



# Clerks' Briefing

Summer 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.



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### Help us to help you

#### **Reminder - Governor Support Service Requests**

We hold a database of maintained school and academy governing boards which helps us to help you. 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
- Contact phone numbers (mobile & home)
- Who is chair and vice chair
- Term of office
- Email address
- Details of any associate members of the board (inc. contact details and term of office)

Please send your Governing Board membership information to: [office@governor.support](mailto:office@governor.support)

#### **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.

#### **Summer 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.

A copy of the summer term courses has been emailed to clerks and chairs of governors.

Please email bookings to us at: [office@governor.support](mailto:office@governor.support)

### **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](mailto:office@governor.support) to request your password.

### **Hillingdon Governors' Termly Meeting**

There is not a meeting in the summer term, we understand the next one will be in October. More details to follow in the autumn term clerks briefing.

### **GDPR**

Almost one year on, time to review how it is working in your school, are we compliant?

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## **Department for Education (DfE) – Consultations**

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### **Review of post-16 qualifications at level 3 and below**

The consultation is the first stage of the Government's review of post-16 level 3 and below qualifications (excluding T Levels, A Levels and GCSEs). It asks for views on the high-level principles and outlines proposals for the removal of funding approval for unreformed qualifications. The consultation will run for 12 weeks.

The response to this consultation and second stage of the review will follow later in 2019.

Closes: 10 June 2019 [Find out more](#)

### **Building Bulletin 100: Design for Fire Safety in Schools**

To ensure the DfE guidance to those who build schools is fit for purpose and aligns with the Ministry of Housing, Communities and Local Government's (MHCLG) wider review of fire safety, we are asking for views on Building Bulletin 100: Design for Fire Safety in Schools (BB100), ahead of a thorough review and full consultation.

Head teachers, governors, teaching staff, facilities, and maintenance staff will find it of interest to underpin their role in fire safety, but may also find alternative guidance, such as the government's guide on fire risk assessments in educational premises more useful for advice on fire precautions.

Closes: 31 May 2019 [Find out more](#)

### **Children not being educated in school**

The Education Secretary announced proposals at the start of April for the compilation of a register of all children not being educated in school, including those being taught at home. It is hoped that such a

register will provide a clear picture of where children are if they are not in school. Estimates suggest almost 60,000 children are deemed to be educated at home, a figure that is thought to be rising by around a quarter every year.

It is argued that a register of children not in school will transform a Local Authority's capacity to identify and intervene where the standard of a child's education isn't good enough or, in the rare instances, where they are at risk of harm. It will also help authorities spot young people who may be receiving a solely religious education, attending an unregistered school or not receiving an education at all.

Under the plans, it will be parents' responsibility to register their child if they are not being taught in a state-funded or registered independent school.

The Government is also consulting on proposals that would require Local Authorities to provide support for parents who choose to educate their children at home, in the form of a legal duty for local authorities to provide assistance, such as teaching resources or financial contributions to exam fees. This would be provided at the parents' request.

The Government has also published guidance for Local Authorities and for parents that clarifies their powers and responsibilities under current law, setting out the action councils can take if they have concerns a child is not receiving a suitable education. This includes school attendance orders – a legal power that already exists, compelling parents to send their child to a registered school.

For parents, the guidance sets out considerations they should make when deciding whether home education is the right choice for them and their child.

The Government's consultation on its proposals is now open and will remain so until the 24<sup>th</sup> June 2019 and can be accessed [here](#)

## **Department for Education (DfE) News**

### **Governance Handbook**

The end of the Spring term saw the DfE publish an updated version of the Governance Handbook, which highlights the key statutory responsibilities of those involved in school governance. The Handbook continues to be structured in line with the six key competencies of effective governance, as per the Governance Competency Framework: strategic leadership, accountability, people, structures, compliance and Board evaluation.

The document starts with a list of the changes that have been made to the previous version of the Handbook, which include:

- Greater emphasis on parental engagement - Boards should be able to demonstrate the methods used to seek the views of parents, carers and the local community. They should also be able to show how those views have influenced their decision making and how they have fed back to parents, carers and the local community.
- Further clarity on the Board's responsibilities under safeguarding, including DBS checks and s128 prohibition.
- Schools' fire safety responsibilities.
- Clarification on what a maintained school must publish in relation to the curriculum.
- Updated signposting to DfE resources such as the workload reduction toolkit and the Analyse School Performance service.

- A new sub-section on Executive pay
  - The Board must ensure its decisions about levels of executive pay follow a robust evidence-based process and are reflective of the individual's role and responsibilities. No individual can be involved in deciding his or her remuneration.
  - The Academies Financial Handbook is used to signpost Boards to further advice and guidance on executive pay.
  - Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 organisations are required to publish information on its website about the gender pay gap in their organisation.

The updated Handbook can be accessed [here](#).

### **The EdTech Strategy**

The use of technology in education is expected to be transformed by a new Government strategy published in April to reduce teacher workload, boost student outcomes and help level the playing field for those with special needs and disabilities.

The “EdTech Strategy” will be supported by £10M of funding and will deliver on the Government's ambition for tech firms to work with the education sector and create innovative solutions to ten key education challenges, including:

- Reducing teachers' marking workload – using technology to cut the time teachers spend preparing and marking homework;
- Boosting training opportunities for teachers – looking at how technology can make training more accessible and tailored to the individual needs of teachers;
- Identifying how anti-cheating software can be improved – setting out more detail on how the Government can help to tackle the problem of essay mills, particularly in universities; and
- Promoting the use of innovative tech to level the playing field for people with SEND – identifying the technology that best suits individual needs.

Overseeing the work on the wider EdTech agenda, a new EdTech Leadership Group, a group of leading education and technology experts, will work collaboratively and inform the direction of how technology will be used more effectively in schools and colleges. It will report back to the Secretary of State by the end of 2019.

The Government will also work in partnership with the global innovation foundation, Nesta, to find technological solutions on essay marking, formative assessment, parental engagement and timetabling technology – four of the ten EdTech challenges set out in the EdTech plan. Through this partnership the DfE expects to share new insights about the way the tech industry must develop products which meet the needs of teachers and students.

Working with the British Education Suppliers Association, schools will also receive help to identify the right products when buying technology through LendED, a free service which enables schools to try educational software before they buy them.

Drawing on existing expertise in the system, the EdTech strategy will also launch a series of 'demonstrator schools and colleges', which will showcase best practice and provide peer-to-peer support and training for teachers, lecturers and school leaders. The demonstrator schools and colleges will also help staff and teachers learn how to embed and use the tools that could work for them within their vision and plans for their specific school.

This will be supported by free online training courses for teachers and school leaders, produced by the Chartered College of Teaching, which will provide access to high-quality continued professional development and equip them with the knowledge required to make the best use of technology.

It is expected that this platform will help to ensure that schools and colleges are getting the best value from the hundreds of millions spent every year on digital technology, to ultimately improve student outcomes, reduce teacher workload and help schools save money.

As a wider component of the cost saving agenda, the DfE has also launched the **Teacher Vacancy Service**, which has now been rolled out nationally. The accountancy firm, PwC estimates that schools could save c. £75M annually on recruitment advertising. The Teacher Vacancy Service provides a simple, free and easy-to-use platform for teachers to access their next career move.

The challenges cover areas where there is potential for technology to make a real difference and where we need to galvanise activity, where we need greater innovation but where we also need to know whether or not technology will actually do what is needed. The challenges address administration, assessment, parental engagement, assistive technology, workforce flexibility, lifelong learning and the professional development of teachers.

### **School Complaints Procedures 2019**

January 2019 saw the DfE publish updated best practice guidance on school complaint procedures for maintained schools. This guidance was further updated in March to include two new sections:

#### ***Duplicate complaints***

After closing a complaint at the end of the complaint's procedure, a duplicate complaint may be received from: a spouse; a partner; a grandparent; or a child. If the complaint is about the same subject, the school can inform the new complainant that the school has already considered that complaint and the local process is complete. The new complainant should be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

Schools are cautioned not to overlook any new aspects to the complaint that they may not have previously considered. The school will need to ensure that these are investigated and dealt with to the full extent of the complaint's procedure.

### ***Independent complaint panels***

To appoint a governor from another school onto a Complaints Panel, the Governing Board of a maintained school does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. If complaint panel meetings are only arranged on an “ad-hoc, informal basis”, then schools only need to source governors who are suitably skilled and can demonstrate their independence.

Schools can approach governors from any category of governor or associate member of another Governing Board. Maintained schools can ask Governors in academies to serve on a complaints panel and vice versa. The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee’s remit. To appoint governors from another school onto the complaints committee, the school must enter into a formal collaborative arrangement with another maintained school.

### **Relationship and Sex Education Draft Guidance**

Covering both the primary and secondary phase, February 2019 saw the DfE publish draft statutory guidance on Relationships Education, Relationships and Sex Education (RSE) and Health Education. This draft guidance followed both a public call for evidence and a public consultation, currently draft, from September 2020 Relationships Education will become compulsory in all primary schools in England and Relationships and Sex Education compulsory in all secondary schools. Health Education will become compulsory in all state-funded schools. Personal, Social, Health and Economic Education (PSHE) continues to be compulsory in independent schools.

Whilst the draft guidance can be accessed [here](#), it can be noted that:

- The draft guidance contains information on what schools should do and sets out the legal duties with which schools must comply when teaching Relationships Education, Relationships and Sex Education (RSE) and Health Education.
- In primary schools, the DfE wants the subjects to put in place the key building blocks of healthy, respectful relationships, focusing on family and friendships, in all contexts, including online. This will sit alongside the essential understanding of how to be healthy.
- At secondary school, teaching will build on the knowledge acquired at primary and develop further pupils’ understanding of health, with an increased focus on risk areas such as drugs and alcohol, as well as introducing knowledge about intimate relationships and sex.
- Teaching about mental wellbeing will be central to these subjects.
- These subjects should be complemented by the development of personal attributes including kindness, integrity, generosity, and honesty.
- The guidance sets out both the rights of parents/carers to withdraw pupils from sex education (but not Relationships or Health Education) and the process that head teachers should follow in considering a request from a parent.
- Schools are free to determine how to deliver the content set out in the draft statutory guidance, in the context of a broad and balanced curriculum.

- All schools must have in place a written policy for Relationships Education and RSE. Schools must consult parents in developing and reviewing their policy. Schools should ensure that the policy meets the needs of pupils and parents and reflects the community they serve.
- An effective policy should include:
  - A definition of Relationships Education (primary) and Relationships and Sex Education (secondary);
  - The subject content, how it is taught and who is responsible for teaching it;
  - How the subject will be monitored and evaluated;
  - Information to clarify why parents do not have the right to withdraw their child (primary);
  - Information about parents' rights to request that their child be excused from sex education within RSE only; and
  - The date the policy will next be reviewed.

In light of the recent protests seen outside some primary schools in the Midlands regarding the "No Outsiders" programme, which teaches pupils about diversity, including LGBT rights and issues of race and religion, the Education Secretary has written to headteachers. He has clarified that it is up to primary schools in England to choose what they teach about same-sex relationships and that they are encouraged to teach children about LGBT issues if they "consider it age appropriate". Damian Hinds has said that heads should consult parents but provided reassurance that parents had no right to veto what was taught. [Relationships education, relationships and sex education \(RSE\) and health education: FAQs](#)

### **Admissions Appeals**

March 2019 saw the DfE publish guidance on Admission Appeals for school places, with separate guidance for Admission Authorities, the Clerk and members of the Appeals Panel as well as guidance for the parents.

Whilst the published guidance can be accessed in full [here](#), the Appeals guidance for Admissions Authorities looks at:

- Informing parents of their right to appeal.
- Making arrangements for the organisation and hearing of appeals.
- Setting up the independent appeal panel.
  - Admissions Authorities ("AA") must appoint a clerk to the appeal panel, who is independent of the school and the education functions of the Local Authority.
  - The AA must also appoint an independent appeal panel, which must consist of a Chair and at least 2 other panel members,
  - The AA should ensure that panel members are selected on the basis that they can make fair and objective decisions. It's important that panel members are always independent and retain their independence. For schools with a religious designation, the AA should not select panel members solely based on their faith.
- Training
  - The AA must ensure that both the clerk and the panel members have the appropriate and up to date training before taking part in any part of the appeals process.
- Indemnity.



- Appeals timetable.
- The hearing itself and further appeals
  - Presenting the AA's case to the appeal panel (Presenting Officer).
  - The production of evidence.
  - Demonstrating prejudice
  - The factors that will be considered by the panel.
- Notes and records of proceedings
  - It is the AA's responsibility to ensure that the notes and records of appeal proceedings are held securely for a minimum of 2 years.
- Infant class size appeals.

### **Year 4 Multiplication Check**

Since the start of April, schools have been able to sign up to and access the online system, allowing them to register pupils, familiarise themselves with the digital platform and let pupils try the multiplication check ahead of the national pilot in the summer.

The check is designed to help ensure children in primary school know their times tables up to 12 off by heart. Schools will be required to administer this check to year 4 pupils from June 2020. It will consist of 25 questions based on the 2 to 12 times tables and will be conducted using laptops, computers or tablets in class.

This familiarisation period comes ahead of a national pilot between the 10<sup>th</sup> and 28<sup>th</sup> June 2019. Pupils will have six seconds to answer each question. In most cases, pupils will spend less than five minutes completing the check and teachers will be able to administer it to individual pupils, groups of pupils or whole classes at the same time. The check can be taken at any time during the school day within the three-week window.

At present, there will be no pass mark and no expected standard threshold for the multiplication test. Results from the check will not be published at school level.

### **Key stage 2 tests**

Is your governing board aware of security of test papers?

### **Good Estate Management for Schools**

The estate management toolkit, which includes policies, processes and documents that schools, academies and MATs should consider when managing their estates, was updated prior to the Easter break. Accessible [here](#) the toolkit considers the fundamentals of good estate management, including:

- Estate vision, strategy and plan.
- Meeting health and safety and statutory compliance requirements.
- Understanding a setting's land and buildings.
- Managing a setting's energy and water usage.
- Undertaking specific estate related projects.

With Boards needing to be confident that the school's premises are safe and suitable for both its staff and pupils, the toolkit also includes "Top Ten Estate Checks for Boards".

### **Pupil Absence 2017/18**

The Government has published pupil absence figures for the 2017/18 academic year. Whilst the statistical report can be accessed in full [here](#).

Key points from the report can be summarised:

- The overall absence rate across state-funded primary, secondary and special schools increased from 4.7% in 2016/17 to 4.8% in 2017/18. In primary schools, the overall absence rate increased from 4.0 to 4.2% and the rate in secondary schools increased from 5.4 to 5.5%.
- The authorised absence rate increased from 3.4 to 3.5% in 2017/18 whilst the unauthorised rate increased from 1.3 to 1.4%.
- The unauthorised absence rate in all schools is now at its highest since records began. The rises in recent years are most marked in special schools and state-funded primary schools. However, whilst the rise in special schools takes the rate back to around where it was in 2006/07, the rate in primary schools has markedly increased since then.
- The proportion of pupils in state-funded primary and secondary schools that were classified as persistent absentees in 2017/18 was 11.2% (10.0% in 2016/17).
- The proportion of pupils who missed at least one session due to a family holiday in 2017/18 was 17.6% per cent (16.9% in 2016/17). The percentage of all possible sessions missed due to unauthorised family holidays remains at 0.4%. Unauthorised holiday absence has been increasing gradually since 2006/07 whilst authorised holiday absence is much lower now than in 2006/07 but has remained steady over recent years.

### **Teacher Recruitment and Retention**

As part of the Government's drive to improve its retention rates of teachers new to the profession. from Autumn 2021, early career teachers undergoing induction will receive two years of professional development and support underpinned by the Early Career Framework (ECF).

The ECF was designed in collaboration with an expert advisory group and underpins what early career teachers should be entitled to learn about and learn how to do. The ECF has been designed to support early career teacher development in 5 core areas: behaviour management; pedagogy; curriculum; assessment; and professional behaviours.

Underpinning the national roll-out in Autumn 2021, the DfE has committed to:

- funding and guaranteeing 5% off-timetable in the second year of teaching for all early career teachers - early career teachers will continue to have a 10% timetable reduction in their first year of induction.
- creating high quality, freely available ECF curricula and training materials.
- establishing full ECF training programmes.
- funding time for mentors to support early career teachers.
- fully funding mentor training.

Subject to any regulatory changes, the DfE expects the guidance to take effect from September 2021 although an early roll out from September 2020 is planned in the North East, Bradford, Doncaster and Greater Manchester. The detail behind the ECF can be accessed [here](#)

### **Period Poverty**

Following a Plan International survey, which found that schoolgirls were skipping school due to not being able to afford sanitary products, the Government has committed to fully-fund a scheme which provides free sanitary products for girls in secondary school. The DfE is currently working on this scheme for implementation in September 2019.

Just after the Easter break the Government has also confirmed that free sanitary products will also be made available to all primary school pupils, from early 2020.

As well as having an awareness of these new provisions, Governors and Trustees also need to be aware of the required PSHE guidance which stipulates that alongside education about puberty, menstruation should be a specific focus, as well as providing adequate and sensitive arrangements to help girls cope with menstruation and requests for sanitary protection.

### **New SFVS Format**

The Schools Financial Value Standard (SFVS) for 2019/20 has been launched with a new, more interactive format. The SFVS, a mandatory requirement for all maintained schools, PRUs and maintained nurseries, helps provide schools with the assurance that they are meeting the basic standards necessary to achieve a good level of financial health and resource management.

The SFVS tool has been split into two components and can be used to identify possible areas for change to ensure that resources are being used to support high-quality teaching and the best education outcomes for pupils:

- A **checklist** which asks twenty-nine questions of Governing Boards across six areas of resource management to provide assurance that the school is managing its resources effectively. The six areas cover: governance; school strategy; setting the annual budget; staffing; value for money; and protecting public money. The checklist finishes by asking whether the results of the dashboard have been carefully considered and potential follow up actions identified.
- Guidance on how to complete the questions has been provided, along with examples of good practice and details of further support that Boards can access to assist them in addressing specific issues.
- A **dashboard** which shows how a school's data compares to thresholds on a range of statistics which have been identified by the DfE as indicators for good resource management and outcomes.

The majority of the thresholds used are set by comparing spend (i.e. teaching staff as a % of total expenditure) and characteristics data (average teacher cost; Progress 8 score; Ofsted rating) across all schools within the sector. This data will need to be input by the School Business Manager rather than the Governing Board:

- Red shows that the school's data is significantly out of line with schools with similar characteristics or recognised standards. It does not mean that there is definitely a problem, but that there may be scope for change.

- Amber shows that the school's data is considerably out of line with the majority of similar schools or recognised standards.
- Light green shows that the school's data is in line with the majority of other schools or recognised standards. It does not necessarily mean that there are no changes to be made.
- Dark green shows that the school's data is close to the middle of similar schools or better than recognised standards. Again, it does not necessarily mean that there are no changes to be made.

The new SFVS format can be accessed [here](#)

## Teachers' Pension Scheme

Mid-April saw the Education Secretary confirm that the DfE will fully-fund increased pension contributions that state-funded schools and colleges will have to make in 2019/20, following a public consultation on funding changes set out in a review of public sector pension schemes that takes place every four years.

Schools and colleges in England will receive an extra £940M in 2019/20. The Teachers' Pension Scheme is one of only eight guaranteed by the Government; the pension scheme is inflation-proof and offers the typical teacher around £7,000 in employer contributions every year. In comparison, Work Place Pension rules require private sector employers to pay a minimum 3% contribution to an employee's pension, which is around £900 a year for someone earning the same salary as a typical teacher.

The announcement commits to fully-funding the pension increases for state-funded schools and colleges in 2019/20, the end of the current Spending Review period. Beyond that, with the exception of the NHS, all Government funding will be decided as part of the next Spending Review.

The £940M will be provided to FE colleges based on their individual TPS costs, and to schools on a per-pupil basis with an accompanying Supplementary Fund. This confirms that any school facing a shortfall from the formula grant of more than 0.05% of its overall budget can claim extra money to ensure schools are properly protected.

## Event invite: sharing best practice to reduce workload

Join school leaders at a DfE free event showcasing how schools are reducing workload.

Reducing teacher workload is a priority for many school leaders – as it is for the DfE - but it can be difficult to know what will work best for your school.

Last year, the DfE published the [Workload Reduction Toolkit](#), providing practical tools and case studies to support your school in addressing excessive workload. It was updated in March with new sections on behaviour management and **advice for governors**. This includes a recommended termly report from the school wellbeing committee to the governing board.

To help share these tools and resources with more teachers and encourage the sharing of best practice, we are hosting a free event for school leaders and governors in **London on Friday 17 May 2019**.

The DfE would like to invite headteachers to attend, together with their Chair of Governors/Trustees.

The agenda includes:

- A presentation from Sean Harford, from Ofsted, on school workload and the new inspection framework.
- Presentations and workshops from school leaders on the actions they're taking to reduce workload and change school cultures, linked to the workload reduction toolkit.
- Workshops for governors on their strategic role in reducing workload and how best to use the new governor resources in the toolkit.

This event is an opportunity to learn about new approaches, discuss strategies and share your work with teachers and governors from around the country.

The event is free of charge, but spaces are limited! [Register for the event](#)

### **MOD support fund for schools with service children: grant application pack**

Grant for UK maintained schools with service children of frequently moved or deployed parents.

In light of the ongoing drawdown from Germany and to provide time for the educational authorities across the UK to bring in longer-term provision for Service children as necessary, the Secretary of State for Defence extended the ESF in July 2018 for an additional two years. The fund consisted of £3 million in 2018/19 and the 2020 ESF bidding round has £2 million to award. The 2020 ESF bidding round opens on Monday 3 June 2019 and closes at 12.00pm on Monday 30 September 2019.

[Find out more](#)

## **Academy Updates**

### **New National Schools Commissioner**

The DfE has just confirmed that Dominic Herrington will become the National Schools Commissioner permanently.

### **Related Party Transactions**

Trustees are reminded that new rules governing how Related Party Transactions (RPTs) are reported came into force from the 1<sup>st</sup> April 2019. All Trusts must:

- Report all transactions with related parties to the ESFA in advance of the transaction taking place, using the ESFA's on-line form. This requirement applies to transactions made on or after the 1<sup>st</sup> April 2019.
- Obtain the ESFA's approval for transactions with related parties that are novel, contentious and/or repercussive.
- The ESFA's prior approval, using its on-line form, for contracts for the supply of goods or services to the Trust by a related party, agreed on or after the 1<sup>st</sup> April 2019, where any of the following limits arise:
  - a contract exceeding £20,000;
  - a contract of any value that would take the total value of contracts with the related party beyond £20,000 in the same financial year;

- a contract of any value if there have been contracts exceeding £20,000 individually or cumulatively with the related party in the same financial year.
- For the purposes of reporting to and approval by the ESFA, transactions with related parties do not include salaries and other payments made by the Trust to a person under a contract of employment through the trust's payroll.

These reporting requirements are in addition to the rules already in place governing RTPs, as disclosed in the Academies Financial Handbook 2018.

### **Academy Trust Financial Management Good Practice Guides**

The ESFA has recently published six good practice guides aimed at supporting Trustees, Accounting Officers and Chief Financial Officers to develop good financial management practice at their Academy Trust. Whilst these guides do not replace or modify any of the requirements set out in the Academies Financial Handbook and the Academies Accounts Direction (AAD), their aim is to set out suggestions and examples of good practice. The six guides cover:

- Operating an academy trust as a going concern;
- Choosing an external auditor for an academy trust;
- Academy trust deficit recovery;
- Academy trust risk management
  - What is risk management?
  - The key steps to consider when developing a risk management framework
  - The identification of risks
  - Measurement
  - Management control of key risks
  - The monitoring of risks
  - The reporting of risks through a risk register
- The common pitfalls of risk management, including the reporting of too many risks, ignoring known risks and over complexity within the risk register;
- Leasing guidance for academy trusts; and
- Academy trust management accounting
  - Key regulatory obligations
  - The steps the finance team should take when producing monthly management information
  - The format of the monthly accounts
  - How often monthly management information should be reviewed by the Trustees and the Finance Committee

The six good practice guides can be accessed in full [here](#)

### **Fraud Risk Management**

In light of the “significant increase” in incidents of cybercrime against Academy Trusts in the past year, with some Trusts already being subject to incidents of fraud, the ESFA are reminding all Academy Trusts of the ESFA's guide for Trusts for help reduce the risk of financial irregularities, which can be accessed in full [here](#).

The guide looks at:

- What constitutes fraud and the different types of fraud;
- Cybercrime and cyber security
  - A cyber security checklist is provided for Academy Trusts
- A fraud risk management strategy
  - The key components of an effective risk management strategy
  - An anti-fraud checklist for Academy Trusts
- The key components of a fraud response plan;
- Reporting fraud to the ESFA; and
- Other resources available for Academy Trusts to consider.

### **School resource management self -assessment tool**

This tool can be used to reassure trusts that they are managing resources effectively and to identify any adjustments they need to make. It includes a section for trustees. Download [here](#)

### **ESFA's Assurance Work**

March 2019 saw the ESFA publish a briefing paper on the common themes arising from the assurance work it carried out on Academy Trusts during 2017 and 2018. The briefing paper can be accessed in full [here](#)

Key items:

- 94% of financial statements were submitted to the ESFA by the 31<sup>st</sup> December, in line with regulatory requirements;
- 1.8% of financial statements (consistent with the previous period) were qualified, although there was a significant increase in auditors providing an “emphasis of matter” opinion, which in turn was largely driven about the Trust’s ability to continue as a going concern;
- The ESFA identified the same top three reasons as the previous period for auditors providing modified reports on the Trust’s regulatory and compliance practice:
  - non-compliant procurement practises including Trusts being unable to demonstrate goods and services procured ‘at cost’ as well as non-compliance with their own procurement procedures;
  - weak internal control arrangements including the Board not maintaining an appropriate scheme of delegation of financial powers to ensure robust internal control and insufficient segregation of duties when making payments; and
  - Inadequate financial management and reporting arrangements including the Board not receiving sufficient information about financial performance and Trusts not preparing monthly budget monitoring reports.
- The ESFA’s work identified that new Academy Trusts and those joining existing trusts were making good progress towards compliance with the Academies Financial Handbook. Areas for further development included:
  - ensuring an appropriate committee of the board agrees a programme of work to address internal control risks;

- audit committees not being fully embedded within the Board structure;
- further work is required to embed the independent checking of financial controls; and
- further work is required to develop contingency and business continuity plans as well as Trusts publishing the pecuniary interests of its Trustees and governing structure on their websites.

### **ESFA Independent Appeal Panel complaints**

The ESFA has reminded academies that they must instruct clerks who run their admission appeals to include a link to the “Academy Independent Admission Appeal Complaints Factsheet” in the panel’s decision letter. Panels are reminded that they must follow the statutory requirements in both the School Admission Appeals Code and the School Admissions Code when organising admission appeals. To limit the number of complaints made about independent appeal panels, and to ensure any complaints are dealt with as effectively as possible, Academy Trusts and clerks are reminded that:

- the Panel must decide if the academy’s admission arrangements complied with the requirements set out in the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- the Panel must then decide whether the academy’s admission arrangements were correctly and impartially applied to the case in question.

To ensure complaints about the Panel can be administered quickly and efficiently, academies are required to ensure their clerks keep an accurate and legible record of the appeal proceedings, including how the panel reached their decision.

### **Reminder of the financial returns Trusts needs to make to the ESFA in 2019**

<b>Return</b>	<b>Launch Date</b>	<b>Submission Deadline</b>
Related Party Transactions	1 <sup>st</sup> April 2019	Ongoing
Budget Forecast Return: Outturn	9 <sup>th</sup> April 2019	21 <sup>st</sup> May 2019
Budget Forecast Return	18 <sup>th</sup> June 2019	30 <sup>th</sup> July 2019
Land Buildings Collection Tool	1 <sup>st</sup> October 2019	4 <sup>th</sup> November 2019
Financial Statements / Auditor’ Management Letter	15 <sup>th</sup> October 2019	31 <sup>st</sup> December 2019
Accounts Return	4 <sup>th</sup> November 2019	20 <sup>th</sup> January 2020

### **Risk Protection Arrangement Scheme**

The ESFA’s endorsed Risk Protection Arrangement scheme for academies (instead of commercial insurance) has confirmed that the cost for the 2019/20 financial year will be £18 per pupil, per year (currently £20 per pupil). The ESFA has also pledged that the cost of this scheme will be kept at £20 per pupil or less until at least 31st August 2022.



## Land Guidance

The DfE is currently in the process of updating its guidance on disposing or changing the use of playing fields and school land. This update will reflect the latest policy position and provide information on a new application portal, ending the current multiple application form process.

## Enhanced DBS disclosure checks for chairs of academy trusts

All academy trust chairs of trustees must apply for an enhanced Disclosure and Barring Service (DBS) certificate and have their application countersigned by the Secretary of State for Education. This needs to take place prior to the chair of trustees taking up their position.

All new chairs of trustees require a new enhanced DBS certificate, regardless of positions held previously at a different trust. Only chairs of trustees with an enhanced DBS certificate from the same school prior to converting to an academy trust are exempt.

DBS certificates only need to be countersigned by the Secretary of State for the chair of trustees. The chair of trustees is responsible for ensuring that other members and trustees have an up-to-date enhanced DBS certificate, but these do not need to be countersigned by the Secretary of State.

### [Download the forms and guidance](#)

## Letter from Lord Theodore Agnew to academy trust auditors

*The auditor's opinion on regularity and good governance underpins the regular and proper use of money. The work you perform on regularity is particularly important. Through it, we gain assurance that trusts have spent their money in accordance with the conditions we set. It gives us the basis to act if they have not.*

[Download and share the letter with the Trust Board Auditors](#)

## ESFA updates link at 01 May

<https://www.gov.uk/government/publications/esfa-update-1-may-2019/esfa-update-academies-1-may-2019>

## Ofsted – News and Updates

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During her recent speech at the Association of School and College Leaders (ASCL) Annual Conference, Ofsted's Chief Inspector, Amanda Spielman, referred to some of the feedback that has already been received on the draft consultation:

- A significant majority of the responses have been positive about Ofsted's plans to create a Quality of Education judgement, and therefore to remove the outcomes judgement.
- There has also been a generally positive reaction to Ofsted's proposal not to consider internally created pupil performance or progress data. However, some concerns have already been fed back to Ofsted on this proposal:
  - The first is that if Ofsted doesn't look at in-year data, more weight will be placed on historic published results, perhaps to the detriment of improving schools. The Chief Inspector clarified that this was not right; Ofsted are proposing to take out the outcome's judgement so that historic performance data will already carry less weight. If a school's previous results were disappointing,

but it has already started to make its curriculum more coherent, to increase teachers' subject knowledge, and to assess and refine its curriculum and teaching, then that may be more important than what happened a year ago.

- Secondly, concerns have been raised that inspection methods such as lesson observation and book scrutiny are no more reliable and valid than internal data. The Chief Inspector highlighted that the point of such activities is to see whether the school's aims and intentions are being translated effectively into practice: does it all come together as it should? Ms Spielman argued that it must be right that inspectors spend plenty of time in classrooms with teachers and pupils. Under the new framework inspectors will use conversations with school and subject leaders to assess curriculum intent. Lesson visits, work scrutiny and conversations with pupils, teachers and parents will be used to check whether what is being taught flows from and matches that intent.
- Currently, inspectors prepare for inspections before they arrive at a school. Ofsted are proposing that from September 2019 this preparation takes place at the school the afternoon before the inspection starts. This will allow the lead inspector and leaders to prepare collaboratively, giving leaders the chance to inform inspection planning with their own knowledge of their school's strengths and weaknesses. This has resulted from feedback that off-site preparation can be too data-driven.
- Ofsted's proposals for a two-day Section 8 inspection of a good or non-exempt outstanding school are designed to allow more time to develop an understanding between inspectors and staff. There will be more time for conversation about the strengths of the school, how weaknesses will be addressed and for staff at all levels to talk to inspectors about what they're seeing in lessons and in children's work.
- Sean Harford's blog acknowledges that a two-day section 8 inspection of a very small primary schools might be overkill and risk becoming indistinguishable from a full section 5 inspection for the same school. As a result, Sean Harford has stated that Ofsted will consider the feedback received and do some further work before Ofsted brings forward its consultation response.

The Chief Inspector also used the conference to highlight some of Ofsted's future plans:

- To develop one-year secondments to Ofsted for middle leaders. Through this opportunity, middle leaders will get access to Ofsted's training and development and through inspection gain insight into what different types of schools are doing. Ofsted will benefit from their expertise and up to date experiences of running a school. Ofsted will pilot this approach with its current trained Ofsted Inspectors so that it can see how well it works. But in time, Ofsted would like these secondments to be open to any school leader who has had some whole school responsibility.
- Starting in January 2020, initially in a small range of subjects, Ofsted intend to publish a series of subject reviews, based on what inspectors are seeing during inspections under the new framework. This will be complemented by a detailed look at the what the research says in those areas.

## Knife Crime

Ofsted has recently published its report on “Safeguarding children and young people in education from knife crime”. Research was carried out in 29 schools, colleges and pupil referral units (PRUs) in London. The report looks specifically at school leaders’ experiences of knife crime in London, as well as the views of children and some parents of both victims and perpetrators.

The research considered three broad questions:

1. What are schools, colleges and PRUs in London doing to safeguard children and learners from knife crime while on school premises?
2. How are schools, colleges and PRUs in London giving children the knowledge and skills to stay safer in their local communities?
3. How are exclusions being used when children bring knives to school?

When introducing the findings from report, Ofsted’s Chief Inspector, made reference to:

- The most hotly contested issue when it comes to schools’ responses to knife crime is the use of exclusions. Ms Spielman clarified that the study did not set out to prove or disprove whether exclusions lead to knife crime. Whilst there is evidence that points to a correlation between the two, this does not prove causation. It seems just as likely that exclusions and knife crime are two symptoms of the same underlying problems, exacerbated by cuts to local authority children’s services.
- There is a harmful narrative developing that exclusions must cause children to join gangs or carry knives because, when they are excluded, they are put in very poor-quality alternative provision (AP) or PRUs, and eventually fall out of the school system altogether. The Chief Inspector highlighted that over 80% of state-funded registered AP and PRUs are rated good or outstanding by Ofsted.
- Ofsted’s research found that exclusion decisions in the cases of children bringing a bladed object into school do not always sufficiently take into account the best interests of the child, which have to be balanced against the wider needs of the school community.
- Similarly, Ofsted found that schools’ decisions about whether or not to involve the police in an incident can be based on a variety of factors, not always relevant. It seems sensible to reflect on whether the child has any known connection to adults with a criminal history, but it is much less relevant to consider, as some schools told Ofsted they did, the child’s academic record. Headteachers clearly need more in the way of information and guidance.
- Some school leaders feel that they are having to act alone to develop a response to rising rates of knife crime. Ofsted believes that the best response is a multi-agency approach and good, timely information-sharing, but too often this is not happening. Spending per head on early help and preventative services has fallen by over 60% in real terms between 2009/10 and 2016/17. Some of the funding that is available is only short term. Schools simply do not have the ability to counter the deep-seated societal problems behind the rise in knife crime

- Too often, concerns about data protection get in the way of vital information sharing. GDPR allows agencies to store and share information for safeguarding purposes, including that which is sensitive and personal. If schools have information about children, or adults, relevant to the safety of them or of the children around them, they need to pass that on, including at transition points such as primary to secondary school, or school to college. And they need to share it with local authorities and the police. The arrangement needs to be reciprocated.
- Many school and college leaders we spoke to were trying to educate children about the dangers of knife crime and the risks of grooming and exploitation by gangs. However, some are concerned that if they do this they will be seen as a ‘problem school’, and subsequently avoided by parents. Others were rightly prepared to be open with pupils and parents about the issues and how to deal with them.

Ofsted’s research report identified five policy and practice areas that it feels need further consideration by policy leaders and school leaders to help to create an environment in which they can work as effectively as possible to keep children safe. The report in full can be accessed [here](#) but the recommendations have been summarised below:

#### **Improving partnership working and strategic planning**

1. Local community safety partnerships should fully involve schools, colleges and PRUs in developing and implementing local strategies that aim to address knife crime and serious youth violence.

#### **Exclusions and managed moves**

2. All schools and academies in London should ensure that their exclusion policy reflects the practice set out in the DfE’s statutory guidance. Local authorities should have a strategic response to permanent exclusions. They should also, in conjunction with regional schools’ commissioners, challenge schools and MATs if exclusions do not appear to be in line with statutory guidance.
3. The DfE should collect data from schools about managed moves in the same way in which it collects information on permanent and fixed-term exclusions.

#### **Early help and prevention**

4. Safeguarding partners should involve school leaders at a strategic level in assessing the needs of children and young people in their area, and in planning and delivering early help services in response to those needs. Schools need to participate actively in local arrangements as required under ‘Keeping children safe in education’ statutory guidance.
5. Local safeguarding partnerships should facilitate all agencies including schools and colleges in challenging each other’s practice if they believe any agency is failing to contribute to the local strategy to protect pupils from knife crime.

#### **Improving information-sharing**

6. Schools and colleges should share full information with one another when pupils and learners move schools, PRUs or alternative provision or move to further education, to safeguard them and other pupils and learners.
7. Pan-London safeguarding partners should provide challenge to schools and colleges and, when necessary, drive improvement in how well schools and colleges share information with others to

promote children’s safety when those children move schools or begin further education, including via a managed move or when they are permanently excluded.

8. The Metropolitan Police Service needs to establish a clear and consistent protocol and memorandums of understanding with schools that ensure that it and schools routinely share information about children for the purposes of safeguarding.

### Teaching the curriculum

9. School leaders should consider how their personal, social, health and economic education (PHSE) curriculum reflects local safeguarding issues and trends, including knife crime.
10. Pan-London bodies should consider ways in which they can support schools in ensuring that external organisations that are delivering anti-knife crime and gang affiliation sessions can provide a high-quality and impactful contribution to the school PHSE curriculum.
11. Safeguarding partnerships and school leaders should raise awareness of the dangers of grooming and criminal exploitation among both parents and children.

## Other News

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### New research reveals the time it takes to chair a MAT

Chairs of multi academy trusts (MATs) are spending an average of 50 days per year carrying out the role, new research by the National Governance Association reveals. This equates to 31 hours a month or almost one day a week, and the time given by all MAT chairs – based on the median salary of respondents – has an estimated value of between £7.3 million and £9.8 million a year, according to the research. [Read more about the report here](#)

**Speaking at the National Governance Association’s (NGA) third Clerks' conference**, Lord Agnew – Parliamentary Under Secretary of State for the School System – has recognised the important impact that governance professionals make on the overall effectiveness of school governance.

In a [short film](#), Lord Agnew says “I want to be very clear that governance professionals are the cornerstone of effective governance: they are vital. The role of governance professionals is not only about good and effective organisation and administration, but also, and more importantly, about helping the board understand its role, functions and legal duties.”

“I’m very grateful for your dedication in helping to make our schools run effectively. I am committed to working with NGA (and others) to help give professionals access to the training they need.” [Watch the video](#)

## Useful Websites

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

General DfE Website	<a href="https://www.gov.uk/government/organisations/department-for-education">https://www.gov.uk/government/organisations/department-for-education</a>
Statutory Guidance for Schools	<a href="https://www.gov.uk/government/collections/statutory-guidance-schools">https://www.gov.uk/government/collections/statutory-guidance-schools</a>
Advisory Guidance for Schools	<a href="https://www.gov.uk/government/collections/departmental-advice-schools">https://www.gov.uk/government/collections/departmental-advice-schools</a>
DfE Governance Handbook	<a href="https://www.gov.uk/government/publications/governance-handbook">https://www.gov.uk/government/publications/governance-handbook</a>
Education and Skills Funding Agency	<a href="https://www.gov.uk/government/organisations/education-and-skills-funding-agency">https://www.gov.uk/government/organisations/education-and-skills-funding-agency</a>

### The Law

All legislation	<a href="http://www.legislation.gov.uk/">http://www.legislation.gov.uk/</a>
The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013	<a href="http://www.legislation.gov.uk/uksi/2013/1624/contents/made">http://www.legislation.gov.uk/uksi/2013/1624/contents/made</a>
The School Governance (Constitution) (England) Regulations 2012	<a href="http://www.legislation.gov.uk/uksi/2012/1034/contents/made">http://www.legislation.gov.uk/uksi/2012/1034/contents/made</a>
The School Information (England) (Amendment) Regulations 2012	<a href="http://www.legislation.gov.uk/uksi/2012/1124/made">http://www.legislation.gov.uk/uksi/2012/1124/made</a>
Education Acts	<a href="http://www.legislation.gov.uk/all?title=Education%20acts">http://www.legislation.gov.uk/all?title=Education%20acts</a>

### Other sources of support

Governor Support Service website	<a href="http://www.governor.support">www.governor.support</a>
Governor Support Service on Twitter	<a href="https://twitter.com/govsandclerks">https://twitter.com/govsandclerks</a>
Governor Support Service on Facebook	<a href="https://www.facebook.com/governorsupport">https://www.facebook.com/governorsupport</a>
Hillingdon Council's information for schools	<a href="http://www.hillingdon.gov.uk/schools">www.hillingdon.gov.uk/schools</a>
Information on safeguarding children	<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>
Governors For Schools	<a href="https://www.governorsforschools.org.uk/">https://www.governorsforschools.org.uk/</a>
National College for Teaching and Leadership (NCTL)	<a href="https://www.gov.uk/government/organisations/national-college-for-teaching-and-leadership">https://www.gov.uk/government/organisations/national-college-for-teaching-and-leadership</a>
Ofsted Website	<a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a>
National Governance Association	<a href="http://www.nga.org.uk/">www.nga.org.uk/</a>
Safer Recruitment Training for Schools and Governors	<a href="https://www.nspcc.org.uk/what-you-can-do/get-expert-training/safer-recruitment-education-course/">https://www.nspcc.org.uk/what-you-can-do/get-expert-training/safer-recruitment-education-course/</a>
London Diocesan Board for Schools	<a href="http://schools.london.anglican.org">http://schools.london.anglican.org</a>
Catholic Education Service	<a href="http://www.catholiceducation.org.uk/schools">http://www.catholiceducation.org.uk/schools</a>
Diocese of Westminster: Schools	<a href="http://rcdow.org.uk/education/governors">http://rcdow.org.uk/education/governors</a>

## School Name (and logo)

### Model Formal Meeting Notice and Agenda of the Full Governing Board Meeting to be held on **Date** at **Time, Venue**

#### Attendee List

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Full Name	Role	Information
	Headteacher	
	Staff governor	
	LA governor	
	Parent governor	
	Parent governor	Vice Chair of Governors
	Co-opted governor	Chair of Governors
	Foundation governor	
	Partnership governor	
	Associate member	Non-voting
	Observer	Non-voting
	Clerk to Governors	Non-voting

#### Attendance

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Please confirm by email that you are able to attend this meeting, [email@address](mailto: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

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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

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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

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The following is a list of documents circulated with this agenda.

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## Meeting Agenda – Summer term 2019

Item Ref	Agenda Item	Item Lead and Timing
	<b>Statutory Duty:</b> Apologies and the governing boards <b>acceptance or rejection for all absences.</b>	Chair/1 Min
	<b>Statutory Duty:</b> Election of Chairman and/or Vice Chairman ( <i>where required</i> ).	Clerk/5 mins
	<b>Statutory Duty:</b> Governing board approval of the minutes of the last meeting.	Chair/1 min
	Matters arising from the previous minutes ( <i>if any</i> ).	Chair/2 mins
	<b>Statutory Duty:</b> Report on membership of the governing board to include any vacancies, elections, appointments and forthcoming expiration of any terms of office	Clerk/5 mins
	<p><b>Statutory Duty:</b> Reporting on delegated functions, educational performance of the school and recommendations to the full governing board:</p> <ul style="list-style-type: none"> <li>▪ The Chair’s report (<i>where any urgent actions have been undertaken</i>)</li> <li>▪ Committee, link governor and working group reports</li> <li>▪ The Headteacher’s Report including a data review of pupil numbers, attendance, achievement, exclusions, staffing, safeguarding, racist and bullying incidents</li> </ul>	
	<p><b>Key Issues: Summer 2019 term</b></p> <ul style="list-style-type: none"> <li>▪ Review of DfE/EFSA timelines to ensure no key dates and statutory requirements are missed.</li> <li>▪ Review of governing boards effectiveness over the academic year.</li> <li>▪ Review effectiveness board’s new governor induction process and policy.</li> <li>▪ Plan governing board and committee dates for next academic year.</li> <li>▪ Ensure that GB membership information is completed and up to date on the DfE website, Get Information about Schools. (Statutory requirement for all schools).</li> <li>▪ Prepare and publish the annual governance statement on the school’s website (covering year 18/19).</li> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ Ensure staffing performance management cycle is in progress.</li> <li>▪ Agree date in the autumn term for headteachers performance review, agree panel membership and book an external adviser. Ensure panel members have been trained.</li> </ul>	
	Review, record the <b>impact of</b> , 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
	<b>Statutory Duty:</b> School policies to be reviewed and updated this term.	Chair
	Correspondence, information and literature received.	Chair
	Planning, reporting back <b>and impact</b> of governors’ visits to school and training attended.	Chair
	<b>What impact has the GB made since the last meeting and expected impact from this meeting?</b>	Chair
Any items for discussion deemed ‘ <b>Confidential</b> ’.		



## Notes