CONTENTS

Briefing Note:

1. Governing Board Agenda Items for the Autumn Term
2. Clerking Competency Framework
3. Power to Remove Elected Governors
4. Achieving best value for money
5. Exclusions from schools, academies and pupil referral units
6. Updated Requirements for School Websites
7. Advice on Preventing and Tackling Bullying and Cyber bullying

New Format for the Briefing Notes
This edition of Briefing Notes is the first to be circulated electronically. The Briefing Notes will now be issued via email and will also be displayed on the Bradford Schools Online website and can be accessed via this link https://bso.bradford.gov.uk/content/governor-briefing-notes

Future editions of Notepad (published for subscribers of services from School Governor Service) will also be circulated electronically, as will new training opportunities for governors and it is, therefore, extremely important that all governors ensure that any changes to their email addresses are shared with the School Governor Service at school.governor@bradford.gov.uk

These notes are designed so that they can be copied as individual documents and considered by governors with responsibility for the matter each outlines and discussed with the relevant school staff and governors.

If governors have any queries on matters included in these Briefing Notes or would like a particular topic to be included then please contact the School Governor Service at the email address above.

The production of these Briefing Notes is one of the services provided by the School Governor Service for all schools in the District. Thank you for the work you and your governing board do in support of your school and its pupils.

Governor Forums
Governor Forums are held in both Bradford and Keighley. These free termly sessions are focussed around topics requested by governors or updates which will impact upon the work of governing boards. The Forums from this term onwards have been moved to dates which are slightly earlier in each term to enable governors to make use of the information in a more timely fashion. The dates of the Forums for both the Autumn Term 2017 and the Spring Term 2018 are advertised in the Governor Training Programme. The Forum is now open to all governors but initially limited to two places per board. Any governor wishing to attend the Forum is requested to reserve a place by contacting school.governor@bradford.gov.uk as this enables the School Governor Service to provide resources and refreshments for the numbers attending. Autumn Term 2017 Forum dates are:

Monday 9 October at Margaret McMillan Tower
Or
Tuesday 10 October at Eastwood Community Primary School, Keighley
Both from 6.30pm – to 8.00pm

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# BRIEFING NOTE 1

## Governing Board Agenda Items for the Autumn Term

Items in **bold** are statutory requirements

### First Meeting:

1. **Maintained schools:** Elect Chair and Vice Chair and agree end date of term of office (as and when their term of office has expired, usually one year but can be up to four years)
   - **Academies:** Elect or minute appointment of local governing board Chair and Vice Chair in accordance with scheme of delegation.

2. Elect School Governor Forum Representatives

3. Declarations of Pecuniary and Other Interests (signed originals to be retained in school for audit purposes)

4. Review and Update Statutory Information to be published on-line including governor attendance at meetings during the previous academic year

5. Review Membership and Terms of Reference (Remits) of Committees and Working Parties, including Pupil Discipline and Staff Dismissal Committees together with Admissions Committee (if the school is an admissions authority)

6. Appoint Clerk to Committees and either appoint Chairs or agree to delegate this to each committee

7. Review delegation of responsibilities including financial delegation e.g. to Head teacher

8. Identify any 'named' and/or 'link' Governors (SEN, Safeguarding including Child Protection, LAC)

9. Receive Headteacher’s Report including overview of summer results unless primary when these are considered in the July meeting

10. Review and agree school development plan priorities 2017-18 including linked performance management priorities

11. Pupil Premium: Impact and Use of Funding updated report to end of academic year 2016 -17 including agreement of report for website

12. Review previous year’s work of Governors and set objectives for governing body for the year including a schedule of monitoring and evaluation visits

13. Agree programme of meetings (including committees) for the coming year, if not already undertaken in the Summer term.

14. Review SATs / public examination results / standardised tests and progress towards targets e.g. Evaluation of EYFS, Year 1 Phonics check, KS1 and KS2 results.

15. **If the school is an admissions authority consult on admissions policy for next school year.**

16. Receive Quarterly financial return (unless delegated to committee) Academy year end and accounts audited for ratification

### Second Meeting:

1. Staff presentation linked to a development plan target

2. Review Arrangements for Headteacher Performance Management.

3. Receive Headteacher’s Report

4. Review the Pay of all Staff (not statutory for academies)

5. Set holidays for next academic year

6. Receive behaviour and attendance report

7. Identify future work

8. Receive report on the operation, outcomes and impact of performance management reviews and continuous professional development within the school

9. Review Pupil Premium plan for year including format for school website

10. Report from Governor Forum

11. Report re Safeguarding including trends and analysis – consider Safeguarding as a standard item
Other items which should be discussed on a regular/planned basis:

- Write/review policies (include assessing for adverse impact on equality with regard to race, gender and protected characteristics)
- Consider school improvement reports and presentations (external School Improvement Partner/ external consultants)
- Reports from Committees
- Reports from ‘named’ governors (e.g. SEN, Safeguarding, Action plan links)
- Governors’ visits to school
- Governor development and training (include succession planning for governors whose term is nearing an end)
- Reports from governors who have attended training or a conference
- Induction of new governors
- Update school Self Evaluation Form (SEF)
- Evaluate external data e.g. School Performance Tables and Analyse School Performance (Raise) and School Comparison Tool (Financial Benchmarking Site)
- Review school charging and Lettings policies

Monitoring Actions for Governors outside of meetings e.g.:

- Meet with School Council
- Visit link classes
- Learning walks focussing on aspects of School Development Plan
- Classroom visits linked to School Development plan priorities
- Staff input on lead priorities
- Head Teacher’s Performance Management
- Community and parental links – review
- Named Governors actions e.g. Safeguarding - checking Single Central Record
Clerking Competency Framework

Published by DfE in April 2017 this contains ‘The knowledge, skills and behaviours required to provide professional clerking to the governing boards of maintained schools, academies and multi-academy trusts’

In the foreword Sir David Carter, National Schools Commissioner for England, explains:-

‘The Department for Education recognises the value of professional quality clerking to governing boards in maintained schools, academies and multi-academy trusts. As anyone who has experienced professional clerking will testify, it provides an invaluable contribution to the efficiency, effectiveness, productivity and compliance of the governing board. A professional clerk works in partnership with the chair to keep the board focused on its core strategic priorities, provides independent and expert advice and guidance to the board on its duties and functions, and delivers administrative support that makes everything work smoothly.

Together with the updated Governance Handbook and the new Competency Framework for Governance it forms a trio of resources published in 2017 that set high expectations for the role and functions of governance in our education system. I make no apology for the stretch that many will feel in reading them. Our children deserve the best possible education, and everyone involved in governance – whether sitting on a board or providing clerking services to it – must strive for the highest professional standards. Only in setting high expectations for themselves can they set the very highest of expectations for our school leaders and the children they teach.’

Throughout the document the emphasis is on professional-quality clerking providing

- administrative and organisational support;
- guidance to ensure that the board works in compliance with the appropriate legal and regulatory framework, and understands the potential consequences for non-compliance; and
- advice on procedural matters relating to the operation of the board.

Professional clerking may also involve designing structures and procedures for the sound governance of the organisation - particularly in larger and more complex organisations.

The vital role that clerks play in supporting each of the six features of effective governance in the Governance Handbook is itemised.

The four clerking competencies are:

1. Understanding Governance
2. Administration
3. Advice and Guidance
4. People and relationships

and each of these has an explanation of its importance and a list of skills and effective behaviours which a professional clerk should demonstrate.

Actions now and for the future:

Chairs will find the framework useful in helping them to consider ways in which their clerk can work more effectively to support the work of the governing board. The DfE is in the process of commissioning the provision of training for clerks based on these competencies and this should be available from early in 2018. Governing boards will need to consider whether:

- additional training for their clerks would be helpful and/or
- they are making the best use of the existing skills of their clerk to ensure that the work of the governing board is managed professionally.

Ref: https://www.gov.uk/government/publications/governance-handbook
Power to Remove Elected Governors (Maintained Schools)

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017

These regulations have given powers to a governing board to remove elected staff or parent governors by amending the School Governance Constitution (England) Regulations 2012.

The Regulations came into force in May 2017, just prior to the election. The amendment means that s 24A of the Constitution Regulations now reads:

24A.—(1) Any parent governor, elected in accordance with regulation 6(1), or any staff governor, may be removed by the governing body in accordance with the procedure set out in regulation 25."

The procedure for removing elected governors is the same as for other categories of governors. That is by resolution of the governing body but only if:

• the removal is confirmed by a resolution passed at a second meeting of the governing body not less than 14 days after the first meeting
• the removal of the governor has been specified as an item on the agenda of both meetings; and
• the following additional conditions are satisfied:
  ➢ Where the governor concerned is an ex-officio foundation governor, or is a partnership governor whose removal has been requested by the nominating body, the additional condition is that the governing body considers the reasons for removal and gives the governor concerned the chance to make a statement in response.
  ➢ Where the governor concerned is a co-opted governor, a partnership governor or a parent governor, the governor proposing the removal must at the meeting give reasons for the proposal and the governor concerned must have the chance to make a statement in response. (Regulation 25)

Elected governors who are removed under this provision are disqualified from holding or continuing to hold office as a governor of a school until the date immediately after the fifth anniversary of the date of their removal as an elected parent or staff governor under these Regulations.

The School Governor Service requests that the names of any governors removed from office under this provision are sent to School.governor@bradford.gov.uk so that any other school at which that person is a governor can be informed of the removal.

The regulations are reflected in August 2017 guidance document; extracts below:

‘The five year disqualification term for removal (of elected governors) reflects the expectation that the power to remove an elected governor will only be used in exceptional and serious circumstances (and such seriousness will depend on the facts of the case)’. (Page 23)

‘The governing body may also remove an appointed or an elected, parent or staff governor. It is advised that every effort be made to avoid potential difficulties later by informing prospective election candidates, or appointees, of the nature of the role. It is advised that their agreement is secured to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. A code of conduct is expected to detail (within the parameters of relevant regulations and this guidance) the circumstances in which the governing body may suspend or remove a governor’. (Page 23)

BRIEFING NOTE 4

Achieving best value for money

Crown Commercial Service (CCS) quarterly newsletter

The CCS has published its quarterly newsletter for schools and academies. This provides information about how schools can achieve best value for money and ensure they are compliant with legislation when spending public money in relation to common goods and services. In the latest newsletter, the CCS looks at:

- The Multifunctional Devices Framework (MFD)
- The Crown Marketplace purchasing platform
- Payment services
- Water, Wastewater and Ancillary Services
- Vehicle ePurchase auction
- Government eMarketplace

The governing board is the accountable body for schools and academies and one of their core functions is to oversee the financial performance of the organisation and make sure its money is well spent.

Governors need, therefore, to ensure that their school or academy is making best use of the information available when entering into contracts, even in those areas where the authority for spending has been delegated.

Exclusions from schools, academies and pupil referral units

Updated statutory guidance has been published by the DfE for those with legal responsibilities in relation to exclusion. This guidance applies from 1 September 2017 and covers the following key points:

- The legislation governing the exclusion process remains unchanged. This statutory guidance has been updated in a small number of areas, in particular to provide greater confidence to head teachers on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.

- In January 2015, the Department amended regulations to clarify that a governing board’s duty to arrange education from the sixth day of fixed-period exclusion is triggered by consecutive fixed-period exclusions totalling more than five days.

- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil’s behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil’s educational needs is required.

- Schools should have a strategy for reintegrating a pupil who returns to school following fixed-period exclusion and for managing their future behaviour.

- All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of exclusion; and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

- Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.
• An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board’s decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having Special Educational Needs (SEN), all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert’s role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.

• Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

Ref: https://www.gov.uk/government/publications/school-exclusion
Updated Requirements for School Websites

Updated guidance on the information that must be published on school, free school and academy websites was released by the DfE in June 2017. Governing boards need to ensure that schools have taken account of this guidance and that their websites comply with the statutory requirements.

New requirements affect for example the schools website information on complaints, SENCO, Pupil Premium etc.

For maintained schools the information can be found at:-
https://www.gov.uk/guidance/what-maintained-schools-must-publish-online

For free schools, academies and colleges the information can be found at:-
https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online

Guidance also referring to Publication of governors’ details and register of interests on websites is included in the August 2017 guidance, extract below:

'governing bodies are now required to provide the Secretary of State with whatever information she requires for the purpose of the exercise of her functions in relation to education. This means that governing bodies must provide to the Secretary of State for Education certain details they hold, as volunteered by their governors, through EduBase (or replacement GIAS system) and keep the information up to date.'

Schools subscribing to School Governor Service ‘Information, Advice and Guidance’ package can receive additional support on reviewing and updating their website.

Please contact school.governor@bradford.gov.uk for further information.

Advice on Preventing and Tackling Bullying and protecting staff and children from Cyberbullying

Statutory advice for headteachers and school staff on how to protect themselves from cyberbullying and how to tackle it when it happens has been released by the DfE. This states that one in five teachers (21%) have reported having derogatory comments posted about them on social media sites from both parents and children.

‘Creating a good school-parent relationship can help create an atmosphere of trust that encourages parents to raise concerns in an appropriate manner. Part of this is making sure that parents and carers are aware and understand how to communicate with the school. Schools should also make clear that it is not acceptable for pupils, parents or colleagues to denigrate and bully school staff via social media in the same way that it is unacceptable to do so face to face.’

The document also contains advice for school staff to enable them both to protect themselves and behave responsibly in relation to the use of social media and for school leaders on the need to ensure their policies and practices are effective. These make clear the need to ensure that behaviour of both staff and pupils outside school is acceptable ‘for example teachers’ and pupils’ use of social networking services and other sites, so as not to harm others or bring the school into disrepute.’

As governors will be aware the governing board has a statutory responsibility for the health and well-being of teaching staff.

In addition, updated advice on preventing and tackling bullying was released by DfE in July 2017. This advice is wide ranging, covering all aspects of bullying.

‘It outlines, in one place, the Government’s approach to bullying, legal obligations and the powers schools have to tackle bullying, and the principles which underpin the most effective anti-bullying strategies in schools. It also lists further resources through which school staff can access specialist information on the specific issues that they face.’

Governors might consider it helpful to receive a report based around the different areas highlighted in the report and confirmation that the school’s policies take account of the best practice identified in this document.