Clerks’ Briefing
Spring 2019

Strong teamwork between the headteacher, the chair of the governing body and the clerk is crucial to efficient working. Ofsted, Learning from the Best 2011

The role of the clerk is pivotal to ensuring that statutory duties are met, meetings are well organised and governors receive the information they need in good time. Consequently, governors come to meetings well prepared and with pertinent questions ready so that they are able to provide constructive challenge. Ofsted, Learning from the Best 2011.
Help us to help you

Reminder - Governor Support Service Requests

We hold a database of maintained school governing boards on behalf of the Local Authority. Such information is needed for governor recruitment purposes, in cases of urgency, safeguarding, Ofsted inspections, and schools where there is a cause for concern. All data is stored and accessed in accordance with the Data Protection Act and GDPR. The only piece of information we can give out publicly is the name of the Chair of the Governing Board, which is already in the public domain. We do not give out personal contact details or any other information.

With contact details changing each term, please let us have a complete list of all your GB membership including:

- Category of governor
- Term of office
- Contact phone numbers (mobile & home)
- Email address
- Who is chair and vice chair
- Details of any associate members of the board (inc. contact details and term of office)

We need to collect this information from maintained schools on behalf of the Local Authority and ourselves to support you and your governing boards. Further details and a template for submitting data can be found here: https://www.governor.support/local-authority-statutory-duties/.

Please send your Governing Board membership information to: office@governor.support

For academy schools, we simply request that this information is provided, especially from those who subscribe to our services. We often send out communications from the LA and others to all schools. Having up to date contact details helps you and certainly helps us to be better informed about local and national issues.

Get Information About Schools (GIAS)

Please make sure that you keep the DfE site updated with your governing board membership as well.
Your governing board minutes
Please send us a copy of your draft board and committee minutes once approved by your chair of governors.

Spring Term Governor Training Courses
Please can you remind your governors of the range of courses that are available this term, also that they feedback on the course to the governing board and to update your training records. Your minutes need to show what learning was achieved and shared with all governors.
Find out more about our courses: https://www.governor.support/?post_type=tribe_events

Access to the secure area of our website
Passwords are now available to all governing boards and their clerks who subscribe to our Service Level Agreement. Please email office@governor.support to request your password.

Maintained School Governing Boards
Reminder about Schools Financial Value Standard (SFVS) needs to be an agenda item this term so that the completed form is approved by the board in time to be sent to the Local Authority by 31 March 2019. Download the form from: https://www.gov.uk/guidance/schools-financial-value-standard-and-assurance-svfs#schools-financial-value-standard-guidance-2018-to-2019

All school governing boards
Time to review and agree Service Level Agreements, in most cases they run from end of March to the following April.

Hillingdon Governors’ Termly Meeting

<table>
<thead>
<tr>
<th>Term</th>
<th>Date</th>
<th>Venue</th>
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<tbody>
<tr>
<td>Spring 2019</td>
<td>To be advised</td>
<td>Civic Centre, Uxbridge</td>
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✓ Open to all governance and clerking colleagues. Free to attend.
✓ Networking and refreshments from 6:30pm, main meeting 7:00pm to 9:00pm.
✓ Reminder, please let the Hillingdon Governors’ Executive Committee know about those wishing to attend by emailing Hillingdongovexec@gmail.com. Please send attendees names and email addresses for the event register.
✓ A booking reference is not issued for this meeting so once you have emailed your name you will be included on the attendees list.
✓ Papers from the previous meeting can be found here https://www.governor.support/ on the home page (no login required).
✓ Please note that there is no organised facility for visitors’ car parking at the Civic Centre for this event.
Department for Education (DfE) & Ofsted – Consultations

Department for Education’s proposal on the increase to employer contributions to the Teachers’ Pension Scheme in 2019 to 2020

The Department for Education (DfE) is seeking views on a proposal to support certain education institutions with the increase to the Teachers’ Pension Scheme (TPS) in 2019 to 2020.

DfE’s proposal is to fund:
• schools that receive public funding
• further education colleges and other public-funded training organisations
The Department would like to use this consultation to understand the impact on these institutions, and on other affected institutions.

Consultation closes: 12 February 2019
Find out more about the consultation

Action: information/discussion for finance and resource committees

Are you up-to-speed on the proposals for the new school security guidance?

In November 2018, the DfE published their draft guidance, ‘School security’, and the ‘Controlling access to school premises’ guide.

Governing boards in monitoring school security arrangements need to ensure that they are adequate, proportionate and adopt a common-sense approach. A review of current practice should include monitoring for lockdown procedures, emergency evacuation, school trips, bomb threats, cyber security and communication, and audit.

The draft guidance sets out the importance of having a policy and plan in place, so schools can manage and respond to security related incidents. Each school should establish and maintain relationships with local security networks and work with the police, local authority and others in the wider community to gather and share security related information. This intelligence can then be used to inform the development of a school security policy and plan that is proportionate, measured and reflects local and national security issues or threats.

Section 1: Seeks feedback on whether the framework presented will enable schools to develop their own security policies and plans.

Section 2: looks at the identification of internal and external risks. In this section schools are directed to the health and safety risk assessment procedures used by many schools, which can be adapted and used to undertake a security risk assessment. To help schools develop security assessments, the DfE have included a series of prompts that explain some potential risk areas that some schools may want to use to inform their thinking, and which others may find useful to review an existing risk assessment.
Section 3: looks at managing risks and how schools can determine what to do once potential security risks have been identified. The guidance advises schools to take steps to determine the likelihood of an incident occurring, and to assess its impact, before putting in place plans to manage and keep the identified risks under review.

Section 4: considers prevention and a whole school approach and how local and national security concerns might impact on a school’s day to day business as well as how effective preventative measures can reduce the chances of a serious incident happening.

Schools are signposted to specific sites where they can readily access available tools and resources, for example, dealing with pupils carrying prohibited items, restricting access to and the barring of abusive or threatening individuals from school premises and how to respond if caught up in a terrorist attack inside or outside of school.

Section 5: looks at recovery and the restoration of ‘business as usual’ in the aftermath of a serious incident. The guidance signposts schools to sources of information which will help them to draw up effective recovery plans. The guidance also stresses the need for schools to evaluate how plans stood up when dealing with a real security incident. It encourages schools to consider the outcomes of their evaluation and use their findings to refresh and update existing plans.

School security: Draft non-statutory guidance for school leaders, school staff, governing boards and local authorities, November 2018

Find out more about the consultation

Consultation closes: 18th February 2019

Action: governing boards to review current practice in light of the draft guidance, and review policies

Out-of-school settings: voluntary safeguarding code of practice

The DfE have opened a consultation on a voluntary safeguarding code of practice of out-of-school settings. The lessons from child abuse in organised activities have clearly shown the risks to children and how vigilant organisations need to be.

The DfE identify the following as a non-exhaustive list out-of-school setting:

- Tuition or learning centres (which may be used to support mainstream, or home education) e.g. in term time or holiday courses in key stage 1-4 curriculum; English and mathematics skills; examination preparation (i.e. SATs, GCSE, A Level and 11 plus / school entry exams) etc
- Extracurricular clubs or settings, e.g. ballet classes, gymnastic training, sports tuition instrumental music tuition, martial arts training, drama classes, etc
- Uniformed youth organisations, e.g. the Scouts and Guides
- Open access youth providers, e.g. centre-based and detached youth work
- Supplementary schools or what are sometimes called complementary schools, e.g. those offering support or education in addition to the mainstream, or core learning, and which operate after school hours or during the weekend
Private language schools, including those for children coming from abroad
Religious settings which offer education in their own faith, e.g. Jewish yeshivas and chedarim, Muslim madrassahs, Hindu OSS, Sikh OSS, Christian Sunday schools, etc
Parents often need to be encouraged to ask safeguarding questions of the people running organisations that they leave their children with.

Questions for parents can be downloaded here

The consultation documents and online questionnaire can be found here

Closing date: 24th February 2019

Action: Does your school/governing board let the buildings to other before or after school providers? What safeguarding practices do they have?

Ofsted Consultation

New Inspection Framework

Ofsted has launched the consultation on its new inspection framework, proposing longer inspections for ‘good’-rated schools and a plan to send inspectors in to schools earlier for “collaborative” preparation time with leaders.
The draft new framework, which was published on 16 January 2019, shows how inspections of schools could be carried out from September 2019.

Alongside previously-announced plans to change inspection of the quality of education and management of behaviour in schools, Ofsted proposes to increase “short” inspections of ‘good’-rated schools over two days instead of one and introduce new on-site preparation sessions that could see inspectors arrive in schools just two-and-a-half-hours after leaders are first informed of their planned visits. Inspectors will still be able to upgrade to a full inspection if they feel a ‘good’ school has got better or worse.

Once implemented, it will also see a more “holistic” and curriculum-focused approach to rating the quality of education in schools, while inspectors also seek to put an end to “teaching to the test”, the narrowing of the curriculum and illegal off-rolling.

A new quality of education judgement will look at how schools are deciding what to teach and why, how well they are doing it and whether it is leading to strong outcomes for young people.

Ofsted recognise in the draft documents that curriculum change takes time, and that for the first year at the very least, providers that are taking reasonable steps to improve their curriculum, but aren’t necessarily there yet, will not be adversely affected.

Details of the focus on curriculum also appear to include proposals to judge a school on how well it is preparing to meet the government’s “ambition” of 90 per cent of pupils taking GCSEs in EBacc subjects.
As part of a leadership and management judgement for schools, headteachers will be judged on excessive off-rolling of pupils – an illegal process by which pupils are removed from the school’s roll without a formal exclusion.

Ofsted plans more inspector face-time. In doubling the amount of time inspectors spend in ‘good’ schools, Ofsted hopes to ensure the process of confirming that schools remain at that level is secure.

Under new on-site inspector preparation proposals, lead inspectors will spend an afternoon at schools they are due to inspect the following day. Schools will be informed of their impending visit by no later than 10am on the day before the inspection, and the lead inspector will arrive no earlier than 12.30pm, staying until no later than 5pm.

Matthew Purves, Ofsted’s deputy director for schools, stated that it would be “really clear” the afternoon “is about preparing with the school and giving the school a role in preparation rather than it being a phone call and sending a document”.

The time would be used to check documents and discuss things like the schedule of the inspection, activities that would normally eat into the beginning of an inspection.

<table>
<thead>
<tr>
<th>Current Framework</th>
<th>Proposed New Framework</th>
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<tbody>
<tr>
<td>Judgement of personal development, behaviour and welfare</td>
<td>Separate judgements on:</td>
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<tr>
<td></td>
<td>• Behaviour and attitudes</td>
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<td></td>
<td>• Personal development</td>
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<tr>
<td>Quality of teaching, learning and assessment</td>
<td>Quality of education</td>
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<tr>
<td>Inspectors use schools’ internal performance data for current pupils as evidence during an inspection.</td>
<td>Inspectors will be gathering “direct evidence” on the quality of education and hold “meaningful discussions with leaders about how they know that the curriculum is having an effect”. However, inspectors will ask schools to explain why they collect the data they do, what they draw from it and how it informs their curriculum and teaching.</td>
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<tr>
<td>Grading scale used for inspection judgements</td>
<td>No change</td>
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<tr>
<td>• Grade 1 - outstanding</td>
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<tr>
<td>• Grade 2 - good</td>
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<td>• Grade 3 - requires improvement</td>
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<td>• Grade 4 - inadequate</td>
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<td>Overall effectiveness</td>
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<td>• Quality of teaching, learning &amp; assessment</td>
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<td>• Personal development, behaviour &amp; welfare</td>
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<td>• Outcomes for pupils</td>
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<td>• Leadership &amp; management</td>
<td>• Leadership and Management</td>
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<td>• Early years provision</td>
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Closing date: 5th April 2019

*Action: all governing boards, agenda item for discussion with senior leadership team on implications for school and board*
Guidance for schools about setting up or reviewing complaints procedures

In accordance with Section 29(1) of the Education Act 2002, all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

There is a difference between ‘legal requirement’ and ‘good practice’. In this guidance, the DfE use:
➢ must - where a school has a legal duty to do (or not do) something
➢ can - where a school has a legal power (not a duty) to do something
➢ should - for guidance on best practice

Under section 29(2) of the Education Act 2002, governing boards of maintained schools must ‘have regard to any guidance given from time to time (in relation to England) by the Secretary of State’ when establishing and publishing complaints procedures relating to their school and any facilities or services the school provides.

You must have your own distinct complaints procedures in place. A guidance document for parents on making complaints does not satisfy the legal requirement to have in place a procedure to deal with all complaints.

The duty to establish procedures for dealing with complaints lies with governing boards, you must tailor the policy to your individual school.

You should make sure that your complaints procedure:

- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation
- where necessary respects confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the school’s senior management team so that services can be improved

To you make sure your complaints procedures are effective, the DfE recommend that:

- you ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action
- when responding to a complaint, you advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process
- wherever possible, procedures state what you ‘will’ do rather than what you ‘should’ or ‘may’ do
• Try to avoid using ambiguous language in your complaints procedures, as not doing something the procedure states the school should or may do, can lead to further complaints.

The phrase ‘must have regard’, when used in this context, does not mean that DfE’s guidance must be followed in every detail. While DfE’s expectations are that schools will adopt our best practice recommendations, schools can apply alternative processes if they have good reason to.

**Complaints outside of this policy**

Some complaints fall outside the school’s complaints procedure, for example:

• exclusions
• staff grievances
• disciplinary procedures

other [complaints not in scope](#) and not covered by this procedure.

**Complaints about the headteacher or governing board**

The complaints procedure must also set out the steps to follow if the subject of the complaint is:

• the headteacher
• a member of the governing board
• the entire governing board

The DfE recommend that:

• complaints against the chair of governors or any individual governors are made to the clerk to the governing board (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing board (stage 1) and then a committee of members of the governing board (stage 2)
• complaints against the entire governing board or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2

If appropriate, the clerk could ask for support from the:

• governor services team
• diocese

There may be occasions when it’s necessary or reasonable to deviate from the published complaints procedure. This includes not doing something the procedure states you will, should or may do. The DfE recommend that you document any deviation from the published procedure.

If the complaint is escalated to the DfE for consideration and the complaint is about any deviation from the published policy, you will be asked for an explanation for doing this, unless one is already included in the evidence provided. If the DfE do not consider the explanation reasonable, or the deviation justified, you may be asked to revisit the complaint and comply with the published complaints procedure.
Since 1 September 2016, maintained schools must publish their complaints procedures on their websites. This does not apply to community or foundation special schools that are established in hospitals or maintained nursery schools.

In the case of federation schools, the federation’s governing board is responsible for creating a suitable complaints procedure. The federation’s governing board must also ensure that each school in the federation publishes the complaint procedure on their school’s website. It is not sufficient for a federation complaint procedure to only be published on the federation’s website, unless member schools do not have websites of their own.

**Reviewing your procedure**

You should determine how often to review the complaints procedure. The DfE recommend at least every 2 to 3 years, as this should enable you to take into account any:

- legislative changes
- new guidance issued by the DfE

You may delegate responsibility for reviewing the complaints procedure to:

- a committee of the governing board
- an individual governor
- the headteacher

Find out more:

- Best practice guidance for school complaints procedures
- DfE model complaints procedure
- DfE model policy for managing serial and unreasonable complaints

**Action: governing board or committee to review current policy; update and approve in line with the new guidance**

**Education and Skills Funding Agency (ESFA)**

**Consultant Partners for Cost Saving**

The DfE has recently announced that it is boosting its Schools Resource Management Advisor (SRMA) scheme, where consultants are sent into schools to help identify savings, with £2.4M of funding. Nine firms, have been awarded the contracts to recruit and manage at least 160 advisors, although it is thought that this could potentially grow to up to 250, over the next two to three years.

According to the ESFA, the advisors will be ‘sector experts’ and have ‘demonstrable experience’ of aiding schools and trusts in getting the most out of their revenue and capital resources. This includes the “techniques” of integrated curriculum and financial planning.

This follows academies minister, Lord Agnew, stating that following a pilot of the SRMA scheme, advisers had identified potential savings of “more than £35 million” from 72 completed school and trust visits, an average of nearly £500,000 savings per visit (advisers are paid £400 a day).

National deals, can be accessed via the link, [https://www.gov.uk/government/publications/deals-for-schools/deals-for-schools](https://www.gov.uk/government/publications/deals-for-schools/deals-for-schools) are regularly updated. The nationally agreed deals available range from
books and materials to facilities management and estates to printers, copiers and multi-functional devices.

**Guidance for governors: what checks to make**
Information to help governors ask the right questions when they are checking school resource management.

- [School resource management: top 10 planning checks for governors](#)
- [Understanding your data: a guide for school governors and academy trustees](#)

**Action: information for finance and resources committees**

**New site to help schools save on recruitment costs and things they buy**

- A free website to advertise school vacancies – this will help schools save on advertising for positions
- Recommended deals that are helping schools to save money on the things they buy regularly, such as printers and photocopiers – one school in the North West has saved an estimated £40,000 on its printing costs
- Regional Schools Buying Hubs, piloted in the North West and South West, providing hands-on support and advice to schools on complex procurement
- A network of advisers providing practical support on how schools can use their budgets more effectively
- A [benchmarking website](#) to allow schools to compare their income and expenditure with others in England

[Find out more](#)

**Controlling Access to School Premises**
The end of 2018 saw the DfE release new guidance to clarify what schools can do to bar or remove individuals from school premises. The guidance outlines schools’ rights and responsibilities regarding access to the site and how schools should handle unwanted individuals on the premises.

**Who can go onto school premises?**
People do not have an automatic right to enter schools as they are private property. Parents have an ‘implied licence’ to come on to school premises at certain times, for instance, for appointments, to attend a school event and to drop off or pick up younger children.

Schools should set out their rules for this and ensure parents are aware of these entry rules. Anyone who breaks those rules would be deemed to be trespassing.
Barring individuals from school premises
Trespassing is a civil offence which means schools can ask someone to leave and take civil action through the courts if someone trespasses regularly. The school may want to write to regular trespassers to tell them that they are potentially committing an offence.

Schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or pupils. It’s enough for a member of staff or a pupil to feel threatened. The school should tell an individual, in writing, that they’ve been barred, or they intend to bar them. Letters should usually be signed by the headteacher, though in some cases the academy trust may wish to write them instead.

The individual must be allowed to present their side. A school can either:
- bar them temporarily, until the individual has had the opportunity to formally present their side;
- or
- tell them they intend to bar them and invite them to present their side by a set deadline.

After the individual’s side has been heard, the school can decide whether to continue with barring them. The decision should be reviewed within a reasonable time, decided by the school. The DfE does not get involved in individual cases.

Removing individuals from school premises
Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence. To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their ‘implied licence’, then also have caused a nuisance or disturbance. Find out more

Action: information for all governing boards

Health and Safety Guidance for Schools
The end of November 2018 saw the DfE update its guidance, “Health and safety: responsibilities and duties for schools”. The guidance, which can be accessed in full here, has been split into twelve sections. Key points from the guidance include:

Responsibilities
The employer or, in the case of independent schools, the proprietor, is accountable for the health and safety of school staff and pupils. In most cases, the headteacher and the school management team are responsible for ensuring that risks are managed effectively. This includes health and safety matters.

Pupils should be safe in school and when undertaking out of school activities. The risk management to keep them safe should be proportionate to the nature of the activities.

Teachers should be able to take pupils on school trips that broaden their horizons. Pupils should be able to play freely in the playground and be able to take part in sports.

Schools must appoint a competent person to ensure they meet their health and safety duties. A competent person is someone with the necessary skills, knowledge and experience to give sensible guidance about managing the health and safety risks at the school. This can be someone appointed
directly by the school, one or more of its staff, or the employer can arrange support from outside the 
school. In most schools, the senior leadership team can manage risks.

**Leadership**
Schools must have a health and safety policy in place. This should be an integral part of the school’s 
culture, values and performance standards. The key elements of the policy should set out the:
roles and responsibilities within the various risk management processes; mechanisms to control risk;
and specific control measures that need to be implemented.

In most schools, the headteacher is responsible for implementing this. Based on a thorough risk 
assessment, they should update it to reduce and reflect new risks. The risk assessment must cover 
the risks to the health and safety of employees and of persons (including pupils) who are not 
employees of the school. Schools are obliged to record significant findings of the risk assessment. 
They must identify any group of employees identified by it as being especially at risk.

If senior leaders or teachers feel the process is inappropriate, they should discuss this with their 
employer. Examples may include processes which are too bureaucratic, or which do not mitigate risk 
sufficiently. All staff can request that procedures be reviewed.

**Elements of a health and safety policy**
Every health and safety policy should be separated into four key elements:
Plan – leaders should set the direction for effective health and safety management;
Do – introduce management systems and practices that ensure risks are dealt with sensibly,
responsibly and proportionately;
Check – monitoring and reporting; and
Act – a formal management review of health and safety performance.

The policy should include:
a general statement of the policy;
who is responsible for what (delegation of tasks);
arrangements for risk assessments and the practical control measures to reduce risk; and
how the school will establish, monitor and review its measures to meet satisfactory health and safety 
standards.

The policy should be proportionate and relevant to the school. The elected competent person in the 
school should work with the employer and its health and safety advisers to create the policy.

**Assessing and managing risks**
Risk assessments identify measures to control risks during school activities. Health and safety law 
requires the school to assess risks and put in place proportionate control measures. The law also 
requires it to record details of risk assessments, the measures taken to reduce these risks and 
expected outcomes.

Schools need to record significant findings of the assessment by identifying:
the hazards;
how people might be harmed by them; and
what they have in place to control risk.
Records of the assessment should be simple and focused on controls. Outcomes should explain to others what they are required to do and help staff with planning and monitoring.

Schools will need to think about the risks that may arise during the school day. This could include anything related to the school premises or delivery of its curriculum, whether on or off site.

**Staff training**
Schools must ensure that staff receive information and training about health and safety. This includes:
- how to assess risks specific for their job; and
- how to meet their roles and responsibilities identified within the health and safety policy.
They can do this in different ways depending on individual or specific need. For example, providing staff with written guidance may be appropriate in some cases, while attending a training course may be more appropriate for others.

**Review and evaluation**
All schools should regularly monitor and review their health and safety policies to ensure they are reducing risks. As part of this monitoring, schools should investigate incidents to ensure that:
- they are taking appropriate corrective action;
- they are sharing learning; and
- necessary improvements are put in place.

Schools should regularly (at least annually) consider how they measure their performance. They should set up an effective monitoring system, backed up with sensible performance measures. Where there is a health and safety incident at the school, the competent person and others with health and safety responsibilities, should assess the effectiveness of the school’s procedures and its response. They should make necessary changes to policies and procedures.

**Action:** all governing boards need to be assured that the school is meeting the statutory duties and that the board has a clear reporting/monitoring process.

**New funding to support children with SEND**
The end of December 2018 saw the Education Secretary, Damian Hinds, announce an additional £350M of funding to support children with complex needs and disabilities.

Local Authorities will receive an additional £250M over the next two years, to provide support for children and young people with complex SEND. Families will also benefit from more choice for their child’s education through an extra £100M investment to create more specialist places in mainstream schools, colleges and special schools, giving more children and young people access to a good school or college place that meets their individual needs.

The Government has also confirmed an expansion of the funding to train more educational psychologists, who are responsible for assessing children’s needs and providing tailored support as part of the Education, Health and Care needs assessment process. From September 2020, there will be a further three training rounds and an increase in the number of trainees from 160 to at least 206, to help keep up with demand for this specialist advice.
Local authority education services will be encouraged to work more closely with health and social care to commission local services that meet the needs of the families and children in their area, as a new advisory SEND System Leadership Board is to be set up. This new expert board will include representatives of local health, social care, and education services, and will work closely with charities, school and families.

**Action: information for all governing boards**

**Health Education in Schools**
The Government has already announced that health education and relationship education for primary schools and relationship and sex education for secondary schools will become compulsory from September 2020 onwards (although schools will be encouraged to implement this, tailored to meet their pupils’ needs, from September 2019). The start of the New Year saw the Education Secretary announce that all children will be taught basic first aid in schools, so that by the end of secondary school, pupils will be taught how to administer CPR, the purpose of defibrillators, basic treatments for common injuries and how to get help in a medical emergency.

In countries that already teach CPR in schools, cardiac arrest survival rates are more than double those of the UK. [Find out more](#)

**Action: governing board/committee agenda item for discussion. Is your school planning to implement this in September 2019?**

**Updated Mental Health and Behaviour guidance**
The DfE has updated its non-statutory guidance on mental health and behaviour in schools which aims to help schools to support pupils whose mental health problems manifest themselves in behaviour. Schools have an important role to play in supporting the mental health and wellbeing of children by developing whole school approaches tailored to their needs, as well as considering the needs of individual pupils.

**The updated advice:**
- Sets out schools’ roles and responsibilities in relation to mental health and behaviour, within their existing duties;
- Outlines how schools can identify whether a child or young person’s behaviour – disruptive, withdrawn, anxious, depressed or otherwise – may be related to a mental health problem, and how to support them in these circumstances;
- Provides advice and guidance on working with other professionals and external agencies where appropriate; and
- Provides links to additional support available to schools, including frameworks, audit tools, evidence and resources.

**The key points and principles underpinning this guidance include:**
- Schools have a central role to play in enabling their pupils to be resilient and to support good mental health and wellbeing. Education about relationships, sex and health can be important vehicles through which schools can teach pupils about mental health and wellbeing.
- A school’s approach to mental health and behaviour should be part of a consistent whole school approach. This should involve providing a structured school environment with clear expectations of behaviour, well communicated social norms and routines, which are reinforced with highly consistent consequence systems. This should be paired with an individualised graduated response
when the behavioural issues might be a result of educational, mental health, other needs or vulnerabilities.

- Schools should consider how best to use their SEN and pupil premium resources to provide support for children with mental health difficulties where appropriate.
- School staff cannot act as mental health experts and should not try to diagnose conditions. However, they should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.
- As set out in Chapter 6 of the statutory SEND 0-25 years Code of Practice 2015, schools need to be alert to how mental health problems can underpin behaviour issues in order to support pupils effectively, working with external support where needed. They also need to be aware of their duties under the Equality Act 2010, recognising that some mental health issues will meet the definition of disability.
- When schools suspect a pupil has a mental health problem, they should use the graduated response process (assess – plan – do – review) to put support in place. There are a number of identification and measurement tools, such as the Strengths and Difficulties Questionnaire (SDQ) and Boxall Profile, which can support this process.
- Schools should ensure they have clear systems and processes in place for early intervention and identification, referral to experienced skilled professionals, and clear accountability systems.

It is important that schools have an understanding of the local services available, including school nurses, and how and when to draw on or commission them. Where required, schools should expect parents and pupils to seek and receive support elsewhere, including from their GP, NHS services, trained professionals working in specialist voluntary organisations and other sources.

Please remind your colleagues that we are running a course on Mental Health Matters for governors on 13 March 2019. Book a place

Mental health and behaviour in schools

Action: governing board/committee agenda item for discussion on school provision

Multiplication Tests
From the 2019/20 academic year onwards, schools in England will be required to administer an online multiplication tables check (MTC) to its year 4 pupils. The purpose of the MTC is to determine whether pupils can recall their times tables fluently, which the DfE regards is essential for future success in maths. It will help schools to identify pupils who have not yet mastered their times tables, so that additional support can be provided. The National Curriculum specifies that pupils should be taught to recall multiplication tables up to and including 12 x 12 by the end of year 4.

A national voluntary pilot will take place between the 10th and 28th June 2019 which schools can use to familiarise themselves with the check before it becomes statutory in June 2020. Schools will have a three-week window to administer the MTC and teachers will be given the flexibility to administer the check to individual pupils, small groups or a whole class at the same time.

Action: information for primary school governing boards. Is your school taking part in the pilot?
Find a job in teaching

A government-run, free jobs board. The service was extended to cover schools in London and south-central England in September, and now also includes schools in south east of England and south London. [https://teaching-vacancies.service.gov.uk/](https://teaching-vacancies.service.gov.uk/)

**Action: information for all governing boards**

**Academy Updates**

**Academies Financial Handbook 2018**

Whilst the new Academies Financial Handbook (AFH) for 2018 was considered in detail in the Autumn Term 2018 Newsletter, a common question has been asked with regards to the number of Board meetings a Trust should be holding.

Whilst the current model Articles of Association state in Article 109 that the Trustees shall hold at least three meetings in each school year, it is clear from Section 2.1.2 in the AFH 2018 that the ESFA’s expectation is more robust: “The board and its committees must meet regularly enough to discharge their responsibilities and ensure robust governance and effective financial management arrangements ... If the board meets less than six times a year it must describe in its governance statement, accompanying its annual accounts, how it maintained effective oversight of funds with fewer meetings.”

Some confusion has arisen as to whether it is the full Trust Board that must meet at least six times a year or whether it is the combined Full Trust Board and Trust Board Committee meetings (NOT including any Local Governing Board meetings, as accountability rests with the Trust Board and not the LGBs) that will be considered. If the Trust Board meetings are supported by Trust Board committees, Trusts will need to demonstrate effective reporting between the Full Board and the Committees, including effective alignment between Board and Committee meetings, and ensuring that all Trustees are appraised of all key issues.

It is clear from briefings by the Regional School Commissioner’s Office that the number of meetings will be considered during the RSC’s annual review meetings with Trust Chairs and CEOs.

The complete AFH 2018 can be accessed [here](https://teaching-vacancies.service.gov.uk/).

**Action: academy trust boards to ensure compliance**

**Financial Notices to Improve**

The recent “Financial Management and Governance Review” for the Stratton Education Trust, published on the ESFA’s website in November 2018, highlighted some key issues, which have been recurring themes in a number of recent ESFA reviews.

**Key issues raised include:**

- A lack of transparency in reporting governance arrangements and business interests on both the Trust’s website and the DfE Get Information about Schools (GIAS) website
Anomalies between stated Directors as per Companies House, GIAS and the Trust’s website, when all should be consistent

Lack of up to date disclosure on the Trust’s website with regards to appointment dates for Trustees, business interests for a number of Trustees not being disclosed on the website, an out of date Register of Interests on the website and missing Declaration of Interest forms when ESFA auditors attempted to track back

The Trust’s audit committee not operating in line with the Academies Financial Handbook

The minutes of the Audit Committee reflected no discussions around internal controls, external audit findings and agreeing the programme of work to address internal control risks

Whilst there was evidence that the Trust’s risk profile was discussed, it wasn’t always clear why risks were removed/”greyed out” from the register

The Trust Board minutes did not demonstrate that assurances to the Board had been adequately provided by the Audit and Risk Committee

Weak internal controls with regards to procurement

Common practice for purchase orders to be raised after receipt of an invoice rather than before the goods had been received

No evidence of any formal, or informal, procurement process being undertaken for the appointment of building contractors

£282K was spent on a separate contractor, which was appointed by way of recommendation rather than through a formal tendering process

Non-disclosure of related party transactions in the audited financial statements

The ESFA points to both the Charities SORP and the Financial Reporting Standards, both of which require all transactions with related parties to be disclosed in the financial statements so that any user of these accounts can gain a full understanding of them, of the issues that might have influenced them and ensure that transparency is evident in financial reporting.

Not being able to demonstrate value for money:

Severance payments not being supported by either a legal assessment or a business case, justifying the payments.

It can also be argued that by making such severance payments without the supporting legal assessment or business case, the Trust again demonstrated not achieving value for money.

The ESFA’s report makes an interesting reference to the fact that a Trust did not have a permanent Chief Financial Officer, with the post being covered by an agency employee on a temporary basis. The Treasury’s Review of the Tax Arrangements of Public Sector Appointees (and the Academies Financial Handbook makes reference to the findings of this review) recommends that the most senior staff should be on the payroll unless there are exceptional temporary circumstances, temporary being no more than six months. The CFO post is most definitely a senior post within an Academy Trust and thus using an agency employee to fulfil this role for more than the six-month threshold may give rise to a fine by the Treasury Department.

In light of the findings from this governance review, and others before it, Trust Boards need to ensure:

All details of current Trustees are accurately uploaded onto the Trust website and submitted to both the ESFA and Companies House on a timely basis and within the ESFA’s set deadlines of fourteen days.
➢ Current Pecuniary and Business Interest forms are held for all Trustees and summarised accurately on the Trust’s website and amended on a timely basis.
➢ All related party transactions are separately reported with a robust supporting evidence trail. Trustees need to fully understand the new Related Party Transaction regulations being implemented from the 1st April 2019, reported in the Academies Financial Handbook 2018.
➢ Ensure a timely and comprehensive flow of information, highlighting key issues and risks, between the full Trust Board and Trust committees, to enable effective accountability.
➢ Ensure meeting minutes are an accurate record of all key issues discussed.

**Action: all academy trust boards to ensure compliance**

**Admissions Guidance**
The ESFA has updated its guidance on admissions into academies:

Academies are their own admissions authority and must meet all the mandatory provisions of the School Admissions Code that came into force in December 2014, except where variations have been written into their funding agreement to support fair access.

Admission Authorities must have determined their admissions arrangements for entry in September 2020 by the 28th February 2019. These must be published on the academy’s website, and a copy sent to the Local Authority by the 15th March 2019.

Any applicant refused a place at an academy has a right of appeal to an independent appeal panel established by the admission authority. Admission authorities must publish their appeals timetable on their website by 28th February 2019.

**Academies must:**
- allocate places on the basis of the published over-subscription criteria
- inform local authorities of all applications and their outcome
- inform parents of their right of appeal against the refusal of a place
- comply with the School Admissions Code, paying attention to chapter 3
- participate fully in locally agreed fair access protocols

The guidance also includes a checklist which reflects common subjects of challenge and complaint in relation to admissions by all types of school (and not just academies). It covers issues such as:

- Admission authorities must consult when admission arrangements are changed or if they have not been consulted on within the last 7 years. Admission authorities must consult for a minimum period of 6 weeks and should take place between the 1st October and 31st January
- Once admission authorities have determined their admission arrangements, they must notify the appropriate boards and must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made)
- The admission authority for the school must set out in its arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children with an EHCP or SEN Statement which specifically names the school must be admitted.
• All schools must have over-subscription criteria for each relevant age group and the highest priority must be given, unless otherwise provided in the Code, to looked after children and previously looked after children

• Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated

• If admission authorities decide to use social and medical need as an over-subscription criterion, they must set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (for example a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided

The guidance can be accessed in full via https://www.gov.uk/guidance/academy-admissions.

**Action: all academy trust boards to note and be assured of compliance**

**Compliance Deadlines**

**Academy Accounts Return**
Academy trusts preparing their financial statements for the year ended 31st August 2018 are also required to complete an Accounts Return. The online form, alongside guidance for completing the form, the excel workbook to help prepare the return, which includes a new section explaining the pension requirements, is now available on the ESFA’s website. Trusts must complete the online form to submit their accounts return by the 21st January 2019. The ESFA continues to emphasise that the names of those Trusts who are late in submitting two or more annual financial returns, including the Accounts Return, will be published on the ESFA website.

**Audited Financial Statements**
The audited financial statements for the year ended 31st August 2018 must be uploaded onto the Trust’s website, along with the Auditors’ Management Letter, by the 31st January 2019.

The audited financial statements must also be submitted to Companies House by the 31st May 2019.

**Action: all academy trust boards to note and be assured of compliance**

**Ofsted – News and Updates**

**Off rolling of pupils**

Off-rolling is expected to be a key factor in the 2019 inspection framework.

Ofsted’s official definition of off-rolling is as follows:
The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. There are many reasons why a school might remove a pupil from the school roll, such as when a pupil moves to a new house or a parent decides (without coercion from the school) to home educate their child. This is not off-rolling. Certain groups can be particularly affected by off-rolling, such as pupils with SEND, disadvantaged pupils, pupils eligible for the pupil premium, Looked After Children (LAC) and some pupils from ethnic minority groups. Conversely, data highlights that maintained schools seem to be taking proportionally more pupils from these groups. Ultimately, Ofsted wants to investigate whether the pressures on schools to perform and improve are encouraging leaders to manage pupils by off-rolling.

Ofsted would look carefully at how pupils move from school to school, particularly looking at any trends. Inspectors would ask key questions regarding the pupils that are leaving the school and the reasons for this – school leaders would be expected to highlight the pupils that have moved and why. Schools are expected to have this information to hand during inspections.

Governing boards need to ask the senior leadership team about records documenting any pupil movement and why they moved on from the school – they must highlight that these pupils are closely tracked and display that the school has a close relationship with the school the pupil moved to.

**Action: all governing boards should ask for reports on this are included the headteachers report**

**The Inspection of Outstanding Schools**

Nick Gibb, Minister of State for School Standards, wrote to Ofsted’s Chief Inspector, Amanda Spielman, at the end of 2018, asking that Ofsted increase the level of inspection for outstanding schools to 10%, rather than the current 5 - 10%. This comes amid concerns that some schools previously rated outstanding have not been inspected for over ten years.

The letter highlights that when the Government introduced the exemption policy in 2012 it was a reflection of its commitment to ensure that inspection arrangements are proportionate and give the highest performing schools and colleges more autonomy, so they can get on with what matters most, providing an excellent education. However, it has also always been the case that schools, and colleges judged by Ofsted to be providing outstanding education are not exempt from accountability.

Furthermore, Ofsted has had the ability to determine, through its risk assessment process, which exempt schools and colleges have warranted re-inspection, and the power to inspect exempt providers for the purpose of survey/research visits.

The requested increase in the inspection threshold of outstanding settings to 10% recognises that the current arrangements are identifying too few schools to give parents the assurances they need. The 10% will include schools and colleges where Ofsted’s risk assessment indicates there may be concerns. Ofsted can also choose to visit a selection of schools where best practice is likely to be found to support its survey and research programme.

The letter reiterates that as Chief Inspector, Ms Spielman and her inspectors will retain the power to inspect any school or college, exempt or otherwise, if Ofsted has concerns about the quality of provision or safety of pupils.
**Action: information for all governing boards**

**Ofsted signals end of Parent View system**

Ofsted is in the early stages of replacing Parent View, the system currently used to gather the opinions of parents during inspections.

**Action: information for all governing boards. Changes expected following the Ofsted framework consultations**

**Other News**

**Fischer Family Trust (FFT) online courses**

Free to use, just need to register and choose a password. Certificate on course completion.

Covers Key stage 2 and 4

https://elearning.fft.org.uk/

**Governors for Schools**

Governors for Schools is working with a number of organisations to develop a suite of e-Learning modules for new school governors. The online course modules cover key contextual knowledge along with guidance on how to provide effective support and challenge to school leadership teams. They are useful to all school governance roles, whether you are a trustee, maintained school governor or sit on a local governing board.

The modules are free to use, and anyone can access them by completing a short registration process. Once registered, you can complete the modules in your own time – your progress through the modules will be saved and you can begin from where you left off. Each module should take around one hour to complete.

Current modules:
- Driving school improvement
- Governor induction
- Performance data for new governors
- Finance for new governors

Find out more: https://www.governorsforschools.org.uk/e-learning/

Edited from material provided by, Department for Education, National Governance Association, Ofsted, Schoolsweek, Times Educational Supplement
Useful Websites

Department for Education (DfE) Statutory Guidance and Advisory Guidance for Schools

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<th>Useful Website</th>
<th>URL</th>
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<tbody>
<tr>
<td>General DfE Website</td>
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The Law

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<td>All legislation</td>
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Other sources of support

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<td>Governor Support Service on Twitter</td>
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<tr>
<td>Hillingdon Council’s information for schools</td>
<td><a href="http://www.hillingdon.gov.uk/schools">www.hillingdon.gov.uk/schools</a></td>
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<td>Information on safeguarding children</td>
<td><a href="https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children">https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children</a></td>
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<td>Ofsted Website</td>
<td><a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a></td>
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<td>National Governance Association</td>
<td><a href="http://www.nga.org.uk/">www.nga.org.uk/</a></td>
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<tr>
<td>London Diocesan Board for Schools</td>
<td><a href="http://schools.london.anglican.org">http://schools.london.anglican.org</a></td>
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<tr>
<td>Catholic Education Service</td>
<td><a href="http://www.catholiceducation.org.uk/schools">http://www.catholiceducation.org.uk/schools</a></td>
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<td>Diocese of Westminster: Schools</td>
<td><a href="http://rcdow.org.uk/education/governors">http://rcdow.org.uk/education/governors</a></td>
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Model Formal Meeting Notice and Agenda of the Full Governing Board Meeting
to be held on Date at Time, Venue

Attendee List

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Role</th>
<th>Information</th>
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<tr>
<td>Headteacher</td>
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<td>Parent governor</td>
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<td>Co-opted governor</td>
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<td>Foundation governor</td>
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<td>Partnership governor</td>
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<td>Observer</td>
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<td>Clerk to Governors</td>
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Attendance

Please confirm by email that you are able to attend this meeting, email@address. You are politely asked to respond by dd/mm/yy.

If you are unable to attend, please telephone your apologies as soon as possible to the clerk to governors. Please ensure you give a reason for any non-attendance. AN Example on 01234 567890. Absence (with or without apologies) is not automatically approved and has to be authorised by the governing board at the meeting.

Declarations

Governors and associate members are reminded that if they have a personal or business interest in any of the agenda items, then it must be declared at the meeting. If it is a specific interest, then it must be declared before the agenda item the person must withdraw for that part of the agenda. Where there is any question of a conflict of interest, the governing board may decide on whether that person remains in the meeting.

Preparation

Governors are reminded to prepare for this meeting by reading the Headteacher’s report, committee minutes and all documentation circulated with this agenda (list given below). Come to the meeting prepared with your questions, contributions to discussion and decision making.

All governors and meeting attendees are politely reminded to observe and follow the Code of Conduct and Standing Orders at all times to ensure we make the best use of our time and resources. Copies can be obtained from the clerk to governors.

Meeting Papers

The following is a list of documents circulated with this agenda.
Xx
# Meeting Agenda – Summer term 2019

<table>
<thead>
<tr>
<th>Item Ref</th>
<th>Agenda Item</th>
<th>Item Lead and Timing</th>
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<tr>
<td></td>
<td><strong>Statutory Duty:</strong> Apologies and the governing boards <em>acceptance or rejection for all absences.</em></td>
<td>Chair/1 Min</td>
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<td><strong>Statutory Duty:</strong> Election of Chairman and/or Vice Chairman <em>(where required).</em></td>
<td>Clerk/5 mins</td>
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<td><strong>Statutory Duty:</strong> Governing board approval of the minutes of the last meeting.</td>
<td>Chair/1 min</td>
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<td></td>
<td>Matters arising from the previous minutes <em>(if any).</em></td>
<td>Chair/2 mins</td>
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<td><strong>Statutory Duty:</strong> Report on membership of the governing board to include any vacancies, elections, appointments and forthcoming expiration of any terms of office</td>
<td>Clerk/5 mins</td>
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|          | **Statutory Duty:** Reporting on delegated functions, educational performance of the school and recommendations to the full governing board:  
  ▪ The Chair’s report *(where any urgent actions have been undertaken)*  
  ▪ Committee, link governor and working group reports  
  ▪ The Headteacher’s Report including a data review of pupil numbers, attendance, achievement, exclusions, staffing, safeguarding, racist and bullying incidents | **Key Issues: Summer 2019 term**  
  ▪ Review of DfE/EFSA timelines to ensure no key dates and statutory requirements are missed.  
  ▪ Review of governing boards effectiveness over the academic year.  
  ▪ Review effectiveness board’s new governor induction process and policy.  
  ▪ Plan governing board and committee dates for next academic year.  
  ▪ Ensure that GB membership information is completed and up to date on the DfE website, Get Information about Schools. (Statutory requirement for all schools).  
  ▪ Prepare and publish the annual governance statement on the school’s website (covering year 18/19).  
  ▪ Ensure governor meeting attendance (2018/19) and business interests are updated and published on the school’s website by the end of the summer term.  
  ▪ Three Year Budget Plans to be approved by May for maintained school GB’s, (Academies check arrangements), (Accompanied by FMS Cost Centre Summary for all funds and Income and Expenditure report showing budget uploaded as per signed budget plan). Report of intended use of all surplus balances.  
  ▪ Ensure staffing performance management cycle is in progress.  
  ▪ Review, record the *impact of*, and update the School Development Plan ensuring it links to budget priorities. | Chair |
|          | Review and/or update of the school’s self-evaluation document                 | Chair                |
|          | **Statutory Duty:** School policies to be reviewed and updated this term.     | Chair                |
|          | Correspondence, information and literature received.                         | Chair                |
|          | Planning, reporting back and *impact* of governors’ visits to school and training attended. | Chair |

**What impact has the GB made since the last meeting and expected impact from this meeting?**

Any items for discussion deemed ‘Confidential’.
Notes