Department for Education

Correspondence

School governance: coronavirus (COVID-19) June update

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Message from the Secretary of State

I wanted to thank you personally for the profound and inspiring leadership of schools at this time. Over the last two months I have seen so many examples of the tenacious determination of schools to find ways to care for children and staff, backed by practical and measured thinking.

I am particularly grateful to you as trustees and governors for your dedication to the wellbeing and capacity of school leaders, who are under immense pressure, as well as your ambition to support your communities. Thank you.

Many schools and trusts have not hesitated to help other schools and trusts in the system, and we would like to encourage you to continue to work closely with each other and with local authorities as we seek to overcome these challenges together.

In his statement on Thursday 28 May 2020, the Prime Minister confirmed that we have made progress in reducing the transmission of coronavirus (COVID-19), and met the 5 tests set by the government. Based on all the evidence, primary schools can put into practice the plans they have made for a phased return of some pupils from Monday 1 June 2020, and secondary schools from 15 June 2020 – this is alongside the full time provision schools are offering to priority groups, including vulnerable children and children of critical workers. The Department for Education (DfE) has published guidance to support schools to welcome more children back. By returning pupils gradually, settings can reduce the number of children and young people in classrooms compared to usual, and put protective measures in place to reduce risks. The guidance sets out a range of such measures schools should implement, including keeping children in small consistent groups.

Our guidance is clear that schools and colleges continue to be best placed to make decisions about how to support and educate all their pupils during this period. We expect school leaders to prioritise support for pupils' mental health and wellbeing and make their own assessment of pupils' learning and further curriculum support needs, including for those with additional needs or those facing transition to another phase of education.

DfE urges governors and trustees to work together closely with school leaders to ensure that all decisions taken are in the best interest of staff and pupils, as we enter the next phase of our response to coronavirus (COVID-19). We would encourage you to continue to work with local authorities, who have a key role in resilience and emergency planning, as well as responsibility for the wellbeing of vulnerable children and school places. By working in partnership, taking practical steps, and supporting each other, we can steer a course through these challenging times.

DfE will continue to work with the sector to share practical planning advice as well as further detailed guidance, including frequently asked questions (FAQs) for governors and trustees.

You can find DfE's latest coronavirus (COVID-19) information here.

I recognise the scale of the ask of schools at this time. In working to support your children, staff and communities, and reaching out to help other school leaders, you are performing an invaluable public service. I applaud your commitment and dedication, and we stand ready to support you in every way we can.

The next few weeks and months will continue to be a challenging time for school and trust leaders. Our regional teams will continue to work closely with you and with local authorities to provide support.

Thank you again for your leadership.

Gavin Williamson

Secretary of State for Education

State-funded academy trust and maintained school governance during coronavirus (COVID-19) FAQs

DfE has compiled FAQs to support governors, trustees, governance professionals, clerks and chairs, in both the maintained and academy sectors, and to address the specific issues pertinent to governing and trust boards and local governing bodies (LGBs) during the coronavirus (COVID-19) outbreak.

The FAQs should be read alongside the other key documents DfE has recently published including:

- actions for educational and childcare settings to prepare for wider opening from 1 June 2020
- coronavirus (COVID-19): implementing protective measures in education and childcare settings
- planning guide for primary schools
- planning guide for secondary schools

We will continue to work with the sector to listen and respond to the issues you are facing, and will provide further guidance where necessary. Thank you for all that you have been doing to support schools, and especially school leaders, throughout this time.

Role of governing and trust boards

1. What is the role of a governing or trust board in the wider opening of a school?

The governing or trust board is responsible for its schools at a strategic level but chief executive officers (CEOs)/headteachers/principals have delegated responsibilities for the day to day operational management of their school. Governing and trust boards will need to be aware of the operational decisions being taken by the school or trust's senior leaders, and should be assured that an adequate risk assessment has been conducted, and that protective measures are in place to reduce risks to children and staff. In practice, we expect school leaders and boards to work collaboratively in deciding how and when schools can extend their provision to additional pupils.

Headteachers of maintained schools should engage with their local authority and headteachers/principals of academy trusts should engage with the CEO. All schools should engage with their local authorities, as appropriate, to ensure the services they will need to support their operation are in place.

2. How can a governing or trust board assure itself of the robustness of the school's risk assessment and plans in preparation for wider opening?

Boards should be assured that the headteacher/principal has had regard to DfE's guidance in their preparation and planning. This includes advice on putting in place protective measures - such as smaller class sizes, and cleaning regimes.

Boards will need to receive and discuss business critical risks as they would normally do with the headteacher/principal in a supportive manner and review the risk assessment and plans as necessary. The National Governance Association (NGA) and Confederation of School Trusts (CST) have produced further information which boards may find helpful for this process. Boards can find general guidance about their core functions, responsibilities and legal duties in the Governance Handbook.

3. How can boards take account of the views of staff, parents/carers and the local community?

Governors and trustees should be satisfied that senior leaders are communicating frequently and effectively with staff, parents, carers and the local community, and listening and responding to any concerns they may have regarding the further opening of the school. In academy trusts, executive leaders and the trust board should engage with the local governing body (LGB) to understand the local context.
Governing and trust boards and headteachers/principals should work together to listen to and address any local concerns. Further guidance for parents can be found in DfE guidance for parents and carers.

4. In a trust with multiple academies, what if the local governing body (LGB) does not agree with the decision to extend the opening of an academy?

The trust board has ultimate responsibility for being assured by the CEO that all the academies within the trust have been risk assessed and are ready for extending their opening. If an LGB has concerns regarding the decision to extend the opening of an academy, the LGB chair should raise their concerns in accordance with the scheme of delegation where applicable or directly with the chair of the trust board.

5. How can governing or trust boards continue to function effectively during this time?

DfE understands that governing and trust boards have a key role in supporting their school or trust's senior leaders throughout this period and that decisions will need to be pragmatic, proportionate and sensitive to local circumstances. Boards remain accountable for their schools and should stay connected to senior leaders, and the key operational decisions they are taking, to retain a strategic overview of the school or trust.

Whilst social distancing rules remain, boards should adopt alternative arrangements for holding meetings, for example, by using video or teleconferencing applications. If boards or schools require support to access digital platforms, please see DfE's guidance on help with technology and remote education. The National Governance Association has also produced guidance for business continuity and holding virtual meetings.

6. Should committees continue to meet during this period?

Governing and trust boards, in discussion with the clerk, should take a pragmatic approach to handling any urgent business and assess whether it is reasonable for virtual committee meetings to go ahead. Availability of governors or trustees will need to be considered to ensure that committee meetings are quorate. It may be more practical for the urgent business of any committee to be discussed at the governing or trust board meeting instead.

7. Can trust boards temporarily suspend local governing bodies (LGBs) and committees' powers to assist timely decision-making?

Yes. If necessary to maintain effective and timely decision making, trustees may temporarily rescind any delegated responsibilities (except where there is a requirement within the Academies Financial Handbook for the establishment of a committee with particular responsibilities), for example, where a committee is currently unable to meet due to coronavirus (COVID-19). However, DfE would expect any short-term changes to be reassessed as the situation changes over the coming months. All boards should keep a paper or electronic record of any decisions related to delegation.

8. Can the terms of office of parent governors/trustees and staff governors whose terms of office are coming to an end be extended during the coronavirus (COVID-19) outbreak?

For maintained schools, the legislation does not allow for an extension to the terms of office for elected governors. However, it is a matter for the governing board to decide whether to take a pragmatic approach to the timing of governor elections during the outbreak and continue to function with vacancies where necessary and practical.

For academy trusts, the terms of office of elected parent local governors on LGBs and elected parent trustees will be determined by the articles of association and trustees will need to make pragmatic decisions as to whether terms can be extended under the particular terms of their articles of association (usually the case for parent local governors), or whether the trust can continue to function with less governors or trustees if necessary.

9. Can recruiting and appointing new governors or trustees go ahead?

Recruiting of governors and trustees can still go ahead and discussions with those who are interested can take place virtually. Disclosure and Barring Service (DBS) checks will still need to be carried out. DfE-funded recruitment programmes are still delivering and placing new governors/trustees.

Further information can be found in the guidance on how to find volunteers to become school governors and trustees.

10. Can governors, trustees and clerks still access DfE-funded governance leadership and clerking training programmes?

Yes. Providers have made adjustments to how the training is being delivered, moving to online modules where possible. For further information, see guidance on school and academy governance professional development.

Pupil attendance

11. Must all eligible children attend school?

From 1 June 2020, children in nursery, reception, year 1 and year 6 will be eligible to return to primary schools, alongside priority groups who are already eligible, such as vulnerable children and children of critical workers. From 15 June 2020, students in year 10 and 12 can return to secondary schools for some face-to-face support.

Children who are eligible are strongly encouraged to attend school, however, parents will not be penalised for non-attendance at this time. Schools will not be held accountable for attendance performance at this time, but should resume taking their attendance register and continue to complete the online Educational setting status form which gives DfE daily updates on how many children and staff are attending.

Admissions

12. How can governing boards manage admissions appeals?

Temporary changes to the School Admission Appeal Regulations 2012 came into force on 24 April which give admission authorities, local authorities and appeal panels some flexibility when dealing with appeals during the coronavirus (COVID-19) outbreak. The temporary regulations, called the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020, will remain in force until 31 January 2021.

Further information can be found in DfE's statutory guidance on school admissions appeals which explains the temporary changes in more detail, including how panels can be held virtually. In addition, further guidance on school admission appeals is available to assist governing bodies understand their roles and responsibilities.

Exclusions

13. What is the effect of coronavirus (COVID-19) on governing boards' duties to consider reinstatement of excluded pupils and the process for independent review panels (IRPs)?

The government appreciates that it may not have been possible to meet the timeframes set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 for governing board meetings and IRPs over recent months, due to the disruption caused by the coronavirus (COVID-19) outbreak.

We have amended the arrangements for governing board and IRP meetings in relation to exclusions occurring from 1 June 2020, and for some exclusions that occurred before that date, to make provision for such meetings to be held virtually provided certain conditions are met, and to extend time limits in some circumstances. Further advice can be found in our guidance changes to the school exclusion process during the coronavirus (COVID-19) outbreak.

Safeguarding

14. What is the role of the governing and trust boards in safeguarding during this period?

Governing or trusts boards should continue to have regard to the requirements set out in statutory guidance 'Keeping Children Safe in Education' (KCSIE). It is important that boards review and revise their child protection policy regularly as circumstances continue to evolve. Further advice can be found in DfE guidance about coronavirus (COVID-19) and safeguarding in schools, colleges and other providers.

15. What is the role of the governing or trust boards regarding vulnerable and disadvantaged pupils?

It is a government priority for vulnerable children of all year groups to continue to attend school, and for educational settings to continue in their efforts to increase the number of such children attending the educational setting, where it is appropriate for them to do so. Governing and trust boards should continue to support the headteacher/principal in encouraging vulnerable children and young people to attend. Further information can be found in DfE guidance on vulnerable children and young people.

Boards should ensure disadvantaged children are being supported to access learning. DfE has announced support for certain children who do not have access to a digital device or an internet connection. Further information can be found in DfE guidance for getting help with technology for remote education during coronavirus.

Finances

16. Will there be any impacts on schools' budgets and allocations for the next year?

Schools will continue to receive their core funding allocations in 2020 to 2021, regardless of any periods of closure or reduced operation. Funding allocations for 2021 to 2022 will be announced as soon as possible to allow schools time to plan.

We are also providing additional funding to schools, on top of existing budgets, to cover unavoidable costs incurred due to the coronavirus (COVID-19) outbreak that cannot be met from their existing resources. Further information can be found in DfE guidance on financial support for schools during coronavirus (COVID-19).

This funding does not cover loss of income. Where schools normally provide a service or operation that is wholly or significantly funded by private income, we know this lost revenue will create additional pressure on budgets. Where schools have members of staff delivering these services, which were funded by private income, they should first look to make the necessary savings from their existing budgets or consider options to redeploy these staff. Once these options have been considered, schools can then consider using the Coronavirus Job Retention Scheme (CJRS). See guidance on financial support for education, early years and children's social care.

17. How should academy trusts approach financial management at this time?

The Academies Financial Handbook continues to provide the essential framework for effective oversight, control and decision-making. Our 21 April letter to academy trust accounting officers provides more detailed advice about the submission of budget returns and accounts.

Academy conversions

18. What is the current position regarding academy conversions?

We have already supported schools who wanted to convert to academy status on 1 April and 1 May to do so. DfE will continue to do this for future months on a case-by-case basis - such as to provide certainty and clarity to all school staff about their employment status. Those that do not proceed during this period are not cancelled, and processes will resume as soon as practical.

During this period electronic signatures will be accepted from schools and trusts, and, if needed, legal documents will be signed in counterpart to facilitate projects moving forward. DfE will still physically sign and seal the documents ahead of the first of each month.

Federations

19. Can schools in the middle of a consultation for a proposed federation still go ahead with the consultation?

We are aware of some schools in the middle of a consultation who have chosen to delay the process until a more suitable time. Others may choose to carry on a consultation via email, online surveys, or webinars. In all cases, consideration should be given to the community involved in the consultation and the difficulties they may face in submitting responses.

Complaints

20. Do schools need to maintain the same procedures for handling complaints during the outbreak?

For maintained schools, governing bodies are advised that DfE does not expect schools to handle new or existing complaints while they are partially closed during the coronavirus (COVID-19) outbreak. Schools should, however, still engage with parents and pupils where they can. Complaints should be considered once schools have fully reopened. Further information can be found in DfE guidance for maintained schools on complaints procedures.

For academies and free schools, the Education and Skills Funding Agency (ESFA) is advising complainants that the schools complaints procedure must be completed before a complaint can be escalated to ESFA. However, we accept that it may not be possible to complete the school's usual process during the coronavirus (COVID-19) outbreak. The ESFA Chief Executive has notified trusts that ESFA "will not be considering complaints about schools' compliance with complaints and exclusions regulations at this time. If we receive complaints about these, we will notify the complainants that we will consider their complaint once restrictions are eased. Where a school's own complaints processes are underway or have not been completed, we advise that they must be, but acknowledge that schools may not be in a position to follow their usual processes or timescales in this regard." Further information can be found in DfE guidance for academy and free schools.

Workforce

21. What is the board's role in ensuring staff wellbeing and that their workloads are manageable?

Governing and trust boards, together with senior leaders, should be conscious of the wellbeing of all staff, including senior leaders themselves, and the need to implement flexible working practices in a way that promotes good work-life balance and supports teachers and leaders. Boards will want to assure themselves that workload is being carefully managed by senior leaders and that this is factored into their resource and curriculum planning, including considering where additional resource could be safely brought in if necessary.

22. Should planned staff re-structure/redundancy still take place during this time?

In the case of maintained schools, it will be for local authorities to consider how best to support the governing bodies of the schools that they maintain at this time. In the case of academies, trusts should assess their plans on a case-by-case basis. If academy trusts find themselves facing financial challenges as a result of these decisions, they can contact DfE's dedicated helpline at: DfE.coronavirusHelpline@education.gov.uk

23. Can schools continue to recruit headteachers/principals during this time?

The recruitment of headteachers/principals is a matter for individual governing boards and in trusts, this will be through the trust's scheme of delegation. Schools may wish to refer to the guidance issued by the National Governance Association on how governing boards should recruit headteachers/principals during the coronavirus (COVID-19) outbreak.

24. Should boards continue to appraise the performance of the senior leader/head teacher during this time?

In maintained schools, the governing board remains responsible for this function. Further information can be found in DfE guidance for maintained schools. In academies, the scheme of delegation will determine if the trust board or LGB holds responsibility. However, DfE encourages all boards to have a flexible and pragmatic approach, keeping in mind that the headteacher's objectives will likely have evolved during the outbreak. We recognise that governors/trustees will want to work collaboratively with the head teacher on how best to support them.

Data collection

25. What is the expectation on providing and analysing data and evidence for educational performance measures and data collection?

To help reduce the burden on educational and care settings at this time, DfE and its agencies have cancelled or paused all but the most essential data collections, services and requests from educational and care settings until the end of June 2020. Further guidance can be found in DfE guidance on reducing burdens on educational and care settings.

In addition, DfE will not be publishing any key stage 2, 4 or 16 to 18 educational data in performance tables in autumn 2020. DfE will provide further information about accountability arrangements for future years in due course.

Inspections

26. How is Ofsted judging the effectiveness of schools and governing or trust boards in delivering education during partial school closures?

On 17 March 2020, the Secretary of State for Education announced the temporary suspension of routine Ofsted school inspections. The Secretary of State for Education has subsequently issued a notice to temporarily disapply provisions of school inspection legislation. The suspension is necessary to alleviate pressure on school leaders and staff and enable them to focus on responding to the coronavirus (COVID-19) outbreak. While routine school inspections are not taking place, Ofsted retains the power to inspect schools if it has significant concerns.

There are no plans to re-start routine school inspections this term. We continue to work

There are no plans to re-start routine school inspections this term. We continue to work closely with HM Chief Inspector and the sector, and will only re-start routine inspection when it is appropriate to do so. Further information is available in DfE guidance on Ofsted and coronavirus (COVID-19).

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