

Fylde Coast Academy Trust



The best we can be

FCAT Code of Conduct for Members, Trustees, Governors and Committee Members

Policy Version & Issue Date	Version 2.1 – 21 st October 2022
Policy Version / Issue Date and amendments	Version 1 – July 2021 Version 2 – September 2022: Updated to reflect amended governance structures Version 2.1 – October 2022 Trustee updates included
Electronic copies of this plan are available from	FCAT Governors' Services
Hard copies of this plan are available from:	FCAT Governors' Services
Review frequency:	Annually / as required
Date of next review:	September 2023
Person responsible for Policy / review:	Ciara Gregson
Approval by FCAT Board:	21 st October 2022

CONTENTS

CONTENTS	1
1 Aims, scope and principles	2
2 The 7 Nolan principles of public life	2
3 Governance responsibilities	3
4 Working with others.....	5
5 Commitment to governance	5
6 Openness and transparency.....	6
7 Confidentiality	7
8 Data Protection.....	8
9 Social Media	8
10 Monitoring arrangements	9
11 Appendix 1: breaches of the code of conduct	10

1 Aims, scope and principles

This policy aims to set and maintain standards of conduct that we expect all members, trustees and governors to follow.

By creating this policy, we aim to ensure that trustees and governors carry out their role with honesty and integrity, and help us to ensure the academies within FCAT maintain an environment where everyone is safe, happy and treated with respect.

The code is based on the [Governance Handbook](#). It should be read alongside our constitutional documents (articles of association and scheme of delegation).

Failure to follow the code of conduct may result in disciplinary action being taken, as set out in the appendix.

Please note that this code of conduct is not exhaustive. If situations arise that are not covered by this code, trustees and governors will use their judgement and act in the best interests of the academy and its pupils.

This policy is to be adopted by the FCAT Board of Trustees.

2 The 7 Nolan principles of public life

As trustees and governors, we will follow these [principles](#) set out by the government at all times. They apply to anyone who holds a public office:

- **Selflessness** – we will act in the public interest
- **Integrity** – we will not act or take decisions to gain financial or other material benefits for ourselves, our family, or our friends. We will declare any conflict of interests
- **Objectivity** – we will act and take decisions impartially, fairly, and on merit. We will use the best evidence and avoid discrimination or bias
- **Accountability** – we understand that we are accountable to the public for our decisions and actions. To make sure of this, we will be scrutinised where necessary
- **Openness** – we will act and take decisions openly and transparently. We will not withhold information from the public unless there are clear and lawful reasons for doing so

- **Honesty** – we will be truthful
- **Leadership** – we will actively promote and support the above principles and will challenge poor behaviour wherever it happens

3 Governance responsibilities

The core functions of the **FCAT Members** are to:

- Agree and review the Articles of Association which specify the charitable objects and governance arrangements including the appointment, removal and voting rights of members and Trustees.
- Hold the trust board to account for the effective governance of the trust, protecting the company from failures of governance and failure to uphold the charitable purpose of the organisation.
- Receive company accounts and appoint external auditors annually.

The core functions of the **FCAT Trustees** are to:

- Ensure clarity of vision, ethos and strategic direction for the Trust
- Hold executive leaders to account for the educational and financial performance of FCAT, and performance management of executive staff
- Oversee the financial performance of the FCAT and make sure money is well spent

The core functions of **FCAT Local Governing Bodies** are to:

- Ensure clarity of vision, ethos and strategic direction for the Academy in alignment with the Trust
- Hold the Academy Headteacher to account for educational performance, reporting key points from each meeting to the FCAT Board of Trustees.
- Performance management of the Headteacher, supported by the Executive Headteacher

In order to do this effectively, as individuals we will:

- Understand and respect the distinction between the role and responsibilities of the Board of Trustees and Local Governing Bodies and those of the executive leaders / Headteachers
- Set and maintain an ethos of high expectations for everyone in the academy community, including in the conduct and the professionalism of the Board of Trustees / Local Governing Body itself
- Not undermine fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Operate and make decisions in the best interests of pupils, informed by the views and needs of our key stakeholders (pupils, parents, staff, the local community and the local authority)
- Follow the policies and procedures established by FCAT and the Academy, and the procedures of the board as set out in relevant legislation, statutory guidance, and constitutional documents
- Take responsibility for our self-evaluation, regularly reviewing our board's performance, constitution and skillset
- Take part in any training or development required to fill any gaps in the skills we need for effective governance
- Understand that where responsibility has been delegated, the board as a whole remains accountable and that important decisions relating to core functions will be made by the full board
- Comply with relevant guidance, legislation and our funding agreement that sets out how we must manage our money, and procure goods and services
- Act with integrity and transparency when making financial decisions, and understand that our financial management and decision-making will be scrutinised and audited
- Declare all gifts and record them on the gifts and hospitality register, in line with the FCAT Gifts and Hospitality Policy. We will not accept bribes
- We will work to actively identify and manage risks to the Trust / Academy

4 Working with others

We will:

- Support and strengthen academy leadership by providing constructive challenge to leaders, and holding them to account
- Respect the role of the executive leaders / Headteachers and avoid routine involvement in operational matters
- Express views openly, courteously and respectfully in all our communications
- Work together as a board to develop effective relationships with the executive leaders / Headteacher, staff, parents and all other stakeholders
- Engage meaningfully with the communities we serve and understand that we are answerable to these stakeholders
- Follow the Equality Act 2010, and apply the principles of fairness and equality in everything we do

5 Commitment to governance

We:

- Will attend all meetings where possible. Where we cannot attend, we will explain our valid reason and give suitable advance notice. We understand that absences will be reviewed by the Board of Trustees on a regular basis
- Will seek consent from the Board of Trustees for any expected long term absence from meetings (e.g. maternity leave)
- Understand and accept the time and workload commitments of the role
- Understand that work should be shared among members and that all Members, Trustees, Governors and Committee Members are expected to take an active role.
- Will prepare ahead of meetings to ensure we make informed contributions based on facts, evidence or experience.

- Will, as LGB governors, participate in regular pre-arranged academy visits in accordance with Trust policy.
- Will attend any training or development activity needed to ensure the board has a wide range of skills and expertise.

6 Openness and transparency

Conflicts of interest

To make sure our Board and delegated committees take impartial decisions and our committees and LGBs offer advice without bias, we will:

- Publish an up-to-date register of business and pecuniary interests of all Members, Trustees, Committee and LGB members including associate members.
- Declare any potential conflicts of interest or loyalty at the beginning of each meeting, and withdraw from the meeting for the relevant item of business and not vote on the matter
- To act in the best interests of FCAT / the Academy as a whole and not as a representative of any group

Publishing information

To ensure our governance arrangements are transparent and open to the communities we serve, we will make certain information publicly available.

We accept that the following information will be published, in a readily accessible format, on the Trust's / Academy's website to ensure transparency in accordance with the requirements of the Academies Financial Handbook:

- The structure and remit of the Members, Board of Trustees and its Committees including LGBs (please see the FCAT scheme of delegation for governance functions), and the full name of the chair of each.
- For each member serving at any point over the past 12 months their:
 - Full names

- Date of appointment
 - Date they stepped down (where applicable), and
 - Relevant business and pecuniary interests including governance roles in other educational institutions
- For each Trustee and LGB Governor who has served at any point over the past 12 months, their:
 - full name
 - date of appointment
 - term of office
 - date they stepped down (where applicable)
 - the appointing body
 - relevant business and pecuniary interests
 - attendance records at Board, Committee and LGB meetings over the last academic year
 - We accept that the information about Members, Trustees, Governors and Committee Members will be published on Get Information About Schools (GIAS)
 - We accept that the information about Trustees will be published on Companies House
 - We accept that the approved board, committee and LGB minutes and any agenda and papers considered at a meeting will be made available on request from any interested person

7 Confidentiality

In the course of our role, we are sometimes privy to sensitive information. We will observe confidentiality when discussing this information, and will not publicly disclose:

- Information about sensitive matters
- Information about named individuals such as staff, pupils and their parents
- Details of individual Members, Trustees, Governors and Committee Members' contributions in meetings or how they may have voted.

Confidential information will never be:

- Disclosed to anyone without the relevant authority
- Used to humiliate, embarrass or blackmail others
- Used for a purpose other than what it was collected and intended for

Our commitment to confidentiality does not overrule our duty to report child protection concerns to the appropriate channel where we believe a child is at risk of harm.

We will continue to observe confidentiality after we have left office.

Breaches of confidentiality

In the event of a breach of confidentiality, we will inform the relevant Chair as soon as possible who will investigate the matter further.

Members, Trustees, Governors and Committee Members understand that if they breach confidentiality, they may be suspended or removed from their position.

8 Data Protection

We will follow FCAT's information security processes and measures and data protection policy when using, storing, sharing and disposing of personal data.

Our commitment to data protection does not overrule our duty to report child protection concerns to the appropriate channel where we believe a child is at risk of harm.

Personal data breaches

We will inform the FCAT data protection officer immediately if we believe that there has been a personal data breach.

9 Social Media

We will:

- Uphold the reputation of the Trust and its academies at all times
- Maintain a professional presence online and carefully consider how we interact with the community

- Review privacy settings regularly to make sure we are happy with the information about us that is publicly available
- Report any incidents of harassment we experience, or see towards Members, Trustees, Governors or Committee Members to the FCAT Governance Lead

We will **not**:

- Accept friend requests from pupils. Any parent with a child at an FCAT academy who is involved in the governance arrangements will exercise due caution if receiving friend requests or invitations to join any private parent groups associated with the Trust or one of its academies. No other Member, Trustee, Governors or Committee Member will accept such invitations or join such groups.
- Disclose any information which is confidential or would breach data protection principles
- Make comments online about any Member, Trustee, Governor or Committee Member, any staff member, pupil or their parents, or any other member of the FCAT community.
- Post any inappropriate/offensive language, images or comments on social media that may bring us or the academy into disrepute

10 Monitoring arrangements

This code of conduct will be reviewed and agreed annually, upon significant changes to the law, or as needed. It will be ratified by the Board of Trustees, upon significant changes to the law, or as deemed appropriate.

11 Appendix 1: breaches of the code of conduct

If we suspect that a Member, Trustee, Governor or Committee Member has breached the code of conduct, or there is cause for concern about an individual's conduct, the following persons will be designated chair with responsibility for investigation of all concerns and allegations:

- The Chair of an LGB will investigate suspected breaches by Governors and will be escalated to the Chair of Trustees when the suspected relates to the Chair of an LGB.
- Suspected breaches by a Committee Member will be investigated by the Chair of the Committee.
- Trustees suspected of breaching the code of conduct will be investigated by the Chair of Trustees, or escalated to Members when the suspected breach relates to the Chair of the Trust.
- Members suspected of breaching the code of conduct will be investigated by another Member, supported by the Chair of Trustees.

All investigations will follow the procedures detailed below:

- **Stage 1:** The designated chair will investigate and, where appropriate, meet with the Member, Trustee, Governor or Committee Member to discuss the issue. The meeting will be supported by a member of the FCAT Governance Team who will provide written confirmation of any resulting outcomes and actions such as reminders of expectations or additional support, mentoring and training requirements.
- **Stage 2:** If the breach is considered sufficiently serious, there is no improvement in the individual's behaviour or there is another suspected breach, the matter will be escalated to the Chair of Trustees or to Members as appropriate. The outcome of any such escalation may involve:
 - Further meetings to reset expectations, based on this code of conduct
 - Additional support, mentoring or training
 - Withdrawal from votes connected to any disputes they have been involved in
 - A request for Trustees / Members to vote on a motion for suspension for up to six months or removal of the Member, Trustee, Governor or Committee

Member. This is a last result and will not be used without the above steps being taken, other than in exceptional circumstances.

- Suspensions for up to six months will be considered in the following cases:
 - They have acted in a way that is inconsistent with the professional ethos of governance including failing to undertake training appropriate to the role, whether or not directed to do
 - They have brought, or is likely to bring the Trust, Academy or the governance role into disrepute. This may include:
 - Speaking out publicly against the academy / trust
 - Being disrespectful to members of the FCAT community
 - Behaving inappropriately in a public forum, such as a PTA meeting or on social media
- Removal from office will be considered in the following cases:
 - There have been repeated grounds for suspension.
 - There has been serious misconduct which will be determined based on the facts of the case, including any actions that compromise the 7 principles of public life.
 - They display repeated and serious incompetence.
 - They have engaged in conduct aimed at undermining fundamental British values.
 - Their actions are significantly detrimental to the effective operation of governance, or their actions interfere with the operational efficiency of FCAT or its academies.
 - There has been a repeated failure to attend meetings without advance notice and provision of an acceptable reason or prior consent for longer term absence from the board of trustees