

CODE OF CONDUCT FOR THE GOVERNING BODY

INTRODUCTION

In this Code 'College' means 'Carmel College', and 'Member', 'Governor', 'Chair', 'Principal' and 'Clerk' mean respectively the Member, 'Governor', Chair, Principal and Clerk (for the time being) of the College's Governing Body. All other definitions have the same meaning as given in the College's Instrument & Articles of Government.

Members of the College's Governing Body should:

DUTIES

- a) support the aims and objectives of the College, showing it the highest loyalty, and act in good faith in its interests. Each member should also act honestly and diligently in promoting the interests of the College and its students in the wider community;
- b) observe the provisions of the College's Instrument & Articles of Government, with particular reference to the responsibilities which cannot be delegated, e.g. to decide strategic policy and overall direction and to monitor the performance of the Principal and other senior postholders;
- c) have regard to the responsibilities given to the Principal in the Articles of Government, e.g. to implement the decisions of the Governing Body and to manage the College's affairs within the budgets and framework fixed by the Governing Body. Members should work together so that the Governing Body and the Principal perform their respective roles effectively;
- d) work within the parameters set out in the Financial Memorandum - should a Governor be concerned that the Governing Body may be acting outside its powers with regard to any particular decision, he/she should immediately refer the matter to the Clerk, who may then take advice from an appropriate independent source, if necessary;
- e) work co-operatively with other Governors for the benefit of the College as a whole and not for any improper purpose, or for personal motive (the 'benefit of the College' can be taken to mean, first and foremost, the interests of its students and other users of the College's services and the safeguarding of public funds. Governors should have regard to

those interests and must not allow any sectional interest to take precedence);

COLLECTIVE RESPONSIBILITY

- f) acknowledge that differences of opinion may arise in discussion of issues *at quorate meetings* but, a decision of the Governing Body, even when it is not unanimous, is a decision taken by the Governing Body collectively and each individual Governor has a duty to stand by it, whether or not he/she was present at the meeting when the decision was taken;
- g) note that if a Governor disagrees with a decision taken by the Governing Body, his/her first duty is to have any disagreement discussed and minuted. Should the Governor strongly disagree, he/she should consult the Chair and, if necessary, then raise the matter with the Governing Body when it next meets. Should there be no meeting scheduled, the Governor may refer to clause 9(3) of the College's Instrument of Government as to the power to call a special meeting and, if appropriate, exercise it, requesting the Clerk to circulate the Governor's views in advance to all other members of the Governing Body. Alternatively, the Governor may decide to offer his/her resignation from office, after consulting with the Chair of Governors.
- h) base his or her view on matters before the Governing Body on an honest assessment of the available facts, unbiased by partisan or representative views (Governors are not appointed as 'representatives' or 'delegates' of any outside body and may not lawfully be bound by mandates given by others);
- i) acknowledge that, as an individual Governor, he or she has no legal authority outside the meetings of the Governing Body and its Committees;
- j) understand that an individual Governor does not have the right, other than through the Chair and Governing Body's agreement, to make statements or express opinions on behalf of the Governors;

SKILL, CARE & DILIGENCE

- k) a member of the Governing Body should, in all his/her work for the College, exercise such skill as he/she possesses and such care and diligence as would be expected from a reasonable person in the circumstances. This will be particularly relevant when members act as agents of the College, e.g., when functions are delegated to a Committee of the Governing Body or the Chair. Members should be careful to act within the terms of reference of any Committees on which they serve.

CONFLICTS OF INTEREST

- l) resist any temptation or outside pressure to use the position of Governor to benefit yourself or other individuals or agencies and immediately report to the Clerk any offers or receipt of gifts, hospitality or benefits of any kind from a third party, which might be seen to compromise your personal judgement or integrity;
- m) Governors are reminded that, under clause 7(1) of the College's Instrument of Government, they must not take or hold any interest in any of the College's properties or receive any remuneration for their services (save as a member of the College's staff).

Governors are also reminded that, under clause 7(2) of the College's Instrument of Government, they must disclose to the Governing Body any financial interest which they have, or may have, in:

- a) the supply of work or goods to or for the purposes of the College
 - b) any contract or proposed contract concerning the College, or
 - c) any other matter relating to the College
- n) note that an interest does not have to be financial for the purposes of disclosure. If it is likely, or would if publicly known, be perceived as being likely to interfere with the exercise of a Governor's independent judgement, then the interest, financial or otherwise, should immediately be reported to the Clerk and fully disclosed to the Governing Body before the matter giving rise to the interest is considered.

Governors should withdraw from that part of the meeting at which the matter giving rise to the interest is considered and on no account may vote in relation to the matter.

- o) note that the Clerk maintains a Register of Governors' Interests, which is open for public inspection. Governors are required to disclose routinely to the Governing Body all business interests, financial or otherwise, which they or (so far as they are aware) their spouses or partners, children or other close relatives may have, and the Clerk will enter such interests on the Register. Governors should inform the Clerk whenever their circumstances change and interests are acquired or lost. In deciding whether an interest should be disclosed, Governors should have regard to the meaning given to 'interest' in paragraph (o) of this Code.

CONFIDENTIALITY

- p) ensure that, as a general principle, students and staff of the College have free access to information about the proceedings of the Governing Body. Accordingly, agendas, minutes and other papers relating to meetings of the Governing Body should normally be available for public inspection when the Chair of Governors has approved them for publication.

- q) respect the confidentiality of those items of business which the Governing Body decides, from time to time, should remain confidential, e.g. when sensitive issues or named individuals are considered, or for other good reasons. Such excluded items will be kept in a confidential folder by the Clerk and will be circulated in confidence to Governors. However, staff and student Governors may not have access to minutes dealing with matters in respect of which they are required to withdraw from meetings under clauses 11(5 a, b, c) or (6 a, b) of the College's Instrument of Government;
- r) note the importance of the Governing Body and its Committees having full and frank discussions in order to take decisions collectively. To do this, there must be trust between Governors with a shared corporate responsibility for decisions. Governors should keep confidential any matter which, by reason of its nature, the Chair or Governors, or the Chair or Members of any Committee, of the Governing Body are satisfied should be dealt with on a confidential basis.
- s) not make statements to the press or media or at any public meeting relating to the proceedings of the Governing Body or its Committees without first having obtained the approval of the Chair or, in his/her absence, the Vice Chair. It is unethical for Governors publicly to criticise, canvass or reveal the views of other Governors which have been expressed at meetings of the Governing Body or its Committees.

GOVERNANCE DEVELOPMENT

- t) take or seek opportunities to enhance his or her effectiveness and to obtain a thorough grounding in their duties and responsibilities as a Governor through participation in training and development programmes and by increasing his or her own knowledge of the college;
- u) carry out an annual review of the performance by the Governing Body of its duties and responsibilities, as part of a continuing process of self-evaluation and in order to promote more effective Governance.

ATTENDANCE AT MEETINGS

- v) give priority, as far as practicable, to attendance at meetings of the Governing Body and its Committees in order to ensure that Governors can perform their functions properly;
- w) have regard to his or her broader responsibilities as a Governor of a public institution, including the need to promote public accountability for the actions and performance of the Governing Body;
- x) ensure that a procedure is in place to allow staff/students, etc, to disclose, in confidence, any suspicions they may have that fraud or malpractice is taking place within the college or being perpetrated by a member of the management/governance team, without fear of intimidation arising from this.

This Code of Conduct is intended as a guide for Governing Body members, to indicate the standards of conduct which are expected of them, to enable them to understand their legal duties and to assist them both in carrying out their duties and in their relationship with the College and the Principal. This Code is, therefore, aimed at promoting effective and well informed college governance and is not intended to be a definitive or authoritative statement of the law. In addition to this Code, Governing Body members are recommended to familiarise themselves with the following documents, which will be supplied to them on appointment:

- a) the College's Instrument & Articles of Government;
- b) the College's Strategic Plan;
- c) the Financial Memorandum adopted into by the College

Should a member of the Governing Body be in any doubt about the provisions of any of these documents, the Clerk should be consulted and, if necessary, legal advice should be obtained. However, ultimate responsibility for the appropriateness of conduct as a member of the Governing Body and for any act or omission in that capacity rests with the individual Governor.

NB: This Code of Conduct applies to every Committee, Working Party or other subsidiary body of the Governing Body to which members may be appointed.

Code of Conduct

This Code of Conduct has been drawn up following the guidelines issued by the Sixth Form Colleges' Employers' Forum (Bulletin 9/93). Employees of Carmel College should make sure that they fully understand the rules that are set out in this Code. It is an employee's responsibility to follow these requirements on every relevant occasion and, if unclear, advice should be sought from the deputy principal or from a personal legal adviser.

Employees of the College are expected to set the highest standards at all times in order that the College should achieve its Mission and that the reputation of the College should be safeguarded. In drawing up this set of guidelines it is hoped that:

- a) both the College and its employees can benefit from clear rules;
- b) standards of conduct at work can be set;
- c) employees should be clear what is expected of them.

1. Whole time service

During their contracted hours of work, members of staff are required to work solely for the College, unless permission from the deputy principal is otherwise specifically granted.

If permission is granted then payment for that work should be made to the College, if the College is not otherwise reimbursed.

Members of staff accepting employment outside their contracted College hours should seek advice from the deputy principal before taking up such employment in case a conflict of interest arises. Permission will not be unreasonably withheld.

For designated senior post holders (presently the principal) advice should be sought from the governors.

2. Confidentiality

No member of staff should disclose:

- information on employees or students;
- financial information, marketing strategies and business plans.

Such confidentiality should continue to be honoured after cessation of contract.

3. Copyrights, designs and patents acts

It should be noted that:

- copyright of documents produced for courses run by the College belongs to the College;
- inventions, designs and development work produced at College remain the property of the College;
- the College will decide when to apply for patents and registered designs.

4. Declaration of interests

Declarations should be made of personal, family or direct pecuniary interest when:

- firms or individuals are tendering for contracts;
- in the appointment of staff;
- in the selection of students;
- completing requisition forms.

5. Hospitality and gifts

College staff should take care when any sort of hospitality or gifts are offered to them. Neither should be accepted if there is the least possibility that they have been offered as an inducement to favour a particular contractor or supplier. Promotional gifts such as pens and diaries are acceptable. Where there is some doubt as to whether larger items are acceptable, then guidance should be sought from the principal or, in the final instance, the governors.

6. Authorised absence

Authorised absence may only be agreed by either the principal or the vice-principal.

7. *Timekeeping*

It is essential that all members of staff are punctual in their work. Full-time teaching staff should be in College at least ten minutes before the College day. On days when a briefing is held all full-time teachers must be present for that briefing. Part-time tutors should be in College at least ten minutes before starting to teach. It is expected that all lessons should start and finish on time.

As a general rule full-time teachers should be on the premises during the working day in order that they are available for consultation with both students and colleagues.

8. *Health and safety*

Good health and safety practices are the responsibility of every member of the College. The College's Health and Safety Policy details all aspects of good practice including:

- fire regulations and fire drill;
- COSHH regulations and the use of protective clothing, especially in College laboratories;
- safe working environment.

Everyone must comply with the safety policy. All employees should read this document carefully since failure to comply with the provisions of this policy may result in disciplinary action being taken, but more importantly could lead to injury to yourself or others.

A copy of the policy can be obtained from the site manager or alternatively a copy is kept in the personnel office, staffroom and library.

Staff are also reminded that the College operates a no smoking policy within the building.

9. *Use of College facilities*

Members of staff may use the College telephone system for private calls provided that the duration and distance of the call are recorded. The person must then pay the cost of the call to the finance office.

Other items of College equipment may be available for loan provided that this does not affect their use for College business and that they are not damaged. Staff should also ensure that their own insurance policy covers such items. Permission should be sought from the AV technician, or appropriate curriculum leader, before removing equipment from the College premises.

10. *Contact with the Press*

Members of staff should seek permission from the senior tutor marketing and liaison before having any contact with the press or media on anything pertaining to College business. Enquiries from the press or media should be directed to the marketing office.

11. *Staff/student relations*

Staff should be aware that they should keep relationships with students on a professional basis at all times.

12. *Equal opportunities*

The College exists to serve the whole community in line with its Mission Statement. All staff should have a commitment to the College's equal opportunities policy.

Reviewed September 2002