INTRODUCTION

Most governors who have been in touch this term have been primarily occupied with financial imperatives. Independent schools are confronting the immediate implications of the increased contribution required for teachers’ pensions, as well as bearing in mind the possible imposition of VAT on school fees or changes in business rates further down the line. State funded schools remain uncertain about the longer-term situation in relation to pensions as well as the next funding formula and teachers’ pay settlement, with unions putting in for 5% rises. For many this has been a distraction from numerous other urgent matters, and those of us who receive alerts from groups who provide advice for governors have been inundated with such guidance; it is increasingly difficult to identify the most important priorities. Mindful of this, I’ve been influenced by the priorities identified by the ASCL Council for discussion this term (which were funding, recruitment, inspection and young people's mental health). Those governors with access to The Key can review the priorities highlighted for this term’s agenda (http://schoolgovernors.thekeysupport.com/the-governing-body/meetings/agendas/spring-term-2019-agenda-items0how-to-prepare). These are as follows:

- Review financial position, budgets, accounts (including gender pay gap information)
- Review recruitment processes
- Admissions
- Performance data
- Monitor the School Improvement Plan
- Consider the impact of Ofsted's Educational Inspection Framework
- Review the school's equality information and objectives.

Some of these are covered in this Update and I hope it is helpful to have distilled from the plethora of guidance out there the following topics for you to consider and discuss with school executives. I end with some suggestions about how you might keep up with that guidance without being overwhelmed by it.

TOPICS COVERED INCLUDE:

- YOUNG PEOPLE'S MENTAL HEALTH
- RECRUITMENT
- FINANCIAL CONSIDERATIONS
- INSPECTION, INCLUDING THE CURRICULUM AND SAFEGUARDING
IN MY GOVERNOR’S IN TRAY

I have received several queries about governor recruitment. It is a key part of the responsibilities of the chair (often delegated to a nominations committee, sometimes meeting immediately prior to each board meeting) to focus on succession planning.

In recruiting governors, boards are encouraged to undertake skills reviews and, in particular, to consider diversity on boards: the DfE is encouraging proactivity in this area at the moment (https://www.gov.uk/government/publications/diversity-of-the-teaching-workforce-statement-of-intent). It’s worth considering the implications in this context of the information that 5% of governors and trustees come from ethnic minorities, compared with 14% of the population as a whole and 26% of the pupil population. I encourage boards (and have written about this previously in an Update) when reviewing skills to go further than experience gained in different professions, but also to think about attributes and personal characteristics to ensure that there is a variety of personal, as well as professional approaches, on the board. Diversity is also about more than ensuring a mix of gender, age, ethnicity and sexuality on a board. At a conference at Wellington College earlier this term this was especially well put by Jayne-Ann Ghadia, the former CEO of Virgin Money, who stressed that, for her, diversity on boards is about variety of attitudes and perspectives, and the avoidance of groupthink. If you’re looking for prospective governors and feel you have exhausted personal, professional and school contacts, it’s worth contacting Governors for Schools (https://www.governors-for-schools.org.uk) and AGBIS (https://www.abgis.org.uk). NGA is playing its part through the Everyone On Board Campaign (https://www.nga.org.uk/About-Us/Campaigning/Everyone-on-board.aspx). I am often told people find it difficult to persuade serving headteachers to join boards and this is understandable (and explains why boards often turn to former heads). In such circumstances you might like to turn to deputy heads, whose ‘hands on’ understanding of issues may well be more current than former heads’, and who are likely to be enthusiastic about involvement as part of their own professional development, and perhaps preparation or headship.

One of the challenges for chairs and clerks is keeping tabs not just on who is due to come off the board, but also on when people joined the board. This is important because when they were appointed will influence what they know about particular issues. For example, if they joined the board after the current strategy was agreed, they may need to have its context properly explained – if more than half of the board joined after its agreement, it may need to be reviewed, or at least the reasoning behind it. Nominations committees will bear this in mind when considering succession planning for individual members of the board and especially for committee chairs and the chair of the board.

The Key published a particularly useful item in November in relation to recruitment and retention of governors, about the circumstances where governors may be entitled to ‘reasonable’ time off work to undertake their duties (https://schoolgovernors.thekysupport.com/the-governing-body/constitution-and-membership/governor-administration/right-to-time-off-work-as-a-school-governor/).
MATTERS ARISING

YOUNG PEOPLE’S MENTAL HEALTH

Mental health issues have been raised in several Updates and this is arguably the most important priority for schools at the moment – certainly there are many people who are arguing that it is so. Pioneering work is being undertaken in this area by the Anna Freud Centre, which offers support for schools, teachers, parents and young people based on extensive research and active engagement with schools and young people. I strongly recommend this as a source of information for governors and safeguarding governors may wish to sign up for their newsletter (https://www.annafreud.org/what-we-do/schools-in-mind/sign-up-and-information/). I have made my own small contribution to debate around this topic in an article entitled Mind Over Matter in Governors’ Insight magazine where I explore how governors may seek to assist in embedding mental health and wellbeing in school life (https://iexcellence.co.uk/ii-spring-2019/index.html?page=4). There are many other groups active in this area and you may wish to explore awareness of them amongst pastoral staff in your schools, some examples include:

- Check in Schools (https://www.checkinschools.com), which provides a free trial of how to identify children's emotional state.
- School Wellbeing (https://schoolwellbeing.co.uk) and Mentally Healthy Schools (www.mentallyhealthyschools.org.uk) which offer training and resources for schools.
- Young Minds (www.youngminds.org.uk) which has a parents' line but is aimed at young people and has a crisis messenger function.
- Anna Freud's On My Mind is also a website designed for young people (in this instance by young people) to assist them in managing their own and others' wellbeing (https://www.annafreud.org/on-my-mind/).

The Government has had much to say on these matters and again you may wish to ascertain staff views on the multiplicity of initiatives in this area. The NHS published their Mental Health Bulletin 2017-8 in November (https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-bulletin/2017-18-annual-report) which told us, inter alia, that one in eight five-to-nineteen-year-olds has an impairing mental health condition, that these occur more frequently in lower income families, with boys more likely to manifest ADHD, ASC or behavioural disorders and girls emotional or eating disorders (the latter are not more common in lower income families). The DfE published in November its Statutory Guidance to Improve Young People’s Wellbeing and more focused guidance on mental health and behaviour (https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2). This gives advice on creating a positive mental health culture in schools; understanding the links between mental health and behaviour; how to identify children with possible mental health problems; and where and how to put in place support. The DfE also published a report on Bullying in England (https://www.gov.uk/government/publications/bullying-in-england-april-2013-to-march-2018), which gives information on types of bullying experienced, including cyber-bullying, its frequency and where it takes place. There have been criticisms of the former guidance in particular, for example Andrew Hall who writes a weekly safeguarding newsletter (www.safeguardinginschools.co.uk/mental-health-and-behaviour-in-schools-november-2018) who states:
“Resources for supporting pupils with mental ill-health are dwindling, but sometimes it's not about more availability, more counsellors or more money. Sometimes it's about changing a mindset. The mental health and behaviour in schools guidance could have helped change that mindset. It talks too much about 'disruptive' behaviour, of 'highly consistent consequence systems' and too little about relationships and understanding. It's a missed opportunity, and it's all the weaker for that.”

This echoes criticisms made by the Public Accounts committee (https://www.cypnow.co.uk/cyp/news/2006252/mps-criticise-governments-child-mental-health-plans?) which stated in January that the Government has:

“...no comprehensive, long-term plan for how it will fulfil its commitment to implement Future in Mind. [It] is committed to delivering the cross-departmental vision set out in Future in Mind but has not set out the actions and budget required to deliver it in full, or any measurable objectives or targets....In practice a number of separate work programmes, largely NHS-led, are implementing parts of Future in Mind. There are no cross-departmental accountability arrangements in place for delivering it, or for children and young people's mental health support more generally.”

The Children's Commissioner has published concerns about how stretched Child and Adolescent Mental Health Service (CAMHS) resources are: of 38,000 referred in 2017-8, 31% received treatment within a year, 37% were not accepted into treatment or discharged after assessment, and 32% were still on the waiting list at the end of the year (https://www.childrenscommissioner.gov.uk/2018/11/22/analysis-shows-childrens-mental-health-services-are-showing-signs-of-improvement-but-a-seismic-shift-in-ambition-still-needed-to-meet-demand). On the other hand, the PSHE Association has welcomed the Government's inclusion of sleep initiatives in their draft Statutory Guidance on Health Education and issued resources for staff to use to promote healthy sleeping (https://www.pshe-association.org.uk/curriculum-and-resources/resources/sleep-factor-lesson-plans). The Women and Equalities Committee has launched an inquiry into the mental health of men and boys and will ask key questions: what is the effect of gender stereo-typing on men and boys; which groups of men and boys are particularly at risk of poor mental health; what are the social and economic costs of poor mental health in men and boys? (https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/mental-health-men-boys-launch-17-19/).

The BBC has stepped into this arena with its survey of screen time. They consulted 7,000 parents of five to sixteen-year-olds and ascertained that on average they spend three hours a day online. 32% of parents were worried about how tablet and mobile phone use impacted on their children's mental health and 65% of parents allow their children to use gadgets alone in their bedrooms (https://www.bbc.co.uk/news/technology-46234035). A BBC app Own It will be available soon to improve children's wellbeing – assistance will include: considering how the use of certain words could be perceived by others; deciding whether to share personal information online; understanding the impact of late night phone use on wellbeing (https://www.bbc.co.uk/mediacentre/latestnews/2018/childrens-app-own-it).

Exam stress has been a moot part of the debate about young people's mental health. In the TES on 21st January, Andreas Schleicher of PISA stated that there was no world-wide evidence that
exams drive pupils’ anxiety – it has more to do with how tests are used and what support students have. This reflects remarks made by Barnaby Lenon, Chairman of ISC, in the ISC Bulletin:

“Exams used to be much harder – Common Entrance, GCSE (when they were O-levels) and A-levels used to be much more demanding. In 2015 both January A-level and GCSE exams and GCSE resits were scrapped, so halving the number of exams say by most senior school pupils. Exam ‘modules’ are gone, and it has never been easier to get a high grade at GCSE or A-level. It has never been easier to get into university. So, if there are signs of increased stress, the fault does not lie with the exams.”

Some argue that preparation for exams is part of developing resilience and the Secretary of State for Education recently spoke at length about how he wants schools to develop resilience and character education. The five foundations to build character are: believe you can achieve; stick with the task in hand; see a link between effort today and payback later; develop the ability to bounce back from knocks; confidence from courage and taking chances and seeing things through. He welcomed the emphasis Ofsted will place on this, thus ensuring that this element will be enshrined in school planning in future.

What are governors to make of all this? It would be impossible to keep abreast of such a wide range of initiative and guidance in this area. But it is important to have some understanding of what a challenge that is for pastoral deputy heads and DSLs in schools and to ask their opinions about the effectiveness of the initiatives and the guidance, about their own priorities in these areas and how they are navigating these somewhat over-charted waters. It was refreshing to read in ASCL’s Leader magazine about the gold award given by the Carnegie Centre of Excellence for Mental Health to Epsom and Ewell High School, this could be a good starting point for your discussions.

**FINANCIAL CHALLENGES**

These will feature at all governing body meetings again this term. More and more boards are taking an interest in how finance officers are husbanding ever decreasing resources. Some initiatives you might like to enquire about include the following:

- Energy brokers [https://ie-today.co.uk/Blog/13-things-bursars-and-heads-really-need-to-know].
- Cheaper data protection compliance and GDPR solutions [https://www.9ine.uk.com/research].
- DfE has published draft security guidance which includes a toolkit [http://www.nottinghamshire.gov.uk/planning-and-environment/emergencies-and-disruption/school-emergencies].
• DfE has published information on deals available to schools to help them save money on some of the things they buy regularly (https://www.gov.uk/government/publications/deals-for-schools).


**RECRUITMENT CHALLENGES**

Recruitment and retention are hugely challenging for schools at present, not least because of issues relating to pay and pensions, quite apart from conditions. TES reported in November on the Varkey Foundation’s finding that British teachers work the fourth longest hours in the world (after New Zealand, Singapore and China) – and that the public under estimates teachers’ hours and over estimates their pay. In Independent Schools Magazine in November 2018 Mary Bousted, the joint General Secretary of the National Education Union recommended a workload review for teachers in independent schools. There are several initiatives relating to reducing teacher workload, including Making Data Work: the report of the Teacher Workload Advisory Group, Teachers Working Longer (regarding working later in life) and Teacher Workforce Dynamics. These are examples of lengthy documents which can more realistically be accessed by governors through the Bristol University Document Summary Service (https://edn.bris.ac.uk/dss/). ISBA offers extensive advice about HR matters and its November Bulletin included articles about a part-time worker who was paid 50% of pay and was deemed to have been treated less favourably, a teacher who was judged not to have been unfairly dismissed in spite of evidence withheld from them, a former headteacher fined for a breach of data protection legislation, the decision that dismissing a bus driver for failing a drugs test was unfair, and a recent EU Court of Justice judgement on annual leave. There is also guidance on how to support teachers early in their career (https://www.gov.uk/government/publications/supporting-early-career-teachers-reducing-teacher-workload). ASCL’s Leader magazine in February 2019 published a call to engagement on behalf of DfE:

> The DfE School Leadership Unit is looking at how to help headteachers, especially new headteachers, who feel isolated and unsupported. To make sure they properly understand the problem they would like to speak with people who have recently been first-time heads.”

This takes us back to the mental health agenda as it affects teachers and here again the Anna Freud Centre is taking a lead. The NGA Newsletter on 30th November focused on the work of the Anna Freud Centre in this area. Their report on the wellbeing of school staff indicated that 60% of staff felt that work/life balance had caused unhappiness and stress in the previous fortnight and 19% felt that work never has a positive effect on their wellbeing (www.annafreud.org/insights/news/2018/11/ten-steps-towards-school-staff-wellbeing-resource-launched). The ten steps listed provide an excellent starting point for discussions between governors and school leaders on this topic.
INSPECTION CHALLENGES

The debate about the new Ofsted Education Inspection Framework has continued and governors will want to know where their school leaders stand on the new Framework, what they think it will mean for their school and how well prepared they are for any imminent inspection (especially for schools previously judged ‘outstanding’ who have not been inspected for some years). There is no appreciable sense in the educational press that inspections will be any less high stakes for schools (Geoff Barton of ASCL reported in November on how different the approach is in Scotland) and there is concern about how the short (two and a half hours) notice will work. While ASCL broadly welcomes the new Framework, it is not uncritical and has become more doubtful as more has become known:

“The next framework might well be a step in the right direction, but it won’t be a panacea for our harsh accountability system” (Stephen Rollett)

ASCL has pointed out that the inspection of the curriculum must include assessment whatever HMCI says, and Schools Week expressed concerns in relation to her support for the EBacc. TES has cast doubt on the validity of some of the research which underpins the new direction of inspection. Mary Bousted went further in the NEU magazine Educate in February, stating:

“The time has passed in which Ofsted could redeem itself. A new inspection framework is not going to solve its inability to control the quality of its inspectors, nor improve inspection judgements. It is now time to abolish Ofsted and replace it with an inspection and accountability system which secures real school improvement and professional trust.”

Governors will want to know what is expected of them under the new Framework and while they will depend to some extent on school leaders to tell them, it is important to ascertain this independently. As usual, many providers are offering courses on the new Framework, but here again The Key is developing advice, for example on how to take a view about behaviour (https://schoolgovernors.thekeysupport.com/curriculum-and-pupils/behaviour-attendance/promoting-good-behaviour/how-to-monitor-behaviour-your-school/).

Independent schools may assume that they are unaffected by these issues, and this may be so at present. However, ISI has come under some scrutiny at IICSA which has caused some to question its effectiveness, and Ofsted has asked for more scope to monitor ISI inspections – ISI is now the only remaining independent inspectorate since the closure of School Inspection Service. HMCI stated in her annual report (https://www.gov.uk/government/publications/ofsted-annual-report-201718-education-childrens-services-and-skills/the-annual-report-of-her-majestys-chief-inspector-of-education-childrens-services-and-skills-201718) that the DfE needs to act faster with under performing non-compliant independent schools (arguably, the majority of these are not in the Independent Schools Council and therefore not inspected by ISI) and she wants improvements to the oversight of independent schools:

“This is particularly worrying in the light of a number of serious safeguarding issues, both historic and recent, that have taken place at independent schools.”

Incidentally, Ms Spielman also wants to inspect Multi-Academy Trusts and for the moment is introducing evaluations of MATs after their academies have been inspected:
It is worth noting that HMCI's annual report includes data on grades awarded for each aspect and on the regulatory compliance rates for independent schools. Such data is not currently published by ISI.

**CURRICULUM**

With the greater focus on the curriculum under the new Ofsted Inspection Framework, it is certain that governors will need to take a growing interest in this area. ISI's current Framework allows for the curriculum to be a contributing factor in the outcomes for pupils in terms of achievement (academic and other) and personal development, and so governors have a legitimate interest in this area in independent schools also. It is important, in this area as in all others, that governors do not stray into day-to-day management – as a rule of thumb this means that discussion about the numbers of periods per week per subject and specific textbooks, would not be appropriate. A good starting point, bearing in mind the role of governors as the guardians of the aims for the school, is to enquire how the curriculum fulfils the aims of the school and promotes the best outcomes for pupils.

You will not be surprised to hear that there has been quite a lot of debate about the curriculum in recent months and you may wish to establish where your school leaders stand on some of the issues. It is likely you were told that GCSEs in sciences and modern foreign languages were regarded as more demanding under the new regime, but Ofqual has determined that they are in fact 'broadly comparable' with other subjects – ASCL described this as ‘a missed opportunity’. The advent of the EBacc has in many schools led to a reduction in numbers of pupils taking creative arts subjects at GCSE. In November, *Independent Education* focused on flying the flag for the arts. In the same month, *Independent Schools Magazine* featured an article on the curriculum being more nineteenth than twenty-first century and the campaign by the Commission on Religious Education to rename Religious Education (another victim of the EBacc) ‘Religion and World Views’ ([http://www.independentschoolsmagazine.co.uk/issues/2018-nov/nov-magazine.html](http://www.independentschoolsmagazine.co.uk/issues/2018-nov/nov-magazine.html)).

Many independent schools follow IGCSE specifications which were formerly regarded as more demanding than conventional GCSEs, but this is now in dispute since the recent reforms. *Schools Week* examined this question in December ([https://schoolsweek.co.uk/study-suggests-igces-are-easier-than-reformed-gces](https://schoolsweek.co.uk/study-suggests-igces-are-easier-than-reformed-gces)). The following month *Schools Week* looked at the Schools Minister’s (Nick Gibb) focus on music education ([https://schoolsweek.co.uk/ministers-turn-to-musicians-to-design-new-model-curriculum](https://schoolsweek.co.uk/ministers-turn-to-musicians-to-design-new-model-curriculum)).

Presciently, as mentioned in the previous Update, the [Chartered College of Teaching](https://chartered.college/introducing-edtech-special-issue-impact) devoted last term’s *Impact* magazine (and all the accompanying CPD materials for staff) to the curriculum. This term’s edition is all about the digital curriculum and EdTech and governors may like to ask academic leaders how they feel their own school and curriculum will develop in this context ([https://chartered.college/introducing-edtech-special-issue-impact](https://chartered.college/introducing-edtech-special-issue-impact)). A good starting point is the sponsored feature from the Education Endowment Foundation entitled *Six Myths of Digital Technology*, which are identified as follows:
• Myth 1: New technologies are being developed all the time. Past research is irrelevant to what we have now, or will be available tomorrow.
• Myth 2: Pupils today are digital natives – they learn differently from older people.
• Myth 3: Learning has changed how we have access to the internet; today’s children don’t need to know stuff, they just need to know where to find it.
• Myth 4: Students are motivated by technology, so they must learn better when they use it.
• Myth 5: We must use technology because it is there!
• Myth 6: If a little technology is a good thing, then a lot will be much better.

In the context of inspection of the curriculum, particular thought is put into the Key Stage 3 curriculum, arguably the last area where schools can really craft their own individual approach, in between the requirements of Key Stage 2 tests and GCSE specifications. While the National Curriculum exists, it is not a requirement to follow it in independent schools and academies, and so some exciting and interesting work is going on in this area. I have to declare an interest in this area as the Chair of the Independent Schools Examinations Board, which is currently undertaking a consultation about the development of Common Entrance between prep and senior schools in the independent sector. This is preparatory to a conference about the Key Stage 3 curriculum in May at Highfield School.

SAFEGUARDING

It’s impossible to consider inspection without touching on safeguarding issues. There have been some helpful points especially for nominated safeguarding governors recently. Andrew Hall’s useful weekly insights including, in November, a link to the Sex Education Forum Curriculum Design Tool (http://www.sexeducationforum.org.uk/resources/advice-guidance/curriculum-design-tool-0), a useful video on s128 checks for headteachers of maintained and independent schools (including academies and free schools) (https://www.safeguardinginschools.co.uk/complete-prohibition-checks-including-s128-check), and a flowchart on the handling of sexual violence and sexual harassment between children in schools and colleges (https://safeguardinginschools.co.uk/wp-content/uploads/2018/11/Safeguarding-Handbook-for-Schools-September-2018-SVSH-Flowchart.pdf). In January he advised that schools should know the rating of their local authority as this may affect the quality of the services and advice available – where they have been judged ‘requires improvement’ or ‘inadequate’, DSLs will want to have additional support available.

Last term’s anti-bullying week was covered extensively in the education press and governors may wish to ask their DSLs about how it was approached in your school. A major source of advice on this area is the Anti-Bullying Alliance, which has resources for schools and guidance for pupils, teachers and parents (https://www.anti-bullyingalliance.org.uk). Before anti-bullying week, they published some research which suggested that children believe adults set a bad example in this area (40% of pupils questioned had seen adults bullying each other and 97% wish grown-ups would have more respect (https://www.bbc.co.uk/news/education-46140135)). Another source of advice in this area is Stonewall (https://www.stonewall.org.uk/) whose tagline Acceptance without Exception highlights their prioritisation of the interests of LGBT people.
Many of you will have seen the advertisements on television about the Truth project, part of the work of IICSA, which offers victims and survivors the opportunity to share their experience in writing, by telephone or in person (https://www.truthproject.org.uk/i-will-be-heard). This is an opportunity for anyone from any educational or other background to come forward and could lead to action on the part of the Inquiry itself, the Department for Education or the police. I spent a day at the Inquiry last month and some governors may be interested in discussing with their pastoral leaders my reflections at the end of that day:

“Spent the day at IICSA last week. Some very disturbing evidence to listen to. If you want to know both why we now ‘do’ safeguarding and why it’s so important to prevent abuse, look at the impact statement at the beginning of the closing statements on the transcript for Friday 8th February.

It’s also quite weird to see your own emails and other documents presented to the enquiry on huge screens (and to have your name interestingly mispronounced). I just thought I’d share the reflection that all involved with schools should be aware that statutory bodies have the right to call in evidence and when they do, you have to send everything you kept, e.g. email trails (if you tended to press reply rather than starting afresh), track changed versions of documents (if you didn’t delete them) and relevant hard copy documents with marginal notes (if you didn’t shred them). I’m not advocating a policy of shredding and deleting – we didn’t do that at ISI, but we did have a policy that nothing should be committed to paper or email which one wasn’t prepared to see on the front page of a newspaper. And I banned the use of the exclamation mark which (as was evident in other people’s documents last week) can distort the meaning of phrases. Just thought this was a lesson any of us working with schools might want to share. The proceedings of IICSA are streamed almost live (they have to stop the live feed if someone says a name which has been redacted) and it is the best professional development for governors and safeguarding practitioners to tune in when they are looking at schools.”

**AND FINALLY**

It should be clear to readers that there is a lack of co-ordination in the publication of Government requirements and guidance and therefore it is difficult to plan when governors will need to get abreast of new issues. In this Update I have deliberately highlighted the sources of advice which I find most helpful and trust that this may be useful to readers.

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**Durell Barnes, Head of Governance and Compliance**

Durell joined RSAcademics in 2016 and throughout his career he has worked with hundreds of school leadership teams to support them with all aspects of governance and compliance. Formerly deputy director and head of communications at the Independent School Inspectorate, Durell was also ISI’s lead on quality assurance and safeguarding. He was closely involved in the development and implementation of the revised frameworks for inspection. A governor of both maintained and independent schools, Durell has hands-on experience of the challenges faced by busy and highly-committed governors endeavouring to exercise their responsibilities within time constraints. In September 2018, Durell was appointed Chairman of the Independent Schools Examinations Board (ISEB), alongside his role at RSAcademics.