

A NEW FOCUS ON GOVERNANCE

JULY 2022 GOVERNORS' UPDATE

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After two momentous years during which school governors and leaders have faced unprecedented demands, it is becoming increasingly clear that any 'normal' we are returning to looks very different from before the pandemic.

UK schools, in common with other organisations, are facing renewed economic challenges as we leave the era of low inflation and interest rates, and UK independent schools are facing political pressure in terms of business rates and VAT. Recruitment and retention of high-quality staff remain challenging also. Schools are wrestling with retaining the progress made during the pandemic in AI and the use of ICT at a time when many teachers and parents welcome a return to the perceived safe environment of the traditional classroom. As growing numbers of employers express dissatisfaction with the quality of graduate employees, some educationalists are reflecting on whether the school curriculum and especially the nature of assessment at 16 and 18 are fit for purpose.

All of these are very significant, perhaps strategic, matters for governors to reflect on over the summer and at any strategy days held at the beginning of the next academic year.

This Governors' Update dwells on none of them, however, because advice about each is proliferating, as is to be expected, from school membership organisations and other experts in a huge number of publications, posts, conferences and symposiums, physical or virtual. **I want to focus instead on what may be the most important development in 2022-3 for school governors: the proposed changes to the Independent Schools Inspectorate (ISI) inspection framework; and in the context of that to urge people not to lose sight of some of the significant steps forward schools have been taking in terms of the movements relating to Black Lives Matter, Everyone's Invited and Net Zero.**

To place the inspection changes in context, I begin with a note to governors with responsibilities in terms of safeguarding in particular. Lest there be excessive gloom about the future of the sector, I urge governors to ensure they seek from school executives a copy of the annual Independent Schools Council Census. Its executive summary gives more details on each of the following positive areas:

- The independent schools sector is recovering strongly from the Covid-19 pandemic;
- Measured fee increases and increasing amount of fee assistance;
- Healthy growth in the number of boarding pupils;
- ISC schools are returning to their partnership activities as pandemic restrictions ease;
- Most sixth form leavers from ISC schools go on to highly ranked universities; and
- UK independent schools are increasing their international presence.

NOTE TO SAFEGUARDING GOVERNORS

Happily this year's changes to both *Keeping Children Safe in Education* (KCSIE) and the *National Minimum Standards for Boarding Schools* (NMS) were highlighted several months in advance and it is fair to say that they are less extensive than they have been in the past—but they are significant.

The revised NMS show a continued raising of the bar in terms of quality, most obviously in the replacement of 'suitable', 'reasonable' and 'appropriate' as minimum standards of provision with 'good' or 'of good quality' - in no less than nine places. Elsewhere the new NMS reflect changes in KCSIE and it is notable that there are four specific changes referring to governors in all schools:

- **The nature of the training for governors and trustees from their induction and beyond is clarified and it is now a statutory requirement**, specifically with regard to their strategic responsibilities in terms of holding the executive to account;
- Emphasis is placed on governors' or proprietors' duty to ensure that **opportunities to teach safeguarding** are in place;
- A paragraph is added to clarify the governors' role in ensuring that **advice is given to parents about children's online access when away from school or college**;
- Clarity is added about the governors' role in ensuring **regular review of filters and monitoring**.

This takes to nearly 90 the number of references to governors/proprietors in KCSIE. Safeguarding link governors need to ensure that they have clear arrangements with the school's Designated Safeguarding Lead to ensure that their oversight and monitoring functions are carried out appropriately and allow for an effective annual review and reporting. Many schools are adding in an element of *external audit* as part of this process in some years. But as the wording above illustrates, responsibility in this area lies with the entire board and not solely with the link governor and this is something to be stressed at the start of the year.

ISI'S DRAFT NEW INSPECTION FRAMEWORK

The draft framework and consultation can be accessed at <https://framework.isi.net>. ISI is very keen for anyone involved with or affected by inspection, including governors, to respond to their consultation and the deadline is 16th September 2022.

Underlying principles

The new Chief Inspector, Vanessa Ward, is building on the emphasis placed on rigorous inspection of safeguarding by her long-serving predecessor, Dame Christine Ryan, and on listening to pupils by her immediate predecessor, Kate Richards. But there is now a far greater focus in the inspection framework on the role of governors and on their understanding of what life is like in school for pupils, and these are the factors which will impact significantly.

There are some who do not welcome all of the changes in the draft framework, but it is difficult to disagree with the principles which underpin them. These include:

- 'the placing of responsibility of the school's leadership and management and governance **to actively promote the wellbeing of pupils** at the centre of ISI's evaluation of the school';
- focus on Standard 8 of the Independent School Standards (Quality of leadership in and management of schools) which places a duty on the proprietor to ensure that persons with leadership and management responsibility at the school **demonstrate good skills and knowledge appropriate to their role so that the Independent School Standards are met consistently and actively promote the wellbeing of pupils;**
- ISI's (largely unheralded but laudable) values of **children first, diversity, integrity, transparency;**
- and a well established (since 2004, some readers will recall the Every Child Matters agenda) definition of wellbeing, **incorporating child protection and pupils' physical and mental health and emotional wellbeing, their education, training and recreation, their contribution to society and their social and economic wellbeing** - all of which governors, leaders and managers must actively promote.

Details of inspection

Reports on Inspections (every three years) will then feature sections on each of the aspects of wellbeing, preceded by one on school leadership, each of which will include references to compliance (or otherwise) with each of the Independent School Standards.

Some observers do feel that there is a danger that the greater focus on wellbeing may lead to a reduction in emphasis on the purely educational aspects of independent schools, part of the source of their reputation, especially overseas. And there are those who feel that the removal of judgements about aspects of schools' provision (albeit with the introduction of examples of exceptional practice and causes for concern) will be a loss, especially missed by parents and prospective parents. It is not clear that all stakeholders welcome the creation of an additional tier of associate or shadow inspectors and how that will be funded. Nor is it clear what the inspection tariff (number of inspection days) will be or the amount of inspection activity, especially with regard to compliance, that might be undertaken remotely.

It could be said that these points and without example or sample reports, or specimen self-evaluation forms, the consultation lacks important details. But this is the purpose of a consultation process and stakeholders have some time to make their views known about these and other points.

Leadership

The most important words in the draft framework are these:

‘For the purposes of this framework, “leadership” means all those with governance (the proprietor and/or governing body), leadership and management responsibility at the school, unless otherwise stated.’

There are nearly 60 uses of the word ‘leadership’ in the draft framework. Governance, leadership and management is the title of the first section of the proposed inspection reports and the primary focus is on Standard 8 (see above). While the requirements of the Independent Schools Standards Regulations (ISSR) have not changed at all and the Chief Inspector has indicated that she sees no call for any amendments to them, there is a change in emphasis arising from the explicit broadening of the definition of leadership. Standard 8 has always required the following:

‘The proprietor must ensure that those with leadership and management responsibility at the school (‘leaders and managers’):

- **have good and appropriate skills and knowledge, and**
- **fulfil their responsibilities effectively and consistently** so that the requirements of relevant standards and statutory guidance are met consistently.’

The following give some indication of the requirements of governors as part of leadership under the new draft framework. The list is not exhaustive but is intended to remind readers of the range of responsibilities—and of their detail.

- Leadership must ensure effective and consistent implementation of policies and that they **are understood by staff and pupils**.
- Leadership must ensure that all information is made available and provided in accordance with all relevant legislation.
- Leadership should be aware that **positive feedback from the majority of pupils can mask smaller groups of pupils, or individual pupils who have harmful, but hidden, negative experiences**, and take a proactive approach to promote the wellbeing of all pupils.
- Leadership must ensure that the school has effective arrangements, **reviewed regularly**, to ensure that pupils know how to stay safe while online.
- Leadership must ensure that pupils are properly supervised.

- Leadership must ensure that the school's admission and attendance register is (properly) maintained.
- Leadership must ensure that relevant **health and safety** laws are complied with.
- Leadership must ensure that first aid is administered in a timely and competent manner.
- Leadership must safeguard and promote the wellbeing of pupils through **effectively identifying risk of harm**, and take appropriate action to reduce risks that are identified.
- Leadership must ensure that the school's curriculum policy is implemented effectively through appropriate plans and schemes of work so that pupils experience **personal and health education which reflects the school's aims and ethos, encourages mutual trust for other people, particularly those with protected characteristics and actively promotes pupils' self-knowledge, self-esteem and self-confidence**.
- Leadership must ensure that pupils receive education as set out in the latest statutory guidance relating to **relationships and sex education (RSE)** and health education.
- Leaders and managers must promote good behaviour by pupils and **ensure that the school's behaviour policy is understood by staff and pupils and is implemented fairly and consistently**.
- Leadership must ensure that an effective anti-bullying strategy is in place which actively prevents and minimises bullying at the school and ensure that any **instances of bullying are dealt with effectively, and staff help children to overcome the impact of bullying**.
- Leadership must ensure that all pupils' education and experience of the school's **curriculum** results from effective implementation of appropriate plans, schemes of work, and programmes of activities.
- Leadership must ensure that **teaching** enables all pupils to make good progress according to their ability and does not discriminate against pupils or promote partisan political views; and a framework is in place to evaluate pupils' work and performance which refers to the school's aims and/or national norms.
- Leadership must ensure that pupils are not discriminated against, paying particular regard to **protected characteristics**.
- Leadership should ensure that pupils develop their emotional, intellectual, social, creative and physical skills through the accessible and stimulating environment created by the school.

- Leadership must ensure that pupils are effectively prepared for the opportunities, responsibilities and experiences of **life in British society**.
- Leadership must ensure that the school's curriculum and teaching does not undermine fundamental **British values**.
- Leadership must ensure that the school's curriculum policy is implemented effectively through appropriate plans and schemes of work so that pupils experience **social and economic education**.

While none of the above is new to the Standards, a new approach to the governors' role in monitoring and overseeing the executive's will be necessary now that they are incorporated into the term 'leadership'.

I'll make some suggestions later as to how this might be done, but at this stage I would point out two potential dangers here of which governors should be conscious. On the one hand, as the Standards have not changed, there is no greater accountability for governors here, but it may appear to be so and the workload could increase exponentially unless effective protocols are put in place - this could deter well qualified volunteers from putting themselves forward to serve on boards. On the other hand, boards must be wary of any drift to interference with the day-to-day management of the school arising from the framing of the proposed new framework.

Pupil Voice

It has long been the case that inspectors are rightly preoccupied with identifying the views of pupils, through pre-inspection surveys and on-site interviews which have increased manyfold in recent times. The inspectorate has also added staff pre-inspection surveys to those of pupils and parents and in some cases these have led inspectors into useful territory, for example where pupils have expressed dissatisfaction at the quality of their RSE lessons and staff have revealed that they feel uncomfortable teaching the subject.

The emphasis on involvement of pupils is much more explicit under the proposed framework.

- **Pupils' views, wishes and feelings about their school experience should be taken into account by the school.**
- The proprietor and leaders and managers should enable pupils to communicate, and develop positive relationships with staff, and make their views known.
- Many schools have already developed very effective ways of listening to pupils, hearing from them and noticing what supports or hinders their flourishing. Inspection reports recognise where this is working well and the school is actively promoting the wellbeing of pupils.

- **ISI promotes listening to children and young people on inspection to ensure that school inspections effectively hear the voice of the child.**

Once again, the role of governors in this process is emphasised. At the end of the draft framework, a slightly complicated section explains ISI's attitude towards three levels of school culture which are experienced at the same time, as follows.

- Level 1 incorporates the positive outward face of the school community and ethos, excellent aspects of the school highlighted and celebrated.
- Level 2 incorporates the lived experience of the school community with issues arising but mostly dealt with appropriately and in terms of pupil voice surveys, over 90% agree with positive statements.
- Level 3 incorporates some members of the school community being impacted by negative and damaging behaviours. Racism, misogyny and bullying are experienced [by a] small [...] percentage in surveys.

ISI states that this three-level approach can help strengthen risk strategies where it is harder to identify risks to wellbeing and this is in keeping with the requirement for leadership to appreciate the prevalence of potentially harmful behaviours 'and therefore do not consider avoidable harms unavoidable'.

This is complex territory which governors will want to discuss with school executives. Some commentators have been alarmed by the apparent introduction of a threshold of 90% positivity amongst pupils: but most would agree that there would be grounds for concern if 10% of pupils were negative about aspects of school life. The key question, then, is about how governors are to be aware of what pupils feel about school.

Implications for governance

It is important that governors and school executives do not feel overwhelmed by the scale of change foreshadowed by this new framework. Many observers will perceive some flaws in aspects of detail, comment on as yet unanswered questions and wish for elements to be re-balanced. There is much they will want to know more about as the consultation moves into a trial phase with specimen guidance and reports and trial inspections. But hopefully they will recognise that the unremitting focus on pupil wellbeing marks an alignment of inspectorate and school priorities. Boards will want to discuss amongst themselves and with school executives some of the following key elements, so they can agree what changes may be needed in structures and approaches to governance in the light of the proposed framework.

- How do the Board and its committees **actively promote the welfare of pupils**, specifically against the ISI headings? You may want to adopt an approach to agendas, discussions and minutes which allows for each item, decision, project etc to be considered in this light and for success criteria to reflect this.
- Do the Board's monitoring and oversight arrangements reflect the responsibilities of all associated with leadership without introducing unwarranted interference in the running of the school (or straining the executive's resources)?
- Does the committee structure ensure that each of the six inspection headings will come under the appropriate scrutiny without over-burdening some elements? Do agendas and minutes and other documentation reflect governors' exercising of their responsibilities in terms of pupil wellbeing?
- How will the Board and committees **hear directly from pupils**? Co-ordinating pupil presentations can be logistically difficult and organised meetings with groups can be stilted. Incorporating productive opportunities into governor visits will need careful reflection.
- How can the Board and executive **track pupil feedback**? Assuming that regular surveys are a common feature in schools, especially post-Covid, means can be devised to report on changing views about general areas or particular aspects and these can be segmented according to age group, house or otherwise. But it needs to be done in such a way as to avoid 'questionnaire fatigue' when the inspectors arrive.
- How can such feedback be linked to the Board's (and the school's) self-evaluation? You will want to consider this in the light of ISI's three levels of culture, its emphasis on **risk assessment** (are you sure you understand what they mean by 'not consider(ing) avoidable harms unavoidable'?).
- How can policy scrutiny reflect the requirement to actively promote pupil wellbeing? The use of case studies to illuminate how policies are applied could enliven an otherwise potentially unrewarding experience and give deep insights into school life.
- What do governors need to know about to be able to state that they ensure **school leaders have the requisite skills and experience**? This may involve some or all of: governor involvement in senior leader recruitment interviews; governor observation of other recruitment interviews and processes; sharing of key leaders' job descriptions, of training and development records, of reports on appraisal (in general not specific terms) and exit interviews.
- How is the above achieved without over-burdening either governors or the executive? That is not for me to say and I wish colleagues good luck with answering this one.

MAINTAINING FOCUS ON KEY ISSUES FOR SCHOOL CULTURE

All boards will have had conversations about how their school has responded to the challenges raised by Black Lives Matter, Everyone's Invited and the campaign for Net Zero (emissions). No school is unaffected and I would urge governors to maintain an active interest in all three.

There is a connection with the inspection agenda because these three areas are of considerable concern to pupils and they will have strong views about them, of which governors should be aware. They are also all key to the relationship of all those defined by ISI as 'leadership' given the huge efforts put into responding to these challenges by school executives. And the clear emphasis in the inspection framework on protected characteristics means that issues relating to Equality, Diversity and Inclusion will be at the forefront of inspectors' minds and the subject of keen interest on the part of the press. Please do not lose focus in this area.

And finally...

I have tried in this Update to focus on areas where there has not been so much information available from other sources. Governors who feel that they would like to improve their knowledge of the Independent School Standards Regulations, or any area of them which falls into their particular responsibility, especially if they have previously found the ISI Commentary on the Regulatory Requirements daunting, may like to read relevant sections of Sarah McKimm's highly accessible *Practical Guide to the Independent School Standards*.

If you have any comments on this Update or would like to raise any queries, please contact

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ABOUT THE AUTHOR

Durell joined RSAcademics in 2016, and throughout his career he has worked with 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.



At 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.

Durell served as Chairman of the Independent Schools Examinations Board (ISEB), alongside his role at RSAcademics, from September 2018 until March 2022.

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