**5**

**Code of Conduct and Management of Conflicts of Interest**

*For Schools decision-making*

*DRAFT April 2016*

**Contents**

**Part 1 The Code of Conduct for Members of Schools Forum and similar groups**

**I. Purpose of the Code**

**II. General Principles of Conduct**

**III. General Duties and Expectations**

**IV. Registration and Declaration of Interests**

**I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist schools as members of wider decision-making groups in the discharge of their obligations to their peers, their local communities and the public at large by:

a) setting out the standards of conduct that are expected of Members of Schools Forum and similar groups\* when they are acting in that capacity, and in so doing

b) providing the openness and accountability necessary to reinforce public, schools’ and Local Authority confidence in the way in which Members perform those activities.

c) Seeking to identify and manage any potential conflicts of interest that might compromise the transparency and objectivity of decision-making, in the context of a rapidly-changing organisational landscape

*\* Although the wording of the code refers to Schools Forum, it is anticipated that other groups, such as Education Excellence Board Strategic Group would adopt the same approach as appropriate.*

**II. General Principles of Conduct**

1. In carrying out their duties in respect of Schools Forum, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office.

“*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.”

**III. General Duties and expectations**

1. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
2. Members have an overriding duty to act in the interests of children and young people in the Authority’s area as a whole, but also have a special duty to represent the views of the cluster or group that they represent on the Forum and not necessarily the views of their individual school or the MAT that they belong to.
3. Members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
4. When making decisions on behalf of or as part of the Forum, Members should have due regard to any relevant advice provided by the Council’s financial officer.

**IV. Registration and Declaration of Interests**

1. **Potential Conflicts of Interest**

**There can appear to be a conflict of interest when an individual’s ability to exercise judgement in one role is impaired or perceived to be impaired by their obligation in another due to the existence of competing interests.**

Examples of relevant interests include:

* directorships, trusteeships or employment by a Multi-Academy Trust
* share holdings in organisations which may seek to do business with schools or the Forum
* membership of or a position of trust in a charity or voluntary organisation in the field of education, health or social care
* any other employment, business involvement or relationship or that of a spouse or partner that conflicts, or may potentially conflict with the interests of the Forum.

More specifically, for Schools Forum, the members represent a ‘constituency’ or cluster of schools, whose interests may differ from their individual school or the MAT to which they belong. For example, a particular MAT may have an interest in providing a service funded by Forum, so a school which is a member of that MAT may need to declare an interest prior to discussion of the approach to procuring that service.

1. **Register of Interests**

The LA on behalf of the Forum chair will:-

* Maintain a Register of Declarations of Interest
* make arrangements to ensure all schools have access to these registers on request
1. **Meeting Etiquette**

The agenda for Forum meetings will contain a standing item at the commencement of each meeting, requiring members to declare any interests relating specifically to the agenda items being considered. If during the course of a meeting, an interest not previously declared is identified, this shall be declared. The Chair of the meeting is responsible for ensuring declarations are requested. Minutes of the meeting shall detail all declarations made.

Where a conflict of interest is identified the following is undertaken:-

* When conflicts of interest arise a decision should be made as to whether it is appropriate that the individual(s) is:-
	+ excluded from decision-making
	+ excluded from discussion prior to a decision (and/or excluded during the making of a decision)
	+ or if it remains appropriate for full participation.
* A meeting will agree who will take over chairing the meeting if the chair has a conflict of interest in an agenda item.
* The minutes will record all declarations of interest and actions taken in mitigation
1. **Members’ responsibility for Registration and Declaration of Interests**

Members shall fulfil conscientiously the requirements of the Forum in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Forum.

1. **DO** fulfil the requirements of the Forum in registering your interests in the Register of Members' Interests.
2. **DO** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Forum with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
3. **DO** approach the Chair or the Authority’s Senior Officer at the Forum if you feel that your interest should be treated as sensitive or are unsure about the need to declare it.
4. **DO** comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a potential conflict of interest.
5. **DO** ensure that your register of interests is kept up to date and notify the Chair in writing within 28 days of becoming aware of any change in respect of your disclosable interests.
6. **DO** make verbal declaration of the existence and nature of a potential conflict of interests at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.