

## Governance Update 6 - Friday 17 April 2020

This update from the Governance Team shares information from Devon County Council (DCC), the Department for Education (DfE), the Early Years Team and other trusted sources which governing boards will find useful. The updates are currently replacing our regular Friday Governance Alert in order to bring you additional information and background.

### **A message from Dawn Stabb**

*Dear Headteachers,*

*I hope the start of what hardly seems like a new term is going well. I would like to thank you once again for all you and your staff have done to support our young people over the holiday period; I hope you got some sort of break over the Bank Holiday Weekend.*

*Much has happened over the past 2 weeks and some key information and guidance has been shared to schools via my Headteacher Update. These can all now be found on the website detailed below.*

*A private Education staff only website has now been created to host all the key information and guidance in one place so it can easily be referred to by Headteachers and other senior staff. To access the website, schools (of any type) can go to <https://www.devon.gov.uk/schools/my-account/information-for-schools/> and log on using their usual DCC account (as you would to report a schools closure)*

### **A message from the Early Years and Childcare Service Incentivising Funding available**

Devon Early Years and Childcare Service recognises the contribution that settings are making to the COVID-19 response in providing childcare for critical workers and vulnerable children. Some of you are operating more flexibly, for longer days and weekends, to meet the needs of shift workers and those working overtime and accepting new children when other settings have closed. We want to ensure that funding is available and allocated to your setting as a priority by introducing Incentivising Funding.

Any setting that is open and has critical worker or vulnerable children in attendance will be able to make a claim. We understand that each setting has different overheads and will be operating differently during this time, some of you will have the security of receiving Early Years Education Funding and others will be losing a lot of parent fee income. Whilst we have this funding available we want to ensure that we can use it as widely as possible to support as many providers as we can. Therefore you will be able to select the level of incentivising funding that you wish to claim and it will be paid at either £100, £150 or £200 per child.

The amount per child is based on a provider being open for the 4 week period and the child attending every week. A pro-rata amount will be paid based on the weeks a setting is open and a child is in attendance.

- Group providers will be capped to £10,000 in the 12 week period
- Childminders will be capped to £3,000 in the 12 week period.

The funding will cover a 12 week period from 23rd March 2020 to 14th June 2020.

We are finalising our administration process and details about how to make the claim for Incentivising Funding will be circulated next week.

Further information regarding the financial support available can be found at:  
<https://www.devon.gov.uk/eys/additional-funding/>

### **Headteacher and staff wellbeing**

I'm sure all boards are hugely appreciative of the amazing effort, leadership and resilience our headteachers and senior leaders have shown in responding to the challenges and difficulties they have been facing and continue to face. As governors and trustees we have a very important responsibility with regard to the health and wellbeing of our school leaders, headteachers, principals and CEOs. They in turn have this responsibility with regard to the staff. School leaders are under huge amounts of pressure and we need to ensure that we are being mindful of how this is impacting on their daily lives. One governor or trustee, which could be the chair or another member of the board, needs to be charged with keeping in regular contact with the school leadership to ensure they have a listening ear and sounding board and are also reassured that their wellbeing is being taken seriously.

If the headteacher is unwell or unavailable for work please ensure that there is a mechanism in place for informing the chair and/or vice-chair of governors. Please contact the Governance Consultancy Team if your headteacher is affected so we can help to ensure appropriate support is put in place.

### **School Admissions Appeals**

The Department for Education has clarified how school appeals can be heard during the Covid-19 pandemic. The aim of these changes is to give the admitting authority greater flexibility on how school appeals are heard.

The main changes are:

- To 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
- To relax the rules with regard to what happens if one of the 3 panel members withdraws (temporarily or permanently) to make it permissible for the panel to continue with and conclude the appeal as a panel of two
- To amend the deadlines relating to appeals for the time that the new regulations are in force.

These changes are planned to come into force on the 24th April and will last until January 2021. The school admissions team will cascade full details of these changes once they have agreed the operational arrangements of the appeal hearings.

The DfE has stated: The coronavirus (COVID-19) outbreak will impact on the ability of admission authorities (that is, local authorities, academy trusts or school governing bodies, depending on the type of school) to carry out admission appeals in the usual way. This is because appeal panels must be held in person, which would break the current restriction on gatherings of more than 2 people. There may also be problems securing sufficient independent panel members and partial school openings and closures may impact on meeting certain appeal deadlines.

Parents must continue to have the right to appeal to any school which has refused their child a place. We will, therefore, be making regulatory changes that, subject to legislation, will come into force on 24 April 2020.

The new regulations will relax some of the current requirements set out in the School Admission Appeals Code 2012 and enable admission authorities to proceed with their admission appeals. Our aim is to give admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances, while also ensuring families appealing an admission decision this year are supported and are not disadvantaged by the measures in place to protect public health.

We will not, however, be removing any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings and provide advice on admissions law as well as keeping an accurate record of proceedings.

<https://www.gov.uk/government/publications/admission-appeals-for-school-places/coronavirus-covid-19-school-admission-appeals>

### **Temporary Contracts and other HR processes**

A reminder to boards that if any temporary contracts for staff members are due for consideration the proper procedure will need to be followed. This can be done via a virtual meeting, the board will need to ensure that the platform used for this meeting is secure and the participants are able to contribute without interruption and from a private location to ensure confidentiality is maintained. The Governance Team has received confirmation from HR ONE that formal proceedings relating to HR processes can be conducted virtually, providing all parties are in agreement.

We have updated our Model Virtual Meeting Protocol, which is attached.

### **Virtual Recruitment**

Dawn Stabb, Devon County Council Head of Education and Learning, has asked headteachers to feedback on what processes they have been using for virtual recruitment – both good and bad experiences – so that other schools can share best practice. The governing board may have been involved in recruitment for senior leader positions and have insight to share in this area too. Please pass on your thoughts so we can share them with Dawn's team! Contact details are at the bottom of this update.

### **iTrent / HR support**

New School policies and the HR guidance to be used during the COVID-19 pandemic has been updated. There is new guidance available in relation to pay, recording absences and a risk assessment for those that are in the high risk category, extremely vulnerable or living with someone in these categories.

<https://www.devon.gov.uk/supportforschools/administration/personnelandpayroll> and refer to Education and Families pages and support for schools on the Devon County Council pages where you can find:

- Schools Pandemic HR Policy
- School workforce guidance for managers
- New Absence recording and pay on iTrent – guidance for schools
- New Absence reporting – flowchart
- New Guide to pay during the COVID-19 pandemic
- New Risk assessment for vulnerable groups

### **Virtual meetings**

With schools open for a greatly reduced number of pupils and face-to-face meetings restricted, the familiar processes and mechanisms for school governance are not possible. However we need to ensure that whilst we can't pretend it is business as usual, we must also 'keep calm and carry on', and remember the first and most important rule of school governance – what is in the best interests of the children and young people in our setting? The Department for Education has amended their March School Governance Update to add: *'If you are using video conferencing platforms to continue to meet as a governing body, then please consider the security of the platforms that you are using. You should read the privacy terms and conditions and ensure that where possible you enable any security features. If you have any concerns, you might want to consult your IT provider or staff for support. Please remember that all parties will need to agree to these arrangements.'*

<https://www.gov.uk/government/publications/school-governance-update/school-governance-update-march-2020>

It is worth noting that the majority of governance business is in the public domain, so boards will need to consider the possible risks in balance with the benefits. The main issue would appear to be the possibility that uninvited guests could potentially join an online meeting on some platforms. This could pose a problem if the matters under discussion were of a confidential nature.

### **GovernorHub free guidance on virtual meetings**

GovernorHub has produced a video showing how you can link your use of GovernorHub with some of the online meeting platforms, such as Zoom, Google Teams and Skype. GovernorHub are creating an online meeting option through GovernorHub; we will send further information as soon as this is available.

<https://help.governorhub.com/en/collections/2220162-governorhub-and-zoom-google-meet-microsoft-teams>

### **Governance Team new subscriber content website**

The subscriber content has been moved to a new subscriber area within the new 'shop' site

You can access the governance area here: <https://shop.babcockldp.co.uk/governance>  
There is no need to login.

Our 'normal' site is still up and running and is packed with information it's just the subscriber content which is moving.

Not all of the content has been transferred yet, so if you cannot locate what you want please just let the team know and we will email it across for you. (Contact details are at the bottom of this update.)

### **Safeguarding Policy Annexe**

We circulated the annexe to the Safeguarding/Child Protection Policy last week. The document needs to be personalised to schools. The link to insert in the model appendix to access the flowchart and safeguarding document is <https://www.devon.gov.uk/schools/my-account/information-for-schools/> (Schools need to login to access the document with their normal DCC account details). The chair can approve the appendix under Chairs Action. *Please note, in academy schools please check your Articles to see if the chair is permitted to act alone. The board may need to agree to delegate power to the chair.*

### **Paying Suppliers (information for maintained schools which can also be adapted for Academy schools)**

Please find attached the guidance from Devon Audit and Legal Teams, adapted for schools around the Policy Procurement Note (PPN) and paying suppliers. Whilst the guidance has been written for maintained schools, academies may be able to adapt this information for their needs as well.

### **Consultation into exceptional arrangements for exam grading and assessment in 2020**

Ofqual have launched a consultation, which closes on Wednesday 29 April 2020. The consultation covers the arrangements for GCSEs, AS, A levels, Extended Project Qualifications and Advanced Extension Award.

<https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

There is also a useful FAQs sheet, which it would be useful for Secondary and FE governors and trustees to read and to signpost for pupils and their families.

<https://www.gov.uk/government/publications/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020>

### **Enforcement of the gender pay gap reporting deadlines suspended for this year.**

Due to the Coronavirus outbreak, the Government Equalities Office (GEO) and the Equality and Human Rights Commission (EHRC) have taken the decision (24 March) to suspend enforcement of the gender pay gap deadlines for this reporting year (2019/20).

<https://www.gov.uk/government/news/employers-do-not-have-to-report-gender-pay-gaps>

### **National Police Chiefs Council (NPCC) guidance on what are reasonable reasons to leave home.**

This guidance explains that some public statements made soon after the adoption of the Regulations suggested that members of the public could only leave their homes if 'essential' to do so. However, this is not the test set out in the Regulations and there is no legal basis for a requirement in those terms to be imposed. The applicable threshold is that of 'reasonable excuse'. This list is not exhaustive and officers are required to use their discretion and judgement in deciding what is and what isn't 'reasonable' in the circumstances.

<https://www.college.police.uk/What-we-do/COVID-19/Documents/What-constitutes-a-reasonable-excuse.pdf>

### **Contacting the Governance Consultancy Team**

Members of the Governance Team have all been enabled to work remotely, our email and telephone helplines are available as normal:

[LDP-GovernorsServiceClerks@babcockinternational.com](mailto:LDP-GovernorsServiceClerks@babcockinternational.com)

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