ALLOWANCES

The policy in respect of payment of allowances to Members, Trustees and Local Governors must be openly available to parents/carers, Members, Trustees and Local Governors. The TB must consider the payment of allowances annually, and the outcome must be recorded appropriately in the minutes.

The Education (Governors' Allowances) Regulations 2003 provide the legal framework for TBs to pay 'out of pocket' expenses to their Members, Trustees and Local Governors. The DfE guidance, which accompanied those regulations states, "It is good practice to pay such allowances as governors should not be out of pocket for the valuable work they do".

Legitimate allowances include: travel allowances to TB/LSC meetings or training courses, cost of child-care while attending meetings or training, cost of photocopying/printing papers for TB/LSC business.

The Trust reimburses mileage expenses to Members/Trustees/Local Governors for journeys at a rate in accordance with the limitations set out by HMRC.

Rates of subsistence are paid up to the rates below, do not include claims for alcohol and must be supported by receipts. The same conditions apply as set out in Section 2.7 covering mileage and subsistence.

Breakfast	£5.00
Lunch	£5.00
Evening Meal	£10.00

Authorisation of Member/Trustee/Local Governor expenses is by the CoTB. Claims by the CoTB are authorised by both the Vice Chair of the TB and the CEO.