

GOVERNORS' UPDATE SPRING 2020

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GOVERNING SCHOOLS DURING CLOSURE

INTRODUCTION

As usual towards the end of term, I turned my mind to helpful things to include in a newsletter to aid governors with their oversight and monitoring of school executives and pulled together thoughts about, amongst other things, the curriculum, relationships and sex education, staff welfare, the growth of artificial intelligence, partnerships, data, new inspection regimes—and I had prepared a paragraph on the coronavirus outbreak. Needless to say, I don't expect anyone to want to invest time at this moment on issues which only a couple of weeks ago seemed current, and when we have time to reflect on such things, I'll hope to produce a Memo which will assist in re-igniting interest and awareness. **And so this Memo will address only issues relating to coronavirus with a view to assisting governors not only in terms of monitoring and oversight, but also of the support they need to be giving school leaders, by providing some short cuts to information to save time—governors have their own work and family issues to resolve as well as fulfilling their governance function.**

As I write this, I see on screen someone described as a 'social distancing expert' and wonder how one might come to acquire such status. I do not write this Memo claiming to be an expert, but I hope I have anticipated some useful issues. In particular I would draw your attention to two statements which should focus the mind. In their information sheet (presciently labelled number 1) on 12th March, the **National Governance Association (NGA)** stated unambiguously that **'your school's response to the coronavirus is an operational matter for school leaders to deal with'**. While this is a reminder of the role of the executive, we should also be mindful that this is uncharted territory for them. Geoff Barton of the **Association of School and College Leaders (ASCL)** wrote in his coronavirus update (number 4 on 22nd March) that **'the main thing is to remind ourselves that we can only do our best. There is no template for what you are doing.'** So above all, whilst we are expecting a great deal from our school leaders, we should not be implying either that we think there are easy answers to the challenges currently confronting them or that it is inappropriate for the answer to a question posed may be, 'I don't know—yet'.

I try to give below some suggestions as to what guidance is available specifically on governance, some information about factors to consider at this time about on-line learning and about safeguarding and other issues, and end with some simple practical suggestions for boards to consider which might be missed in the 'big picture' thinking which abounds. If you have not yet discovered this, there is a plethora (I use the term to mean 'excess' rather than 'abundance') of guidance out there and the most important I can give is to try to settle on the sources you are going to use and to stick to them. The ones I cite are not exclusive nor necessarily exemplary, but I have endeavoured to be consistent and to refer you at this stage to sources I have recommended in the past because I have used them and found them helpful—no disrespect is intended towards other sources you may have come across and value. If you'd like to discuss any of the matters raised below, please don't hesitate to contact me at durellbarnes@rsacademics.com



1. GOVERNANCE CONSIDERATIONS

Most governors will have agreed with the head that there are at this stage three phases to be considered in terms of planning for the impact of school closures, which is the key focus now: getting through to what would have been the end of term (considering provision both for the pupils who should be remaining at school and those at home); what should be in place over the holidays for children of key workers and vulnerable children; and provision for both categories for part or all of next term, by which time we will all want to have created a degree of normalcy in unprecedented circumstances.

NGA has helpful information available for governors: [NGA Governing boards](#) including where to seek further information — the most important of which is the regularly updated website of the Department for Education (DfE) guidance for educational settings which can be found at [Gov.uk - About Covid-19](#). There is a helpline available by telephone and email, but these are likely to be over-subscribed and it may be as well, in the event that there are queries, for these to be collated and sent from one source at the school. In its first information sheet, NGA encouraged governors to focus on communication issues, and this should remain a priority as the weeks go by.

'In these challenging and unusual circumstances, it is more important than ever that those governing and working in schools and trusts communicate well and support each other. As well as maintaining the dialogue over current issues and the response, supportive messaging to staff and stakeholders will also be appreciated, especially by school leaders who are under a great deal of pressure.'

That pressure is likely to be greater for heads with less experience in leadership who should be encouraged to seek support and advice from other heads whom they trust. In terms of communication, it is also important that governors are aware of the messages going to pupils, parents and other stakeholders—it is not for them to approve of these as such, but they do need to know how key messages are being communicated. Once closure had taken place, NGA refined the guidance on communication and added some strategic priorities.

'The immediate priorities for governing boards are to:

- Establish a regular and manageable channel of communication between the school and governing board. In all probability this will be overseen by the headteacher, chair of the board and clerk working together.
- Identify the urgent business which cannot be delayed during the period that schools are closed and are providing reduced provision. Urgent business... in all probability will cover the deployment of resources (e.g. budget approval), how the school is maintaining the operating expectations set out by the government and monitoring the wellbeing and welfare of pupils and staff, which is paramount.'



They add that strategic decisions are needed to ensure continued governance function, e.g. through virtual meetings, considering levels of delegation so decisions can be made by fewer people. To assist with this, they direct maintained school governors to the *Maintained School Governance Procedures Regulations* [School Governance Regulations](#) which give boards the power to approve alternative arrangements for governors to vote at meetings, including but not limited to by telephone or video conference. They add that the *Model Articles of Association* for Academy Trusts [Model Articles of Association](#) state that trustees can attend meetings remotely subject to certain stipulations. In addition, boards should check individual articles to ascertain what are there quorum arrangements—some boards with multiple committees have established a temporary chairs' committee to make decisions at virtual meetings, with papers distributed electronically to all governors beforehand so they may express a view. There is also advice about time bound processes, e.g. in relation to complaints and exclusions, essentially of a pragmatic nature, and they advise that it may be necessary to deviate from the provision of articles and in such cases, 'there should at least be a communication and audit trail explaining why the alternative approach was taken.' **On 25th March NGA published Guidance for Governors and Clerks entitled *Governing in challenging circumstances—Business continuity and holding virtual meetings.*** <https://www.nga.org.uk/News/NGA-News/March-2020/Business-continuity-guidance-to-support-boards-thr.aspx> This summarises and expands on some of the elements above as well as providing very practical advice on how to manage meetings which are not taking place in person and highlighting e-learning opportunities to assist with governance at this time.

Of course, NGA is not the only source of advice available to governors. **The Key** have given concise and helpful advice about specific issues, e.g. the definitions of children of critical workers and vulnerable children, and what to do in the event of specific occurrences, e.g. what to do if anyone still in school after closure develops symptoms of the coronavirus [Covid-19 What you need to know](#)

Key considerations for governors are the same in academies, maintained schools and independent schools and much of the guidance applies to all. For the independent sector, the **Independent Schools Council** (ISC) has been co-ordinating guidance from its constituent associations, the **Association of Governing Bodies of Independent Schools**, the **Independent Schools Bursars Association** (the slides for the joint AGBIS/ISBA webinar on 24th March are very useful), and the **Boarding Schools Association** (whose safeguarding notes are applicable beyond the boarding sector). Guidance can be found at [ISC Coronavirus information for schools](#). It includes considerations of particular import for schools as private businesses and for residential schools.

For independent schools in particular executive teams will already have begun to model different financial scenarios in terms of potential lost revenue in the short and medium terms. These may include the impact on school business activities like holiday courses and lettings as well as any relating to payment of fees. Issues will vary depending on the different circumstances of schools, not only in terms of their general financial health but also in terms of flexibility: some schools will be able to delay or amend capital projects already in budget as their first level of response, but others will need to consider more immediate cost savings in terms of day-to-day spending. These are especially difficult decisions for heads and bursars or finance directors and this is an area in particular where governors will need to offer support as well as challenge thinking. For a while there has been discussion of how schools might come together in difficult circumstances and at this time schools with capacity to support others may wish to let that be known: delicacy of

approach may be less of a consideration than hitherto. There are already discussions taking place about how alumni and others might be approached to support hardship funds should these become necessary and this is an area where schools may wish to seek expert advice.

RSAcademics is offering many of its core services for free, reduced or staggered fees and adapted specifically to help schools through these challenging times. These include:

- Current and prospective parent research, communications and engagement
- Student recruitment & retention advice and support
- Alumni relations and fundraising
- Strategic planning, mergers & acquisitions, business modelling
- Governance
- Leadership – coaching and support

These services are delivered by our team of over 50 specialist consultants. In the first instance, though, please contact Russell Speirs, CEO and Founder, for a confidential discussion or to be put in touch with a specialist adviser: russellspeirs@rsacademics.com

2. ON-LINE CONSIDERATIONS

Schools are, where possible, now moving to providing as much education as possible on-line. What this will consist of will vary from school to school. Some schools have sophisticated on-line learning platforms and others will be more constrained, perhaps confined to email communication. Amidst the excitement about making this provision, and the frustration, all schools will need to be mindful of how to maintain contact with those who for one reason or another are unable to access virtual learning or email. Governors do not have to know the answer to this question, but it's a good one to remind leaders of periodically.

There is considerable advice and assistance available about this, including information about free access to software which can be of use, and schools sharing their own platforms and resources. For governors wishing to take an interest in what is available, two links will be useful. One is to the [March 2020 Developing Digital Leadership Bulletin](#). The other is to the portal of the ISC Digital Strategy Group [Coronavirus continuing learning](#). Both draw on the experience of Mark Steed, Principal of the Kellett School in Hong Kong, which has been operating in this way for some time.

Even for schools with sophisticated on-line capabilities, it is difficult to be clear about what should be encompassed and how it should be delivered. The most ambitious providers seek to enable a virtual timetable for every pupil with on-line assessment. There needs also to be provision for basic pastoral care through on-line tutor group meetings or similar. Where possible, schools will aim to maintain a sense of community through year group and whole school assemblies on-line, thoughts for the day etc. Provision can be made for both mental and physical health and wellbeing, either through links to appropriate sites, or through school generated activities. There are already examples of on-line clubs and societies to keep schools' extra-curricular dimensions going.



RSAcademics is providing a service to assist schools in the evaluation of on-line learning, with a view to maximising its effectiveness, especially next term. It takes the form of a new, free survey service to help schools understand how remote learning is working for your students, parents and staff. More information can be found here:

https://www.rsacademics.com/blog/schoolpulse_remote_learning

As far as governors are concerned, they will want to support what school leaders are providing and have to the fore considerations relating to safeguarding (see below). They will want to ensure that the aims of the school are borne in mind as provision is made, and that teaching, and learning are carefully planned rather than ad hoc. For example: are Years 11 and 13 going to have some assessments to reflect what they have achieved in working towards their GCSEs and A levels? What are the schemes of work for other year groups leading to?

3. SAFEGUARDING CONSIDERATIONS

Reference has already been made to the safeguarding considerations which need to be borne in mind in terms of on-line learning. As elsewhere, many sources exist to support schools here but perhaps the most user friendly for governors, as indicated previously, is Andrew Hall's **Safeguarding in Schools** www.safeguardingschools.co.uk, and I'm indebted to him for the links to online learning platforms above. His latest newsletters will be of particular value to safeguarding link governors. It is particularly important that in planning for on-line learning and teaching, the safety of both teachers and pupils is considered, and this will involve issues relating to parental oversight of their children's on-line activity. Most guidance in this area stresses the need for schools to keep recordings of lessons which are filmed, to have protocols around what one-to-one virtual contact is permissible, how pupils should conduct themselves (including where they are and what they are wearing) in lessons undertaken via Skype or Zoom or similar, how to maintain records of contact, etc. Andrew has highlighted a resource provided by the charity **SWGfL**, a flyer about key things to consider about how to safeguard teachers and children in this area <https://swgfl.org.uk/assets/documents/safer-remote-learning-flyer.pdf> SWGfL have also posted on-line a useful article—the name is on the tin <https://swgfl.org.uk/magazine/what-you-need-to-know-professionals-and-parents/>.

Theoretically, children classed as 'vulnerable' will remain in school, but this is not compulsory, and social workers may need to be involved in the decision process. Schools will want to risk assess individual children in this category and there is a useful article on this on The Key which may be helpful to safeguarding link governors in their support for Designated Safeguarding Leads (DSL) <https://schoolleaders.thekeysupport.com/pupils-and-parents/safeguarding/managing-safeguarding/safeguarding-vulnerable-children-during-school-closure/isolation/>.

There may well be other children on DSLs' radar who do not fit neatly into the 'vulnerable' category about whom they will be concerned and wish to take advice. They may have concerns relating to pupils with SEND and especially those in residential settings being sent home for longer periods than is customary. Vicky Ford MP, Parliamentary Under Secretary for Children and Families, has written an open letter for children and young people with SEND, parents, families and others who currently support them, which can be accessed here [Letter from Vicky Ford MP](#) Some independent schools are consulting with maintained schools with which they already have partnerships (and others) about any ways in which they may be able to assist with care of vulnerable children and children of key workers. This includes some boarding schools making facilities including beds available to key workers themselves where this is helpful. Many independent schools are offering assistance in terms of access to teaching and learning materials.



All these initiatives have safeguarding implications over and above the ongoing concerns relating to the whole student body and individual pupils with mental health issues. DSLs as leaders in this area are likely to be stretched: governors have a role in ensuring that executive teams place appropriate emphasis on the supervision and support of these key individuals, often the last to admit any need for such.

Many providers are offering resources to assist with the mental wellbeing of pupils and staff. Andrew Hall draws attention to **Heads Together** who have made available a toolkit of resources to help address anxiety (for pupils but they may be used by teachers in some cases) <https://www.mentallyhealthyschools.org.uk/media/1960/coronavirus-mental-health-and-wellbeing.resources.pdf>.

Many governors know of the outstanding work in this field undertaken by the **Anna Freud National Centre** and they have ensured that their website provides assistance for all educational stakeholders with advice aimed at children and young people, for parents and carers, and for school staff around helping pupils manage their mental health and wellbeing during any disruption caused by the virus <https://www.annafreud.org/coronavirus/>

Governors may wish to enquire about what advice is being given to staff about their own mental health and are likely to be told about guidance available from the teacher and headteacher unions (in addition to ACSL mentioned above). Most schools will draw staff attention to the **Education Support Partnership** helpline on 08000 562 561.

4. OTHER CONSIDERATIONS

There is a growing amount of advice about all the guidance which is being provided. Perhaps most useful is ASCL's Frequently Asked Questions, which are being adapted in line with the expanding guidance <https://ascl.org.uk/Help-And-Advice/leadership-and-governance/Health,-safety-and-safeguarding/Coronavirus-essential-information/Coronavirus>.

Law firms are making information available especially on employment and HR matters (e.g. about staff absence and illness, redundancy and 'furloughing'). Harrison Clark Rickersby, Veale Wasbrough Vizards and Barlow Robbins have been particularly proactive, and their resources can be found on their websites. This area was a source of extensive questioning on the postponed joint AGBIS/ISBA webinar on 24th March and they are likely to provide advice on these and related matters in due course—so watch that space.

5. PRACTICAL CONSIDERATIONS

- Some support may be needed where heads feel that pupils are being sent to school unnecessarily. Apart from vulnerable children, provision is supposed to be available *as a last resort* for children of key workers *who are unable to be catered for otherwise*.
- NGA's recommendation that the chair, clerk and head work closely together highlights the need for contingency in the event that any of these is incapacitated. It is likely that schools have provision for the absence of the head, but it is advisable to re-visit this given the possibility of widespread illness. Similarly, who might step in for the chair or the clerk? This is particularly important if a board does not have a vice chair or if the vice chair's role does not

incorporate standing in for the chair. It may not be possible for the clerk to be replaced in all aspects of the role, but if key elements are identified, they may be able to be re-allocated.

- Alongside the discussion of quorums and delegated authority referred to above, it is likely that boards will want to agree a small number who may meet more regularly and at specific times, e.g. just before the end and beginning of term, to give support to the executive and debate any issues where this would be helpful, using the occasion to confirm where appropriate that no further board agreement is needed about particular actions, but nonetheless to keep the board updated.
- This group may also wish to keep the Risk Register updated with a specific focus on the impact of the virus and the school closure in order as far as possible to anticipate likely risks (but accepting that there will be 'unknown unknowns'). Such a 'task force' might begin some of the preliminary thinking about 'what if' issues which should be considered later by a full (or as near as possible full) board meeting which could be run better if such pre-work had been done, e.g. 'what if we re-open in June/September/October?' and 'what if x, y or z % of the staff are unable to work?' and 'what if person x, y or z is incapacitated?', and 'should we suspend thinking about the school development plan and if so, until when?'. Other such areas for consideration will include matters relating to loss of income for all schools but especially independent schools.
- While focusing on what boards must do to ensure implementation of current government priorities, governors should not lose sight of what they were supposed to have undertaken next term. The chair will need to look at the workplan for the term for the board and committees, and identify what may legitimately be deferred, with some suggestion as to when it might be re-considered (in order at least to ensure that further thought is given to the matter at that time).
- On-line learning will need very clear protocols to ensure the safety of staff and pupils and while experts in this field will want to invest energy in designing effective teaching resources, others may be better suited to considering some of the necessary practicalities. The Digital Learning platforms highlighted above include references to the Kellet School's prototype Guidance on Home Learning, Home Learning Responsible User Agreement, Parental Consent Form for Online Sessions, Protocol for Teachers etc.
- There may be issues relating to staff appointments affected by the current situation, which may not seem urgent at this point, but which may become so, e.g. appointment processes which have been broken off because of school closure and social distancing. These may affect either staff your school was seeking to appoint, or members of your staff who were in the midst of the process with another school, or both. Contractual issues may be involved. These will be especially important if they relate to senior leadership appointments which would usually involve governors and contingency plans for these eventualities should be in place.
- Providing support for headteachers is very important, but governors must be careful to ensure that this does not come across in any way as checking up on them and also to avoid over burdening the head with contact. The head's critical friend is usually assumed to be the chair, but where the chair feels that another governor might be able to provide at least the supportive friend element of that, this should be agreed, and other governors should not be randomly in touch ostensibly offering support but perhaps simply taking up valuable time.

If you'd like to ask questions about anything in this Memo or I can be of any other assistance, e.g. in referring you to colleagues whose expertise may be helpful, 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 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.