



# Clerks' Monthly Briefing

February 2021



**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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## ➤ Feedback from January meeting

### **Governor Elections**

Current methods being used are: SurveyMonkey; Google Forms or traditional paper ballots (subject to the necessary quarantine time), with all methods ensuring all the necessary requirements as per GDPR rules and regulations.

### **Governor Indemnity Insurance**

It appears that this varies school to school and there is not a standard practice and/or protocol. Those with legal advice included in their insurance are likely to find that this is free for a limited number of hours, after which point a per hour charge will be requested.

### **Training**

A request for Admissions Appeals training as well as New Governor training has been requested. No other requests were received. It was noted that these would be scheduled and would be made available subject to sufficient take up.

### **SLA**

It was noted that this would be sent out to all schools imminently for their decision on whether or not to take up the Governor Support Service.

## ➤ Your questions

### **Does the LA offer legal advice that GBs can buy into?**

No, the local authority does not provide legal advice that GBs can buy into.

### **Any further forward with Governor Hub?**

It was confirmed that the details of the agreement with Governor Hub for the forthcoming financial year would come out at the end of the month.

### **Didn't they remove the requirement for a Governor to see the CSR?**

It is recommended that governors should be provided with an oversight of the Single Central Register to ensure that the school is conducting all the safeguarding required checks.

[Ofsted video, talking about the role of governors and the myths around Single Central Register/Safeguarding](#)

**A clerk from a primary academy trust said that her board was looking to recruit a member to join the trust.** She explained that the role may appeal to an experienced clerk or governor in the borough. Please contact GSS for more information. A summary of the role can be found on page 10 of the briefing.

## ➤ Help us to help you

### **NEW Course booking arrangements**

To book any course(s) taking place from 12th January 2021 onwards governors and clerks should follow the link on our website home page and on first use will need to register their details. Once registered, users will be able to log in and book a course(s) and receive automatic confirmation of their booking.

Link for first registration: [https://schoolshrcooperative.co.uk/Request\\_Registration](https://schoolshrcooperative.co.uk/Request_Registration)

Book a course, once registered: <https://schoolshrcooperative.co.uk/Courses/GSSCourses>

**PLEASE NOTE: Existing bookings made up to 31<sup>st</sup> December have been transferred to the new site.**

### **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(s) attended to the governing board and to update your training records. Your minutes need to show what learning was achieved and shared with all governors.

As promised last month we have included dates this term for the New Governor Induction Course

|                               |                                       |             |
|-------------------------------|---------------------------------------|-------------|
| Tuesday 2 <sup>nd</sup> March | New Governor Induction Course -Part 1 | 6.30-8.30pm |
| Tuesday 9 <sup>th</sup> March | New Governor Induction Course -Part 2 | 6.30-8.30pm |

Other courses available this term

|                                     |                                  |                 |
|-------------------------------------|----------------------------------|-----------------|
| Wednesday 10 <sup>th</sup> February | Taking the chair                 | 6.30-8.00pm     |
| Wednesday 24 <sup>th</sup> February | Managing complaints              | 6.30-8.00pm     |
| Wednesday 3 <sup>rd</sup> March     | How to approach virtual meetings | 6.30-8.00pm     |
| Thursday 11 <sup>th</sup> March     | Academy Governance               | 6.30-8.00pm     |
| Thursday 18 <sup>th</sup> March     | EYFS and Ofsted                  | 6.30-8.00pm     |
| Tuesday 23 <sup>rd</sup> March      | Clerks monthly meeting           | 11.00am-12.00pm |

### **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 and the final agreed minutes. Email: [office@governor.support](mailto:office@governor.support)

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

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### **Covid-19 Updates**

#### **Updated DfE Guidance: 2<sup>nd</sup> February 2021**

The DfE's Covid-19 guidance was updated at the start of February to reflect the impact of the second national lockdown; this updated guidance can be accessed in full **here**. The DfE has also updated its guidance for special schools and other specialist settings which can be accessed in full **here**

It should be noted that:

- During this period of national lockdown, schools, alternative provision, special schools, colleges and wraparound childcare should allow only vulnerable pupils (which can include children who have difficulty in engaging with remote education) and the children of critical workers to attend.
- The DfE recognises that the characteristics of the cohorts in special schools and alternative provision will mean these settings continue to offer face to face provision for all pupils, where appropriate.
- Early years provision should continue to remain open and should continue to allow all children to attend full time or their usual timetable hours. This includes early years registered nurseries, maintained nursery schools, as well as nursery classes in schools and other pre-reception provision on school sites. Only vulnerable children and children of critical workers should attend on-site reception classes.
- All other pupils and students should not attend and should learn remotely, currently this is until March 8th.
- At present, the DfE has stated that all stakeholders will receive two weeks' notice prior to the wider reopening of schools.
- School leaders, including Governors and Trustees, will need to review and amend, where appropriate, both the school's risk assessment and the safeguarding policy to ensure both remain fit for purpose and reflective of the current restricted opening of schools.
- [When teaching pupils remotely, the DfE has stated that it expects schools to:](#)
  - set meaningful and ambitious work each day in an appropriate range of subjects; and
  - provide teaching that is equivalent in length to the core teaching pupils would receive in school. This will include both recorded or live direct teaching time and time for pupils to complete tasks and assignments independently, and will be as a minimum:
    - Key Stage 1: 3 hours a day on average across the cohort, with less for younger children;
    - Key Stage 2: 4 hours a day; and
    - Key Stages 3 and 4: 5 hours a day.

### **Covid-19 Catch-Up Premium**

There are concerns that the £350M National Tutoring Programme, part of the Government's overall £1Bn Covid-19 Catch-Up Premium for schools, may now fall behind schedule as providers have been told delivery milestones can be "re-forecast". This is despite approved tuition partners being expected to have contingency plans in place in the event that face-to-face tutoring is disrupted.

It is also understood that the DfE intends to extend its National Tutoring Programme for a further two years. Launched in November 2020, the £350M scheme is due to run until 2022. However, subject to the outcome of future spending reviews, a further two years of the National Tutoring Programme are said to be planned. At this stage it is not known whether the further two-year commitment includes the 2021-22 academic year or means two more years after that. The DfE has so far refused to comment.

The NTP has enrolled 90,000 students in two months, just over a third of the 250,000 promised catch-up under the programme. It is understood that the Government is aiming to nearly double the number of children who receive tuition under its catch-up scheme next year, with the DfE aiming to provide 15 hours of subsidised tutoring to about 450,000 disadvantaged pupils, up from 250,000 this year. The DfE also hopes that 2,000 academic mentors will provide tutoring in the most disadvantaged schools by the end of next year, 500 more than this year.

Watch this space!

### **Devices to support remote learning**

Following its pledge in December 2020 to provide 1M devices for schools and colleges to distribute to those pupils in need, January 2021 saw the DfE pledge to provide an additional 300,000 laptops and tablets to assist poorer pupils with their remote learning. The DfE confirmed that primary schools have now been invited to apply for the scheme; previously, the scheme was only open to secondary schools. The additional 300,000 devices will allow secondary schools and colleges to apply for top-ups to their original allocations, as well as primary schools.

### **Reports**

**[Poorer pupils struggling the most in the current lockdown: A Sutton Trust Report](#)**

**[Physical Attendance during the lockdown](#)**

**[Pupil Engagement and Motivation: An Ofsted Report](#)**

### **Free School Meal Vouchers**

The DfE has announced that schools can now order vouchers for their pupils who are eligible for free school meals. Vouchers are worth £15 a week per child and schools can order gift cards for supermarkets on behalf of parents and carers. The scheme is run by Edenred, who also ran the scheme between March and August 2020.

During February half term, vulnerable families will continue to receive meals and other essentials through the £170M Covid Winter Grant Scheme.

### **Assessments this Summer**

#### **Secondary Assessment**

Following the closure of schools to most pupils in January 2021, the DfE has made the decision to cancel all GCSE and A/AS Level examinations planned for summer 2021.

A two-week consultation jointly launched by Ofqual and the DfE which closed on Friday 29<sup>th</sup> January. The document setting out their joint proposals can be accessed in full [here](#)

### Primary Assessment

As was also the case in 2020, all Key Stage 1 and 2 assessments, as well as the Year 1 Phonics Check and the Year 4 multiplication check, will not take place in summer 2021.

### Covid 19 Testing within Schools - 2<sup>nd</sup> February 2021

#### **School Staff**

Following the launch of rapid asymptomatic coronavirus testing in secondary schools and colleges on the 4<sup>th</sup> January, staff in primary, school-based nurseries and maintained nursery schools are also being offered the opportunity to take part in regular asymptomatic testing. From the 18<sup>th</sup> January such settings should have started to receive deliveries of home testing kits to offer to all their staff.

#### **Pupils**

The rollout of daily Covid contact testing in schools has been paused amid fears over higher rates of transmission from the new variant of the disease as well as widespread concern over the accuracy of these tests.

### Governor Visits into School

The DfE guidance continues to state that schools are able to use volunteers to support the school's work although numbers visiting the school should be limited, where possible. It is recommended that Board and Committee meetings are held remotely.

#### *Formal School Visits*

It is recommended that:

- Physical Governor visits into school are **not** undertaken in the spring term.
- The only two **exceptions** to this may be visits by the Safeguarding Governor and the Health and Safety Governor.
- Where physical attendance is a necessity, this will need to be agreed with both the Head and the in-school link representative prior to the visit. The visiting Governor will need to ensure that all the health and safety protocol in place at the school is followed and, where possible, the meeting time limited.
- Governors are strongly encouraged to continue making contact with their in-school link representative virtually through the spring term.
- Formal visit reports should continue to be completed to identify the strategic areas raised and discussed; visit findings should continue to be an item for discussion on the relevant Board/Committee agenda.

### **Safeguarding**

#### Keeping Children Safe in Education 2021-Consultation closes 4<sup>th</sup> March 2021

At the end of last term, the DfE launched a consultation on updating its KCSiE statutory guidance for September 2021. The consultation closes on the 4<sup>th</sup> March.

The consultation document sets out the majority of the changes to KCSiE that the DfE began to consult on back in February 2020; due to the pandemic, this consultation was withdrawn at the end of March 2020.

**Interestingly, in the name of expanding the DfE's evidence base, a number of questions have been included in the consultation (Section 7) looking at the safeguarding training**



of both the Safeguarding Governor (KCSiE currently advises all schools and colleges to have a senior Board level safeguarding lead) and the rest of the Governing Board. The expansion of the evidence base, it is argued, would help the DfE understand what training is currently being undertaken by Governing Boards and whether mandated safeguarding training would be helpful. The full consultation document can be accessed [here](#).

A review of your current arrangements is recommended:

- Does your school have a safeguarding governor?
- Have they had safeguarding training?  
*If yes, what format did the training take?*  
Face to face / Online / Blended
- To what extent has the training assisted them to fulfil their role and helped them hold others to account?
- What safeguarding training, if any, have other members of the board had?

### **Updated Complaints Guidance for Maintained Schools**

Mid-January saw the DfE update its complaints guidance for maintained schools. The updated guidance makes no material amendments to the previous guidance other than in its introductory paragraph. This now states that whilst the DfE acknowledges the pressures caused by Covid-19 might affect schools' usual complaint processes and timescales, schools *should* (best practice rather than a legal/statutory requirement) still consider complaints, particularly those relating to the provision of remote education. With parents being actively encouraged to make formal complaints about the quality of remote education provided during this lockdown period, including to Ofsted, Boards should be updated on the number of complaints received, how they are progressing and where formal Governor Panels may be required to be convened.

### **Resource Management Webinars**

The DfE has provided funding for webinars to help schools, trusts to plan for the future and ensure long term financial sustainability. Delegates will receive “the knowledge and tools they need to quantify areas of inefficiency, diagnose the causes and ensure effective use of resources”.

These webinars will be delivered by Entrust Support Services until March 2021; full details of the training and how to book can be found on the [Entrust School Resource Management portal](#).

### **School Admission Appeals**

Temporary regulatory changes were made to the way admission authorities carried out admission appeals; these amendments will now remain in place until 30<sup>th</sup> September 2021. The new regulations:

- disapply the requirement that appeals panels must be held in person and instead give flexibility for panel hearings to take place either in person, by telephone, video conference or through a paper-based appeal where all parties can make representations in writing;
- relax the rules with regard to what happens if one of the three panel members withdraws (temporarily or permanently) to make it permissible for the panel to continue with and conclude the appeal as a panel of 2; and
- amend the deadlines relating to appeals for the time that the new regulations are in force.

## **Early Years Foundation Stage Profile**

After initially insisting that the EYFSP would still be going ahead in 2021, after being cancelled in 2020, the DfE has now confirmed that it will not be mandatory this year, subject to the completion of due parliamentary processes. Schools will instead be asked to use their “best endeavours” to carry out the assessment, which is how pupils’ development and learning is assessed in Reception.

## **Staffing and Employment Advice for Schools**

In order to provide consistency in the information available to all schools in support of their handling of staffing and employment matters, the DfE’s statutory “Guidance on Managing Staff Employment in Schools” has now been withdrawn. Instead, the DfE expects employers in all schools to make use of its new non-statutory guidance, “Staffing and Employment Advice for all Schools”, and the sources of help it identifies, when carrying out staffing and employment duties.

## **Careers Provision in Schools**

In a recently published white paper, the Government is proposing that schools will face “tougher formal action” if they don’t comply with the Baker clause to let colleges, apprenticeship providers and University Technical Colleges talk to pupils about potential study routes. It also requires schools to have a plan to arrange visits at “important transition points” in the school year.

The Government has also committed to lowering the age range of the existing duty on schools to provide independent careers guidance, requiring schools to offer this support from year 7. The Government will also ask Ofsted to undertake a thematic review to provide an up-to-date assessment of careers guidance in schools and college, providing recommendations to improve practice, where appropriate.

## **Schools Financial Value Standard for Maintained Schools (SFVS)**

Due to the coronavirus (COVID-19) outbreak, the Department for Education (DfE) has decided that the SFVS return should be delayed this year.

For the financial year 2020 to 2021, schools should submit their SFVS to their local authority no later than 28 May 2021.

## **Academy Updates**

### **Financial Return Submission Dates**

As a reminder, all Academy Trusts must submit their audited financial statements for the year ended 31<sup>st</sup> August 2020 to the ESFA by 31<sup>st</sup> January 2021, along with the Trust’s internal scrutiny annual report and management letter from the auditors. As a result of the ESFA submission delay for the financial statements

- These can now be uploaded onto Trusts’ websites by 28<sup>th</sup> February 2021; and
- The Accounts Return can now be submitted by 23<sup>rd</sup> February 2021.

Trusts will still need to file their accounts with Companies House by 31<sup>st</sup> May 2021.

The Land and Buildings Collection Tool is now open and will now need to be submitted online by Academy Trusts by 28<sup>th</sup> January 2021 (the initial submission deadline was 17<sup>th</sup> December 2020).

School Resource Management Self-Assessment Tool will now need to be submitted annually by Trusts in March rather than November, allowing better alignment with Trusts’ budgetary cycle. This year the submission date has been extended by a further month to the 15<sup>th</sup> of April 2021.



## **Risk Protection Arrangement**

The DfE has confirmed that the RPA deduction from the General Annual Grant will be £19 per pupil from 1<sup>st</sup> September 2021 to 31<sup>st</sup> August 2022 (up from £18 per pupil in previous years).

## **Ofsted**

### **Routine Inspections**

With the new national lockdown in place, Ofsted will commence its planned monitoring programme from 25<sup>th</sup> January onwards and all inspection activity will be carried out remotely until March 8<sup>th</sup> at the earliest.

Key points to be aware of with respect to these inspections include:

- Before the February half term, remote monitoring inspections will usually last for 2 days and involve 2 HMI. Ofsted's position on this after the February half-term will be reviewed and confirmed before the half term break.
- Schools will be given up to 48 hours' notice of all monitoring inspections.
- Inspectors will focus on what leaders are doing to provide education to all pupils in the current circumstances.
- Inspectors will not expect schools to have updated their self-evaluation or improvement/action plans.
- Monitoring inspections will focus on the school's work towards improving and will not result in an inspection grade or a change to an existing inspection grade.
- Inspectors will look at whether leaders' actions are effective in providing education during the current circumstances.
- Inspectors will not evaluate leaders' actions during the spring and summer terms 2020. They will be interested, however, in how the pandemic has affected the school, especially in terms of leaders' curriculum thinking.
- In arriving at a final judgement, inspectors will consider the extent to which leaders' actions are helping or hindering the provision of education to all pupils at the current time.
- The lead inspector will make a single overarching judgement. This will be either of the following:
  - Leaders and those responsible for governance are taking effective action to provide education in the current circumstances; or
  - Leaders and those responsible for governance are not taking effective action to provide education in the current circumstances.
- A report will be written and published following Ofsted's visit.

The detailed monitoring inspection guidance for maintained schools and academies can be accessed [here](#)

## **[Remote Education: Findings from Ofsted's Interim Visits](#)**

### **Other News**

#### **Abuse during Lockdown**

As part of a new campaign, '[Something's Not Right](#)', which aims to build children's awareness of the support services available to them and encourage disclosure of abuse to a trusted adult. The charity, NSPCC, has reported that contacts to its helpline about the impact of domestic abuse on children have increased by 32% since the start of the lockdown, to an average of one an hour. In turn, 58% of the calls made have led to referrals or a referral update to the Local Authority. In some of these cases, fears about the virus were exploited to withhold access to children, cut off contact to family and friends, and monitor movement under the pretext of keeping them safe from the virus.

## **Actions for chairs and their governing boards**

- Reminder of the strategic and operational roles, especially during the current situation
- Chairs of governors should keep in agreed regular(virtual) contact with their headteacher(s)
- Consider safeguarding and health and safety issues
- Consider wellbeing of headteacher(s) and staff
- Keep the governing board informed between meetings of any updates
- Provide a chairs summary update before governing board meetings
- Report any decisions taken under chair's action since the last meeting, which should be minuted and ratified by the board
- Ensuring board members are able to comment and ask questions
- The board should scrutinise remote education strategy ongoing, in line with government recommendations
- Carry out all 'visits' remotely

## **Members of an academy trust**

Every trust has members who have a similar role to shareholders of a company limited by shares.

They:

- are the subscribers to the memorandum of association (where they are founding members)
- may amend the articles of association subject to any restrictions created by the funding agreement or charity law
- may, by special resolution, appoint new members or remove existing members other than, where there is one, the foundation/sponsor body and any members it has appointed
- have powers to appoint trustees as set out in the trust's articles of association and powers under the Companies Act 2006 to remove trustees
- may, by special resolution, issue direction to the trustees to take a specific action
- appoint the trust's external auditors and receive (but do not sign) the audited annual report and accounts (subject to the Companies Act)
- have power to change the company's name and, ultimately, wind it up.

Members must not be employees of the trust, nor occupy staff establishment roles on an unpaid voluntary basis. This requirement is effective from 1 March 2021.

How many members should there be?

The academy trust must have at least three members, although the Department's strong preference is that trusts should have at least five members.

Having more members:

- provides for a more diverse range of perspectives
- ensures members can take decisions via special resolution without requiring unanimity.

Members must not be employees of the trust, nor occupy staff establishment roles on an unpaid voluntary basis. This requirement is effective from 1 March 2021.

## Notes

*Edited from material from: BBC, Department for Education, Fischer Family Trust, Information Commissioners Office, London Borough of Hillingdon, National Governance Association, Ofsted, Schoolsweek, The Times, Times Educational Supplement.*

