



GOVERNORS' UPDATE CHRISTMAS 2019



Durell Barnes, Head of Governance and Compliance, RSAcademics

INTRODUCTION

I'm conscious that this Memo is coming out very late in the term and Christmas is nearly upon us. With that in mind I have adopted a different approach this time and in the spirit of the 'Twelve Days of Christmas' offer Twelve Thoughts for the New Year which have been inspired by contacts with governors and discussions at events during this term. The Memo is unashamedly a politics-free zone and there is no reference to finances, where the situation has hardly improved for schools since I last wrote. I have selected issues which are of equal relevance to maintained and independent schools and ordered them alphabetically rather than otherwise. I hope that some of the Thoughts will inform discussion at governors' meetings next term: if you have any reflections on the issues raised, please don't hesitate to contact me at DurellBarnes@RSAcademics.com. In terms of New Year's Resolutions, we all know the dangers of having too many, but in my own governance I am resolving to maximise efficiency of communication, focus on what we are trying to achieve in terms of outcomes for pupils and prioritise staff wellbeing.

TOPICS COVERED INCLUDE:

-APPEALS -BEHAVIOUR MANAGEMENT -CURRICULUM -DEVELOPMENT PLANNING	-ETHICAL LEADERSHIP -GOVERNANCE COMMITTEES -HEADSHIP HANDOVER -HEARING VOICES	-INSPECTION AND LESSON OBSERVATION -RESEARCH-LED LEARNING -SAFEGUARDING -STAFF WELLBEING
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1. APPEALS

I've been asked recently about where to seek guidance on the role of an independent panel member dealing with an employment related appeal (or any other aspect of workplace investigations). The best source of advice, apart from the school's own lawyers, is ACAS <https://www.acas.org.uk/advice>. Scrutiny of documentation often reveals lack of clarity on some issues and it is important for panel members to have the opportunity to meet those involved face to face to pose questions and form a view about the situation in question. It tends to be best practice to conduct appeal meetings somewhere neutral away from school premises and each party needs to have the opportunity to speak, with a note taker present, before judgement is reached. Where employment is at stake it is important to involve the school's lawyers.

2. BEHAVIOUR MANAGEMENT

Ofsted's new inspection framework has greater emphasis on behaviour management and this may influence how the issue is considered by the Independent Schools Inspectorate (ISI). Ofsted now has separate judgements explicitly on pupils' behaviour and personal development and there is a focus on high attendance and positive attitudes arising from a positive environment where bullying is not tolerated. Amanda Spielman, Her Majesty's Chief Inspector, has said that, 'behaviour management is a subject that causes a lot of heat, and sometimes rather less light,' but has also stated that schools need whole-school behaviour policies which are 'clear,



consistent and communicated to staff, pupils and parents'. She has also reflected that 'while we know that it is imperative that we actively teach pupils desired behaviours, we do not know enough about how the most effective schools do this.' In due course, research on the latter will be forthcoming from inspection findings. This is an area where governors naturally tread warily, not wishing to step over the line between their function of monitoring and oversight into the school executive's role in the day-to-day leadership and management of the school, but it is an appropriate area for questioning especially in the context of an imminent inspection.

3. CURRICULUM

On a related note, the emphasis placed on the curriculum in the new Ofsted inspection framework has been concentrating the minds of school leaders. ISI no longer gives an explicit judgement about the curriculum but it can and often is cited as a contributory factor in the standard of pupils' achievement and personal development. There is a growing amount of guidance available in this area, but little in the form of digests for governors. *TES* produced in the autumn a *Guide: How to build a curriculum* {tes.com/store/curriculum} bringing together articles (referred to in a previous Memo) which featured over several weeks in the magazine on 'the theory', 'theory meets practice' and 'what the schools are doing'. No sooner than the curriculum is promoted to the fore than other requirements are placed on it. Character Education featured extensively in the rhetoric of the previous Secretary of State for Education, and Department for Education (DfE) guidance exists in this area {<https://www.gov.uk/government/publications/character-education-framework>}; it remains to be seen if this will be a priority for an incoming (or continuing) Secretary of State. It seems unlikely that there will be rowing back from the requirements much heralded (not least in these Memos) about what is tending now to be referred to as Relationships, Sex and Health Education (RSE) and in this area governors wishing to know about requirements could do worse than look at the guidance provided by DfE {<https://www.gov.uk/government/publications/engaging-parents-with-relationships-education-policy>} {<https://www.gov.uk/government/publications/relationships-sex-and-health-education-guides-for-schools>} – not least because of press interest in this area. In most schools neither character education nor RSE are likely to be 'standalones' but part of a coherent approach to personal, social and health education and personal development. Governors may wish to seek school leaders' views on these topics and also on their progress towards meeting the RSE requirements which become statutory from September 2020.

It can be difficult to separate what to teach from how it is to be taught and here again there is a plethora of advice but one interesting source is *What Works: Research and Evidence for Successful Teaching* by Steven Higgins and Lee Elliott Major, described as follows on the publisher's website {<https://www.bloomsbury.com/uk/what-works-9781472965639>}.

"Lee Elliot Major and Steve Higgins look at common teaching approaches, including raising aspirations, improving behaviour, outdoor learning and parental engagement. They present the research and evidence behind each approach and provide practical steps for best practice in the classroom to boost the learning and life outcomes of all pupils. Explored in a concise, accessible manner, the research and evidence is (sic) distilled into clear, precise guidance that can be used immediately, ideal for any busy teacher. *What Works?* makes it easy for all primary and secondary teachers to become research-informed practitioners in every aspect of their teaching. From debunking enduring education myths to providing practical next steps and strategies that really make a difference, this is the essential guide to evidence-based teaching and a must-have for every teacher looking to increase their impact in the classroom."



Elliott Major and Higgins also touch on the homework debate which has veered over the years from an assumption that lots of homework is 'a good thing' to a fear that it is often nugatory, leads to disputes at home and creates excessive workload for teachers. They consider the concept of 'impactful homework' which helps concentrate the mind in this debate. Governors are not necessarily expected to have a view on this or the related teaching and learning and curriculum issues but they will want to familiarise themselves with policy in these areas and to know what principles underpin leaders' approaches.

Forward-thinking schools are beginning to consider seriously the applications in this area of Artificial Intelligence (AI) and the Headmasters' and Headmistresses' Conference (HMC) is trying to take a lead in this area. *Schools Week* reported on this in October <https://inews.co.uk/news/education/private-schools-ai-assessment-replace-gcse-643509>).

"(Mike) Buchanan (CEO of HMC) told TES that private schools were looking at using AI to create a 'broad assessment', which would produce a 'detailed portfolio of what 16-year-olds can do'. 'We could aggregate this into a report for universities or employers,' he said. He went on: 'There's a good question about whether the current programme serves all pupils. If [the new technology] works this could replace GCSE. "It could be one way of doing a national test at 16 without the panoply of GCSEs and everything that is involved in it."

This is going a lot further than most individual schools can go, but all over the country school teachers and leaders are debating how AI can enhance teaching and learning, especially in the area of assessment and in what ways it can and cannot replace teachers – in other words, beginning to address the important question of what is the role of the teacher in the post-digital age.

For those wanting to find out more about developments in technology in education, LearnEd, sponsored by TES, DfE and the British Educational Suppliers Association (BESA) is providing free roadshows <https://www.besa.org.uk/events/learned-roadshow-2/> at regional events through the first half of 2020, billed as allowing attendees to

"hear case studies, take part in debates and network; discover new ways of working which save time and improve outcomes; come away with ideas and tips you can put into practice the next day."

The Key provides guidance for governors in this area as so many others, for example their *Teaching and Learning: Questions to ask and how to monitor it* <https://schoolgovernors.thekeysupport.com/>).

4. DEVELOPMENT PLANNING

Enquiries have been made about how to ensure a strategic development plan is always more than an annual action list. This can be more easily said than done. Strategic development plans are often prefaced by an overarching statement of the vision of the school, its mission and values. It is helpful for them to be costed and to have success criteria. It is normal for the school executive to devise strategic plans, discuss with governors and amend as agreed, and for governors then to monitor progress against targets. But it is important both for the chair and the clerk to recall that as governors come and go, a diminishing proportion of the board will have been party to establishing the strategy, and also for the plan to be regularly refreshed. The National Governance Association provides guidance about this <http://www.nga.org.uk/being-strategic.aspx>, including the following succinct advice:



“When creating your strategy document:

1. Start with your vision.
2. Identify an improvement priority for achieving each aspect of the vision (but try not to have more than six improvement priorities in the strategy document).
3. Outline what success looks like for each improvement priority, in the long term and the short term.
4. Involve other stakeholders – most importantly the staff.
5. Each improvement priority should be measurable in some way; consider the timeframes that are best for each – these may be termly or annual, and some may extend beyond a single year.
6. Outline the governing board’s monitoring arrangements.
7. Try and keep it succinct. For a step-by-step guide on creating a strategy document from your vision, see the NGA’s Growing Governance resource pack.”

Many schools are now including sustainability in their strategic plans, often as a result of consulting pupils who place a high degree of importance on this issue as has been evident from press coverage in recent weeks.

5. ETHICAL LEADERSHIP

We have previously touched on the work being undertaken in this area by the Ethical Leadership Commission <https://chartered.college/ethical-leadership-commission>, whose chair, Carolyn Roberts, has written as follows:

“The Ethical Leadership Commission set itself the task to provide busy school leaders with a set of principles against which they could test their most difficult decision-making. We did this to help rebuild professionalism and personal agency in school leaders. Schools are where society looks after its young until they are old enough to take on the mantle of adult citizenship, so school leaders not only model diligent public service but also the behaviour and virtues society values. Accountability is not enough: we have to do good.”

The Association for School and College Leaders (ASCL) commissioned this work in 2017 and it has resulted in the Ethical Leadership Framework <https://www.ascl.org.uk/Help-and-Advice/Leadership-and-governance/Strategic-planning/Framework-for-ethical-leadership-in-education> which has featured in previous Memos. The Framework identifies seven principles of ethical leadership and seven characteristics of ethical leaders:

PRINCIPLES	CHARACTERISTICS
Selflessness	Trust
Integrity	Wisdom
Objectivity	Kindness
Accountability	Justice
Openness	Service
Honesty	Courage
Leadership	Optimism

You can find out more about how this is developing through the NGA <https://www.nga.org.uk/Knowledge-Centre/Good-governance/Ethical-governance/Framework-for-Ethical-Leadership-in-Education.aspx> and even enquire about being a pathfinder school <https://www.nga.org.uk/ethicalleadership.aspx>.



6. GOVERNANCE COMMITTEES

Enquiries have come in about what is the correct arrangement for committee structures for governing bodies. There is no correct answer to such enquiries as it depends on the nature of the school, its stage of development and context—and its governing document. Both the Association of Governing Bodies of Independent Schools (AGBIS) {<https://www.agbis.org.uk/publications-and-services/guidelines-for-governors/>} and NGA {<https://www.nga.org.uk/Knowledge-Centre/Compliance/Policies-and-procedures/Delegation-of-functions-to-individuals-or-committee.aspx>} provide guidance on this. AGBIS suggests that the minimum of committees would be one for education, one for finance and one for nominations, but they provide exemplar terms of reference for a larger number. NGA provides guidance on how to govern without any committees at all but often in maintained schools the minimum is seen as education, finance and personnel. Increasingly, boards are establishing (alongside any committee structure) provision for the establishment and empowerment of working parties to enable more agile handling of urgent or emerging issues. What is important is that any committees have clear terms of reference (I recommend re-visiting those annually if for no other reason than to enable self-evaluation of the work of the group) and that their existence streamlines the work of the board rather than increasing it – and that a careful eye is kept on which papers appear in front of more than one committee, which must go to the full board in their entirety, and which may go to the full board in the form of an executive summary. It is also important in addition to allocating compliance responsibilities to any committees, to ensure (if there is no audit and risk committee) that responsibility for risk management is appropriately allocated, (if there is no health and safety committee) that responsibility for physical health and safety is clearly identified, and (even if there is a personnel committee) where staff wellbeing sits in the scheme of things.

7. HEADSHIP HANDOVERS

An article in *TES* in August caused some debate about this issue {<https://www.tes.com/magazine/article/how-ensure-smooth-handover-next-headteacher>} not least because not all readers agreed with all seven steps outlined therein:

- “1. Let go as early as you can
2. Get the timing right
3. Manage expectations
4. Share information
5. Advise caution
6. Give them a tour
7. Stay present (after your successor has taken over).”

Governors mindful of their responsibility for succession planning should take a look at RSACademics’ (free) paper on this topic { <https://www.rsacademics.com/publications/managing-leadership-transition> }.

8. HEARING VOICES

Schools are increasingly adept at seeking the views of stakeholders, especially parents and pupils, and increasingly staff. At the recent NGA conference, the CEO, Emma Knights, spoke as follows:



“(This) is the business you are in. Making key decisions, using your power and influence for the good of children and young people, taking into account the views and experiences of key stakeholders. As committed NGA members, you will be aware that we have added a fourth core function of governing boards to the three listed in the DfE’s Governance Handbook: that absolutely essential function of ensuring the voices of the school’s stakeholders are heard – staff, pupils, parents, the wider community, local employers – which is in danger of getting lost under the huge workload of compliance and financial constraints. It is important in every sector under the sun, but in publicly funded services, there is an added dimension of rendering account. There is not only a moral purpose in what you do, as there is in many other organisations, for example within the voluntary sector, the third sector, the charitable sector, in any social enterprise, but the education of the nation’s children is even more than that: it is an absolutely vital public service.”

Surveys are a common way of doing this, but there are others, like parents’ forums, staff consultative committees, school councils. Emma Knights suggested in her speech that monitoring this should become more routine for governors and less of an ‘add on’.

“A few years ago Ofsted carried out some research in declining schools; and what it discovered was that problems occurred or improvement faltered when governing boards failed to challenge the headteacher enough. And that deficit in challenge could be categorised as happening in two circumstances, one when there was a lack of urgency due to complacency or distractions, and the second when the governing board was over-reliant on the headteacher for knowledge of the school. This year we updated our guidance on parental engagement with ParentKind and next year we want to gather more examples of how governing boards are successfully engaging with pupils. From the annual survey, we know 61% of your schools conducted pupil surveys last year, 54% met with the pupil council; 39% involved pupils in staff selection and 17% held a pupil focus group. Given that conversations with pupils are now playing a much bigger part in the inspection process, a positive spin-off from those changes in Ofsted methodology could be more governing boards having the confidence to make this part of their business as usual.”

This relates to one of the key questions which governors have to ask themselves, which is ‘how do you know what you need to know?’ Emma Knights went on to say,

“NGA has taken to quoting Bertrand Russell who listed as one of his Ten Commandments that, as a teacher, he wished to promulgate: ‘Do not feel absolutely certain of anything.’ That is why when governing we need to make sure we have information other than that provided by our trusted leaders. Information mediated by school leaders requires corroboration. Requiring different information from different sources – whether external sources, your stakeholders, or what you or others governing have seen themselves – is not a sign of personal mistrust; it is just part of the check and balance of good governance.”

There is further guidance on this interesting question from NGA, ASCL, the National Association of Headteachers and the Institute of School Business Leadership <http://www.nga.org.uk/Knowledge-Centre/leaders-governing-boards/School-leaders-and-Governing-Boards-What-do-we-Expect-of-Each-Other.aspx>.



9. INSPECTION AND LESSON OBSERVATION

Several points above demonstrate the impact that inspection has on what is going on in schools. This is often not regarded as helpful but it cannot be ignored. NGA has been concerned that the new Ofsted framework has insufficient emphasis on school governance, but they have been assured that this is not the intention. ISI no longer grades school governance on inspections of educational quality, but governance can be reported as a contributory factor to the outcomes of pupils in terms of their achievement and personal development. NGA and ASCL (and Ofsted) are keen to hear what people think of the new Ofsted framework as it rolls out. Schools which have been inspected report that the focus on curriculum has been clear and that off-rolling and three-year GCSE programmes have come under careful scrutiny.

Independent schools leaders in particular are well advised to keep abreast of the doings of the Independent Inquiry Into Child Sexual Abuse (IICSA) which has recently again been looking at residential settings and therefore independent boarding schools. One issue which arose last term could impact on all independent schools as a suggestion was made that the role of DfE as the regulator of independent schools should be transferred to Ofsted. Amanda Spielman, HMCI, said on 10th October, 'We do think we would be well equipped to do it, with the regulatory functions for so many other Children's Services already sitting with us. We have a good understanding of the nature of the work and the confidence and the expertise and the insight from our inspection.' Some commentators welcome the neatness of bringing inspection and regulation under a single authority but others feel that it is important to retain a distinction between the two functions. Independent schools with registered Early Years Foundation Stage (EYFS) settings (for children aged under two years) already have some experience of Ofsted as regulator for this provision. Currently, any (other) regulatory action required after an ISI inspection is undertaken at the behest of DfE and Ofsted's role vis-à-vis ISI inspection is confined to its monitoring role on behalf of DfE. A change of regulator would impact both on the source of regulatory authority and the role of inspection monitoring. School leaders will want to bear this in mind as they respond to ISI's consultation on its future inspection framework.

ISI has launched that consultation (for inspection of independent schools in membership of the Independent Schools Council associations). Governors will be interested in school leaders' views of the changing frameworks to which they are subject.

Some governing bodies, mindful of the emphasis still placed in inspection frameworks on lesson observation, retain this as an activity to be undertaken by governors visiting schools. You should be wary of this as lesson observation is a tricky skill and if you haven't been trained in it, there is a tendency both to focus too much on what the teacher is doing (rather than what the pupils are doing) and to make judgements in isolation (without reference to work scrutiny, schemes of work, class context, etc.). For governors visiting departments it can often be much more productive to visit several lessons across two or three teaching periods which removes the sense that the purpose is to judge the 'performance' of a single teacher and allows visitors to focus on what they are witnessing in terms of pupil activity and to have more informed discussion afterwards. Governing bodies should have protocols about how such visits are undertaken – including how any learning from them is shared with colleagues.

10. RESEARCH-LED LEARNING

There is growing emphasis in schools on applying the fruits of research to their deliberations. But here again there is a plethora of apparent and real research for stretched school teachers and leaders to consult. A *TES* article in August highlighted the difficulties here.



“The increased focus on educational research in recent years has led to teachers falling victim to a new phenomenon – ‘research washing’, warns research lead Mark Enser. Businesses desperate to flog their services to cash-strapped schools are applying a thin veneer of research credibility to their products to suck teachers in. The only way to guard against this, Enser says, is to equip schools with the research nous to spot snake oil when they see it.”

Where is this nous to be found? *TES* itself is a useful source and we have referred above to a collection of research pieces published on the curriculum. But the weekly magazine itself is a rich source and manageable enough for the motivated governor to find interesting. For example, an article in September entitled ‘The secret to (and joy of) tidy teaching’ was part of a series called ‘Research Review’ with links to past related articles (including ‘The teacher who gave up marking – and believes you can too’, ‘Do games actually engage kids and help them learn?’ and ‘Why progressive methods of teaching are problematic’) going back to 2016. In addition there is the rich seam of Research Highlights curated by the Chartered College of Teaching <https://chartered.college/> themed under Assessment, Student Wellbeing, Teaching and Learning, Research Engagement, Teacher Wellbeing and Transition. This has been described as the most cost-effective source of professional development available for teachers – one large group of independent and maintained schools subscribes to this view so far as to pay for all teachers in the group to have membership.

11. SAFEGUARDING

There has been a growing focus this year on peer on peer abuse and Ofsted’s Sean Harford and Yvette Stanley have written a helpful blog on this which may be useful to safeguarding governors in particular <https://educationinspection.blog.gov.uk/2019/10/04/what-is-peer-on-peer-abuse/>. In relation to this, The Diana Award offers free anti-bullying ambassador training. They state on their website:

“Young people spend 11000 hours of their lives at school. This time is supposed to be spent in an environment which is safe, happy and conducive to learning. But too many young people spend these hours unable to reach their potential because of bullying.”

You can find out more at <https://diana-award.org.uk/anti-bullying/>

Events at London Bridge at the beginning of the month are likely to encourage governors to make enquiries of senior leaders about how such events affect their off-site visit planning.

A new method of monitoring the Single Central Record of Appointments is available at <https://www.scrtracker.com/>

12. STAFF WELLBEING

At a time when the recruitment and retention of teachers is being described as a crisis, this is a key priority and governors will want to know how they can support leaders in this area. We referred to Emma Knights’ keynote speech at the NGA conference above and on this she said,

“Another big area of concern has been the workload and wellbeing of staff. The Department for Education has this year continued its work to highlight and tackle these issues, and NGA has been pleased to contribute and disseminate. We have also prioritised staffing issues in the review of our Knowledge Centre: covering a range of topics from flexible working to monitoring teacher wellbeing and headteacher

recruitment; and we continue to mention the need to improve HR practice in many schools at every opportunity.”

There have been many surveys in this area, extensively reported in *TES*. Their September poll told us that 75% of teachers reported that they are proud to be a teacher, 65% that they feel confident as a teacher and 59% that they found the job fun, while 39% said they did not feel valued at work and 57% did not find the workload manageable. On this, their October poll reported that 76% of secondary and 70% of primary teachers said that their workload was unachievable within contracted hours. The Promethean State of Technology in Education 2019-20 report in November found that 81% of teachers say that workload is contributing to high levels of stress in schools (compared with 62% the previous year) and that 60% of SMT members believe this – although 38% of teachers believe that schools are now doing more to address workload. In the same month the Teacher Wellbeing Index 2019 from The Education Support Partnership indicated that 73% of teachers (compared with 64% in 2018) and 84% of senior leaders (compared with 80% in 2018) reported being stressed. It is unlikely that any of your schools are immune to this trend.

Help is at hand from various sources. ASCL has published flexible working case studies <https://chartered.college/flexible-working>. Every Mind Matters is a self-care toolkit <https://campaignresources.phe.gov.uk/school/resources/every-mind-matters-selfcare-toolkit> Ed Dorrell wrote in *TES* in September about the importance of propping up Newly Qualified Teachers (NQTs) (or we risk the entire system crashing down) citing the figures that 15% of NQTs from 2017 are no longer in service (at a cost of £90 million). There is advice about how to reduce the burden of assessment and lesson preparation, and how to reduce the demands (and tedium) of meetings. It is important for governors to know who has responsibility for staff welfare, who takes responsibility for NQTs, for teachers new to the school and for people newly promoted, and to satisfy themselves that these key staff have the resources they need. And governors should be conscious of the wellbeing of the senior team and the headteacher. This subject is the last Thought in my Twelve Thoughts – but arguably at this point the most important, hence its priority in my New Year’s Resolutions above.

If you’d like to ask questions about anything in this Memo or I can be of any other assistance, please contact me directly: durellbarnes@rsacademics.com

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.



He was formerly Deputy Director and Head of Communications at the Independent Schools Inspectorate and before that taught in HMC schools, latterly as a deputy head. As Head of Communications at the ISI, Durell was responsible for liaising with Ofsted, the DfE, ISC, school associations, schools, parents and other interested parties on matters relating to safeguarding and quality assurance. He was closely involved in the development and implementation of the revised frameworks for inspection introduced successively in 2006, 2010, 2012 and 2015-6.

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.