Department for Education

Governance handbook

For academies, multi-academy trusts and maintained schools

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Foreword

Governing boards have a significant degree of autonomy in our increasingly school-led system. They are the vision setters and strategic decision makers for their schools. They play a vital role in ensuring the best possible education that takes every child as far as their talents allow. Crucially, that means creating robust accountability for executive leaders by using and being familiar with objective data on the performance of pupils, teachers and finances to ask the right questions. It means ensuring resources are allocated to strategic priorities and safeguarding the highest standards of financial propriety – for example on executive pay and expenses and on related party transactions. It also means ensuring that schools prepare pupils for life and the workplace and implementing their Prevent duty and promoting fundamental British Values to protect them from the risks of extremism and radicalisation.

A school-led system doesn't mean schools working in isolation; it means schools that are fully integrated with their local community and, crucially, connected with and learning from each other. I want to see more schools seeking out opportunities to collaborate. I believe there are still many cases in which pupils would benefit from their school being part of something bigger. Governors of individual schools, like parents and headteachers, can be passionate about their school. But pupils must come before adults. The academy sector is leading the way with 97% of all academies (other than free schools, UTCs and studio schools) which opened in 2015/16 now part of a MAT.

Working together is about better teaching and a broader curriculum for pupils; greater leadership and development opportunities for teachers; and more efficiency and impact from financial and other resources. These benefits are most fully realised when school-to-school collaboration is consolidated through formalised cross-school governance arrangements. When boards govern a group of schools we also then see further improvement in the quality of governance – as boards gain a more strategic perspective.

All boards, however many schools they govern, need people with skills appropriate to the scale and nature of their role; and no more people than they need to have all the necessary skills to be effective. Many boards are already reaping the rewards of recruiting people from business and I call on more schools to make use of the DfE funded services from Academy Ambassadors and from Inspiring Governance, a new service from the Education & Employers Taskforce and National Governors Association.

This Governance handbook applies to all those involved in governance, referring throughout to the 'board' to emphasise that it applies equally to the governing body of a small maintained school as it does to the board of a large MAT. This edition has

been re-structured around a new clearer articulation of the key features of effective practice and should be read alongside our new Competency Framework describing the knowledge, skills and behaviours needed for effective governance.

I want everyone involved in governance to be confident in tackling underperformance, challenging mediocrity, and setting the highest of expectations; refusing to accept second best for any child. I hope you find this handbook a valuable resource.

John Nash

Parliamentary Under Secretary of State for Schools

About the Governance handbook

Aim

The Governance handbook is guidance from the Department for Education ('the department'). It sets out the government's vision and priorities for effective governance by:

- outlining the core role and functions of the governing board;
- summarising and providing a first point of reference on all the legal duties on boards[1], signposting to more detailed information, guidance and resources; and
- providing information on the support available to boards to be effective.

It should be read alongside the department's Competency framework for governance, which describes the knowledge, skills and behaviours needed for effective governance.

There may be specific additional governance expectations or arrangements put in place for specific groups of schools for example by diocesan authorities, academy sponsors or multi-academy trusts (MATs). This handbook does not aim to summarise these.

Review date

The Governance handbook is kept under review and updated to reflect changes to the law affecting governing boards and changes to education policy – usually on an annual basis.

Terminology

Throughout the handbook, references to:

- *the board* should be taken to mean the accountable body for the school or group of schools: in local authority (LA) maintained schools, this will be the governing body and in an academy trust this will be the board of trustees (committees to whom the board has delegated functions should take account of guidance to *the board*, in so far as the relevant function has been delegated to them);
- *the organisation* means the school or group of schools being governed;

[1] For academy trusts, these are given with reference to the latest model articles of association and funding agreement. Individual trusts should refer to their own documentation.

- *executive leaders* should be taken to mean those held to account by the board for the performance of the organisation. This may be the CEO, executive headteacher, headteacher or principal, as well as other senior employees/staff, depending on the structure of the organisation;
- *academy trusts* should be taken to include free schools, university technical colleges (UTCs), studio schools and MATs;
- *trustees* means those that sit on the board of an academy trust (who in some trusts are known as directors);
- *local governing body* (LGB) means a committee of a multi-academy trust board that is established as such under the trust's articles of association, and
- *maintained school governors* means those that sit on the governing body of a maintained school – references to specific categories of maintained school governor, as defined in regulations, are all capitalised e.g. *Foundation Governor,* or *Parent Governor.*

Who is this publication for?

This Governance handbook is for:

- LA maintained schools and academy trusts;
- foundations, sponsors and others such as diocesan authorities with an interest in the governance of schools; and
- organisations supporting boards to develop more effective governance, including training providers developing learning and development programmes for governance.

The handbook does not apply directly to pupil referral units, sixth-form colleges and general further education colleges, though they may find its principles helpful.

What has changed in this edition?

This edition of the Governance handbook contains a new summary description of the six key features of effective governance – as set out Section 1. This provides the structure for the six sections that follow and also for the department's new Competency framework for governance.

The most significant changes to the content within other sections include:

Section 2: Strategic Leadership

- A new section at 2.3 bringing together material about the board's role as the key decision-maker.

Section 3: Accountability

- A stronger emphasis on ensuring financial propriety at 3.4.

Section 4: People

- Updated text at 4.1.2 to reflect the new requirement that all those involved in governance in maintained schools, as well as in academy trusts, must have a Disclosure and Barring Service (DBS) check.
- New advice on conducting informed elections at 4.1.4.
- New sections bringing together material on the important role of the chair at 4.3 and of the clerk at 4.4.
- A new explanation at 4.8 of the risks associated with close family relationships between those involved in governance or between them and senior employees.
- Details of the duty on boards to provide information about individuals involved in governance via Edubase at 4.8.

Section 5: Structures

- Updated guidance on the role of Trustees and Members at 5.2.1.
- Clarification at 5.6 that all boards are required to publish a scheme of delegation to explain their governance arrangements, together with new guidance on what makes an effective scheme of delegation.
- Updated guidance on MATs at 5.2.2 and umbrella trusts at 5.5.1.

Section 6: Compliance

- Confirmation at 6.7 that an individual on the board should take leadership responsibility for the organisation's safeguarding arrangements, which include its Prevent duty.
- New advice at 6.7.1 on handling allegations of abuse made against other children.

Section 7: Evaluation

- Updated content on schools causing concern and on coasting schools at section 7.4.

1. Effective Governance

1.1 The purpose of governance

1. The purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance.

2. All boards, no matter what type of schools or how many schools they govern, have three core functions:

   - **Ensuring clarity of vision, ethos and strategic direction;**
   - **Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and**
   - **Overseeing the financial performance of the organisation and making sure its money is well spent.**

1.2 The key features of effective governance

3. Boards must be ambitious for all children and young people and infused with a passion for education and a commitment to continuous school improvement that enables the best possible outcomes. Governance must be grounded in reality as defined by both high-quality objective data and a full understanding of the views and needs of pupils/students, staff, parents, carers and local communities. It should be driven by inquisitive, independent minds and through conversations focussed on the key strategic issues which are conducted with humility, good judgement, resilience and determination.

4. In our rapidly developing education system the range of organisations being governed is more diverse than ever – ranging from single small primary schools to large MATs governing numerous schools. Regardless of the scale or nature of the organisation being governed, the features of what makes for effective governance remain the same. They are common across the education sector and share their fundamental principles with governance in the charity and business sectors.

5. Effective governance is based on six key features:

   Strategic leadership that sets and champions vision, ethos and strategy.

   Accountability that drives up educational standards and financial performance.

People with the right skills, experience, qualities and capacity.

Structures that reinforce clearly defined roles and responsibilities.

Compliance with statutory and contractual requirements.

Evaluation to monitor and improve the quality and impact of governance.

6. The first two features are the core pillars of the board's role and purpose. The second two are about the way in which governance is organised, and the last two are about ensuring and improving the quality of governance.

1. Strategic leadership *that sets and champions vision, ethos and strategy through*:

- a clear and explicit vision for the future set by the board, in collaboration with executive leaders, which has pupil progress and achievement at its heart and is communicated to the whole organisation;
- strong and clear values and ethos which are defined and modelled by the board, embedded across the organisation and adhered to by all that work in it, or on behalf of it;
- strategic planning that defines medium to long-term strategic goals, and development and improvement priorities which are understood by all in the organisation;
- processes to monitor and review progress against agreed strategic goals and to refresh the vision and goals periodically and as necessary including at key growth stages or if performance of the organisation drops;
- mechanisms for enabling the board to listen, understand and respond to the voices of parents/carers, pupils, staff, local communities and employers;
- determination to initiate and lead strategic change when this is in the best interests of children, young people and the organisation, and to champion the reasons for, and benefits of, change to all stakeholders;
- procedures for the board to set and manage risk appetite and tolerance; ensuring that risks are aligned with strategic priorities and improvement plans and that appropriate intervention strategies are in place and embedding risk management at every level of governance; and
- an informed decision on whether to form, join or grow a group of schools which is underpinned by robust due diligence and an awareness of the need to review the effectiveness of governance structures and processes if and when the size, scale and complexity of the organisation changes.

2. Accountability *that drives up educational standards and financial performance through*:

- rigorous analysis of pupil progress and attainment information with comparison against local and national benchmarks and over time;
- clear processes for overseeing and monitoring school improvement and providing constructive challenge to executive leaders;
- a transparent system for performance managing executive leaders, which is understood by all in the organisation, linked to defined strategic priorities;
- effective oversight of the performance of all other employees and the framework for their pay and conditions of service;
- a regular cycle of meetings and appropriate processes to support business and financial planning; and
- effective controls for managing within available resources and ensuring regularity, propriety and value for money.

3. People *with the right skills, experience, qualities and capacity who*:

- understand the purpose of governance and the role of non-executive leadership and have all the necessary skills, as outlined in the department's *Competency framework for governance*, to deliver it well;
- include an effective chair and vice-chair with the ability to provide visionary strategic non-executive leadership;
- provide sufficient diversity of perspectives to enable robust decision making;
- are recruited through robust and transparent processes against a clear articulation of required skills which are set out in a role specification;
- use active succession planning to ensure the board, and the whole organisation, continues to have the people and leadership it needs to remain effective; and
- employ a professional clerk, and as necessary a company secretary, to provide expert advice and guidance and to ensure the efficient and compliant operation of the board.

4. Structures *that reinforce clearly defined roles and responsibilities through*:

- appropriate board and committee structures that reflect the scale and structure of the organisation and ensure sufficient and robust oversight of key priorities;

- clear separation between strategic non-executive oversight and operational executive leadership which is supported by positive relationships that encourage a professional culture and ethos across the organisation;
- processes for ensuring appropriate communication between all levels and structures of governance and to pupils/students, parents/carers, staff and communities – particularly to ensure transparency of decision-making;
- in academy trusts, significant separation between members and trustees to enable members to exercise their powers objectively;
- published details of governance arrangements including the structure and remit of the board and any committees which is understood at all levels of governance and leadership and is reviewed regularly; and
- In MATs, complementary and non-duplicative roles for the board, any committees or local governing bodies (LGBs), and MAT executives in holding school-level leaders to account.

5. Compliance *with statutory and contractual requirements, through*:

- awareness of, and adherence to, responsibilities under education and employment legislation and where applicable, charity and company law and all other legal duties including Canon law where applicable;
- plans to ensure that key duties are undertaken effectively across the organisation such as safeguarding, inclusion, special education needs and disability (SEND), and monitoring and oversight of the impact of pupil premium and other targeted funding streams;
- for academies, adherence to the requirements of the Education Funding Agency's (EFA) *Academies Financial Handbook* (AFH) and the trust's funding agreement and articles of association; and
- understanding of, and adherence to, responsibilities under the Equalities Act, promoting equality and diversity throughout the organisation including in relation to its own operation.

6. Evaluation to monitor and improve the quality and impact of governance, through:

- regular skills audits, aligned to the organisation's strategic plan, to identify skill and knowledge gaps and which both define recruitment needs and inform a planned cycle of continuous professional development (CPD) activity including appropriate induction for those new to governance or to the board;

- processes for regular self-evaluation and review of individuals' contribution to the board as well of the board's overall operation and effectiveness;
- commissioning external reviews of board effectiveness, particularly at key growth or transition points, to gain an independent expert assessment of strengths and areas for development; and
- documentation which accurately captures evidence of the board's discussions and decisions as well as the evaluation of its impact and which complies with legal requirements for document retention.

7. The remaining sections of this handbook address each of these six key feature of effective governance in turn.

2. Strategic leadership

1. The boards' first core function is about strategic leadership. This involves setting the organisation's overall strategic framework, including its vision and strategic priorities. It also includes responsibility for setting and modelling its culture, values and ethos.

2.1 Setting direction

2. The board should ensure that the organisation has a clear vision – which is articulated in a specific written statement. This should include ambitions for current and future pupils, as well as for the organisation's relationship with other schools. For MATs, the vision should set out the level of ambition they have for future growth.

3. The board should ensure there is a strategy in place for achieving this vision. The strategy should provide a robust framework for setting priorities, creating accountability and monitoring progress in realising the organisation's vision. The focus should be on significant strategic challenges. The detail of all the actions that will drive school improvement should be contained in a separate school improvement plan (SIP). Avoiding unnecessary detail and peripheral issues will prevent the board's attention being spread too thinly and help create a practical and powerful tool for facilitating its core business. The National Governors' Association (NGA) and the Wellcome Trust have jointly developed guidance to help boards develop a robust strategic framework for governance.

2.2 Culture, values and ethos

4. The board should set and safeguard an ethos of high expectations of everyone in the school community. This includes high expectations for the behaviour, progress and attainment of all pupils and for the conduct and professionalism of both staff and the board themselves. The board should foster a common culture, values and ethos across the whole organisation, ensuring it is reflected consistently in both its policies and its practices.

5. Where applicable, the board must govern in line with its charitable object and in accordance with any governing documents, including any trust deed relating to the school – which are likely to have a strong if not defining impact on the culture, value and ethos of the organisation, particularly for example in schools designated with a religious character. Regulations specify that Foundation Governors in maintained schools are appointed by the relevant appointing body specifically as people that they believe have the ability to preserve and

developing the character of the organisation, including any religious character. This principle also applies to people such bodies appoint to the boards of academy trusts.

6. Every effort should be made to ensure the organisation's ethos promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those with different faiths and beliefs; and encourage students to respect other people, with particular regard to the protected characteristics set out in the Equality Act 2010 and accompanying guidance. The board should ensure that this ethos is reflected and implemented effectively in school policy and practice and that there are effective risk assessments in place to safeguard and promote students' welfare. Guidance for maintained schools and academies on the spiritual, moral, social and cultural development of pupils includes references to promoting British values.

2.3 Decision making

7. As the accountable body, the board is the key decision maker. It may delegate operational matters to executive leaders and governance functions to committees (including LGBs in a MAT) or in some cases to individuals, but the board as a corporate entity remains accountable and responsible for all decisions made and executive leaders operate within the autonomy, powers and functions delegated to them by the board.

8. In most cases it is for the board to decide whether to task individuals to take a particular lead interest to support decision making in certain areas. However, all boards should have an individual to take leadership responsibility for the organisation's safeguarding arrangements, which include the Prevent duty. There should also be a member of the board or a committee with specific oversight of the school's arrangements for SEND.

9. The board must operate and make decisions in the best interest of pupils and in line with their charitable object, where applicable, not in their own interests or as a collection of individuals lobbying for the interests of the constituency from which they were elected or appointed.

10. Boards should welcome and thrive on having a sufficiently diverse range of viewpoints – since open debate leads to good decisions in the interests of the whole school community. While noting the role of Foundation Governors in schools designated with a religious character, boards should be alert to the risk of becoming dominated by one particular mind-set or strand of opinion, whether related to faith or otherwise. Boards must ensure they understand the full

diversity of the cultural and religious context of the school and the community it serves. Having some people on the board who have no close ties with the school, or who come from outside the faith or ethnic group of the majority of pupils, can help ensure that the board has sufficient internal challenge to the decisions it makes and how it carries out its strategic functions.

11. Good decision making is well informed by both available evidence of what works or is likely to be effective, and by the views and needs of key stakeholders, particularly parents. The board as a whole should take steps to understand what parents think, while acknowledging that anyone on the board who is a parent themselves has valuable knowledge and perspectives about the school(s) to bring to bear in discussions and decisions and helps to guarantee that there is always a link between governance and the parent community

12. In order to make credible decisions that are in the best interest of pupils it is essential that the board has an effective approach to conflicts of interest. All boards should prevent conflicts of interest from affecting their decisions by removing them or managing them as appropriate. For example, it is unlikely that the conflict of interest that would arise from a close family relationship existing between someone on the board and a senior executive leader could be managed fully, and hence in most circumstances this situation would be best avoided altogether. The Charity Commission offers guidance on managing potential conflicts of interest.

13. Robust decision making also takes account of risk. Effective boards have a framework for identifying and managing risk and explicitly set and manage their risk appetite and tolerance. In particularly, they consider the risks associated with their strategic priorities and improvement plans.

2.4 Parental engagement and community leadership

14. As the strategic leaders of their organisations it is vital that boards are connected with, and answerable to, the communities they serve, particularly parents/carers. Boards should never become detached, distant or unanswerable to parents or carers.

15. All boards should assure themselves that mechanisms are in place to engage meaningfully with all parents/carers and enable them to put forward their views at key points in their child's education. They should aim to build productive relationships, creating a sense of trust and shared ownership of the organisation’s strategy, vision and operational performance.

16. The board should be able to demonstrate the methods used to seek the views of parents and carers and how those views have influenced their decision making[2].

2.4.1 Parent councils

17. Certain LA maintained foundation schools must establish a parent council[3] as a body of parents that represents parents and allows them to put forward their views to executive leaders, and ultimately to the board, of their children's school. The board must consult the parent council about its conduct and carrying out its powers[4]. The arrangements for the composition, role and support of the parent council are set out in regulations.

18. Academy trusts and other types of maintained school are free to choose whether to establish a parent council and to determine its membership.

[2] For maintained schools, this is a statutory duty as set out in s21(7) of the Education Act 2002 (as inserted by s38 of the Education and Inspections Act 2006).

[3] Foundation or foundation special schools in England that acquired their foundation status under the Education and Inspections Act 2006, and which have a majority of foundation governors: Education Act 2002, s 23A (as inserted by Education and Inspections Act 2006, s 34).

[4] Education and Inspections Act 2006, s 38.

3. Accountability

1. In addition to strategic leadership, the board's other two core functions are about creating robust accountability for executive leaders. This means holding them to account for both educational performance and for financial and organisational performance, and ensuring money is well spent.

3.1 Boards' relationship with executive leaders

2. Executive leaders are responsible for the internal organisation, management and control of schools. Every board must have a single executive leader at the head of the line management chain of the whole organisation. It is their job to implement the strategic framework established by the board. Boards should work to support and strengthen the leadership of their executive, and hold them to account for the day-to-day running of their school(s), including the performance management of staff.

3. Boards should play a strategic role, and avoid routine involvement in operational matters. They should focus strongly on holding their executive leader to account for exercising their professional judgement in these matters and all of their other duties.

4. However, since the board is responsible in law for the school(s), it may need to intervene in operational matters if a circumstance arises where, because of the actions or inactions of executive leaders, the school may be in breach of a duty. Having advised the board, executive leaders must comply with any reasonable direction given by it.

5. One of the key characteristics expected within the National standards of excellence for headteachers, is that they should welcome strong governance and actively support their board to understand its role and deliver its core functions effectively. Executive leaders should welcome and enable appropriately robust challenge by providing any data the board requests and responding positively to searching questions.

6. The relationship between the board and its executive leadership is discussed further in guidance on The School Governance (Roles, Procedures and Allowances) Regulations 2013. The National College for Teaching and Leadership (NCTL) report 'Headteacher Performance: Effective Management' describes how boards can appraise and performance manage executive leaders effectively. The National Association of Headteachers (NAHT), the Association for College and School Leaders (ASCL) and the NGA has issued a joint statement on the principles for the working relationship between boards

and school leaders. Further information on headteacher appraisal is available in Section 5.6.5.

7. The School teachers' pay and conditions document 2016 (STPCD) requires boards and headteachers of maintained schools to have regard to the need for the headteacher and teachers to be able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work. All boards and executive leaders should ensure that they adhere to the working limits set out in in legislation[5].

8. Boards should also have regard to the principles and recommendations in three independent reports about removing unnecessary workload in relation to marking, planning and resources, and data management. Schools are urged to use the reports to review current policies and practices. It is important that all activities are always driven by what has most impact on pupil progress, whilst being time efficient for teachers.

3.2 Creating accountability for educational performance

9. Effective boards hold their executive leaders to account for improving pupil and staff performance by asking the right questions. It is essential that boards use, and are familiar with, specific data about their school(s) to help inform these questions. This might include asking:

- Which groups of pupils are the highest and lowest performing, and why? Do school leaders have credible plans for addressing underperformance or less than expected progress? How will we know that things are improving?
- How is the school going to raise standards for all children, including the most and least able, those with special educational needs, those receiving free school meals and those who are more broadly disadvantaged, boys and girls, those of a particular ethnicity, and any who are currently underachieving?
- Which year groups or subjects get the best and worst results and why? How does this relate to the quality of teaching across the school? What is the strategy for improving the areas of weakest performance?
- Is the school adequately engaged with the world of work and preparing their pupils for adult life, including knowing where pupils go when they leave?

[5] The Working Time Regulations (1998(20)).

- How is the school ensuring that it keeps pupils safe from, and building their resilience to, the risks of extremism and radicalisation? What arrangements are in place to ensure that staff understand and are implementing the Prevent duty?
- Are senior leaders including (where appropriate) the CEO and finance director getting appropriate CPD?
- Does the school have the right staff and the right development and reward arrangements? What is the school's approach to implementation of pay reform and performance-related pay? If appropriate, is it compliant with the most up to date version of the School teachers' pay and conditions document? Is the school planning to ensure it continues to have the right staff?
- Have decisions been made with reference to external evidence, for example, has the Education Endowment Foundation (EEF) Toolkit been used to determine pupil premium spending decisions? How will the board know if current approaches are working and how will the impact of decisions and interventions be monitored using appropriate tools such as the EEF DIY evaluation guide?
- Are teachers and support staff being used as effectively and efficiently as possible and in line with evidence and guidance?
- To what extent is this a happy school with a positive learning culture? What is the school's record on attendance, behaviour and bullying? Are safeguarding procedures securely in place? What is being done to address any current issues, and how will it know if it is working?
- How good is the school's wider offer to pupils? Is the school offering a good range of sports, arts and voluntary activities? Is school food healthy and popular?
- Is the school encouraging the development of healthy, active lifestyles by using the PE and sport premium for primary schools to fund additional and sustainable improvements to the provision of PE and sport?
- How effectively does the school listen to the views of pupils and parents?

10. The NGA has published 'Knowing your School – Questions for the Board to ask' (content available for NGA members only). The Wellcome Trust's 'Questions for Governors', is a framework to help boards identify areas to celebrate or challenge in their schools, enabling them to work with executive leaders to drive improvement.

11. In line with their third core function, boards should also ask questions about finance and spending – further information on this is available in Section 2.4.

3.3 Rigorous analysis of data

12. The board must have access to objective, high quality and timely data if it is to create robust accountability and know the questions that need to be asked of the executive leaders.

13. It is essential that every board has at least one person with the skills to understand and interpret the full detail of the educational performance and the financial data available. These individuals should make sure that the board has a correct understanding of the school's performance and finances as presented and explained by executive leaders. They should identify from the data the issues that need to be discussed and addressed as a priority. Others on the board should learn from them and undertake training where this is needed to improve their confidence and skills in looking at and discussing issues arising from data.

14. While boards may decide to establish a committee to look in detail at performance data, everyone on the board should be able to engage fully with discussions about data in relation to the educational and financial performance of their school. If they cannot, they should undertake appropriate training or development to enable them to do so. This includes MAT boards who should not leave this function solely to LGBs, where they are in place, but should themselves be familiar with and interrogate key performance data, while avoiding duplication of roles and functions.

3.3.1 Sources of education data

15. It is executive leaders' job to provide their board with the information it needs to do its job well. This means they should help the board access the data published by the department and Ofsted. They should also provide whatever management information the board requires to monitor different aspects of life in the school throughout the year. In particular, a board will need to see information relating to the priorities it has identified for improvement. This might include data on:

    - pupil learning and progress;
    - pupil applications, admissions, attendance and exclusions;
    - staff deployment, absence, recruitment, retention, morale and performance; and

- the quality of teaching.

16. The board, not executive leaders, should determine the scope and format of reports they receive from executive leaders. This will mean that the board receives the information it needs in a format that enables it to stay focused on its core strategic functions and not get distracted or overwhelmed by information of secondary importance.

17. MATs, due to their scale, have greater opportunity to employ a central executive team to help them discharge their oversight responsibilities, including by compiling and analysing pupil progress and financial performance data and using a standard template to present data from each school in the MAT.

18. Boards should be aware that Ofsted has made clear it doesn't expect performance and pupil tracking data in any particular format. Boards should ensure that that they review and monitor the data requests they make of headteachers and staff to avoid creating unnecessarily burdensome procedures. It is important that data is collected in a manner consistent with the principles in the Eliminating unnecessary workload associated with data management report.

19. Executive leaders should not be the only source of information for the board. That would make it hard to hold them to account properly. Boards need to make sure that at least once a year they see objective national data so that they are empowered to ask pertinent and searching questions. A board can get annual performance data direct from a number of sources.

School and college performance tables

20. The department collects data about schools and publishes it in performance tables for everyone to see. This helps to ensure that there is sufficient transparency and public accountability for school performance.

21. The performance tables provide information on pupil attainment and progress, school finances, pupil absence and school workforce. They also contain the most recent overall Ofsted judgement on each school and a link to inspection reports.

22. Boards can use performance tables to compare their own school with other local or similar schools to see:

    - how well their school is doing against a range of performance measures – including each of the department's 'floor standards' and coasting measures for primary and secondary schools;

- how well a primary school is doing at key stage 2 in reading; writing; grammar, punctuation and spelling; and mathematics;
- how well a secondary school is doing at key stage 4, using the new accountability measures published in 2016 of Progress 8, Attainment 8, Attainment in English and Maths (A*-C), and English Baccalaureate (EBacc) entry and achievement
- how well a sixth-form is doing to support progress to A levels and other level 3 qualifications;
- how attainment and progress compares between different groups of pupils, including disadvantaged pupils, those with English as an Additional Language (EAL), and 'non-mobile' pupils (i.e. those who have been in the school throughout each of the last two years);
- how the school spends its money, shown as £ per pupil to allow comparison between schools of different size; and
- information about people who work at the school, including the number of teachers, teaching assistants, support workers; their average salaries; and the ratio of teachers to pupils.

RAISEonline[6]

23. RAISEonline is a secure web-based system available to boards, executive leaders, and local authorities. Ofsted inspectors also use it to inform their inspections. The system uses the data collected for performance tables, but provides a more detailed analysis. RAISEonline reports use tables, graphs and charts to show the attainment and progress of the school and a wide range of different pupil groups.

24. RAISEonline includes data on pupil attainment, progress, absence, and exclusions. It provides an analysis of the characteristics of pupils, such as their ethnic mix, special educational needs, and level of deprivation. All data are compared to the relevant national average. RAISEonline highlights key strengths and weaknesses. It shows clearly where a difference from the national average is large enough to say with confidence that it is not there by chance, but due to a genuine difference at the school.

25. The RAISEonline summary report signposts the data that boards may want to focus on as their starting point for understanding school performance. The summary report does not contain any named pupil data.

[6] Reporting and Analysis for Improvement through school Self-Evaluation (RAISE)

26. Legislation[7] ensures that boards are entitled to access the RAISEonline system for their school(s). The school's RAISEonline administrator can provide boards with a 'governor' account which allows access to the RAISEonline summary report only. Boards may feel the summary report contains sufficient information to inform their governance; however, if the board wishes to apply further scrutiny and there is an individual on the board with the appropriate skills then more detailed information is available via the interactive reports. Schools are not required under legislation to provide access to the interactive data contained within the RAISEonline system, but schools can do so by providing those serving on the board with a 'school' user account, and the executive leadership should assist the board access the data it requires to provide effective governance. A summary of access rights is available in the RAISEonline library in the 'frequently asked questions' folder.

27. The people on the board who lead on understanding and scrutinising attainment data should see and analyse the full RAISEonline summary report. For others on the board, less detail may suffice but it is important that everyone sees some form of summary of key RAISEonline data for their school, and are able to identify the strengths and weaknesses of the school. Everyone on the board must be able to engage in a discussion about RAISEonline or equivalent data and if not should attend a course to enable them to do so.

28. Boards can use RAISEonline to look into their school's performance. They can look at the high-level figures. They can also drill down for example into the performance of different pupil groups. In particular, it can be used to identify priorities for improvement in the light of:

- the attainment of different groups of pupils and in different subjects, and how this compares to national 'floor standards' for key stage 2 and key stage 4;
- the progress made by different groups of pupils and in different subjects, and how this compares to 'expected progress' measures; and
- the progress made by pupils compared to all pupils nationally and pupils with similar prior attainment.

29. The NGA has published guides to help boards get the most out of the data in RAISEonline. Free training workshops for boards on RAISEonline are available through NCTL licensees.

[7] The Education (Individual Pupil Information)(Prescribed Persons)(England) Regulations 2009.

Other sources of education data

30. In addition to the government data sources outlined above, there is a growing range of products from third parties that aim to meet boards' data needs. Many of these draw, at least in part, on the department's data. Bearing in mind that RAISEonline contains the data that Ofsted inspectors use, it is for boards to choose which works best for them. Options include products developed by some local authorities as well as tools such as the Fischer Family Trust's governor dashboard, developed in partnership with the NGA and the Wellcome Trust and the EEF's families of schools database.

3.3.2 School visits

31. Boards need to know their school if accountability is going to be robust and their vision for the school is to be achieved. Many boards find that visiting, particularly during the day, is a helpful way to find out more about the school. Through pre-arranged visits that have a clear focus, the board can see for themselves whether the school is implementing their policies and improvement plans and how they are working in practice. Visits also provide an opportunity to talk with pupils, staff and parents to gather their views; though are unlikely to be sufficient for these purposes.

32. Boards are not inspectors and it is not their role to assess the quality or method of teaching or extent of learning. They are also not school managers and should make sure they do not interfere in the day-to-day running of the school. Both are the role of executive leaders. If boards wish to spend time within a classroom, they need to be very clear why they are doing so.

3.4 Creating accountability for financial performance

33. The board's third core function is to oversee financial performance and make sure money is well spent. It should do this by ensuring it has at least one individual with specific, relevant skills and experience of financial matters. However, everyone on the board should have a basic understanding of the financial cycle and the legal requirements of the school on accountability and spend. This is important in all schools, but particularly important in MATs or large schools or federations. Their larger budgets and greater complexity make it even more critical that the board not only oversees delivery of the best possible education for pupils, but also provides robust governance to ensure the viability and efficiency of the organisation through effective business and financial planning.

34. Academy trusts in particular have a significant level of autonomy which makes it all the more important for the board to consider the regularity, propriety and value for money of all aspects of trust business. Boards should establish and monitor policies, particularly on related party transactions and executive salaries and expenses, that they would be confident to expose to public scrutiny.

Asking the right questions

35. Asking the right questions is equally important in relation to money as it is to educational performance. Appropriate questions might include:

- Are resources allocated in line with the organisation's strategic priorities?
- Does the organisation have a clear budget forecast, ideally for the next three years, which identifies spending opportunities and risks and sets how these will be mitigated?
- Does the organisation have sufficient reserves to cover major changes such as re-structuring, and any risks identified in the budget forecast?
- Is the organisation making best use of its budget, including in relation to planning and delivery of the curriculum?
- Does the organisation plan its budgets on a bottom up basis driven by curriculum planning (i.e. is the school spending its money in accordance with its priorities) or is the budget set by simply making minor adjustments to last year's budget to ensure there is a surplus?
- Are the organisation's assets and financial resources being used efficiently?
- How can better value for money be achieved from the budget?
- Is the organisation complying with basic procurement rules and ensuring it gets the best deal available when buying goods and services in order to reinvest savings into teaching and learning priorities?
- Is the organisation taking advantages of opportunities to collaborate with other schools to generate efficiencies through pooling funding where permitted, purchasing services jointly and sharing staff, functions, facilities and technology across sites?

3.5 Sources of financial data and tools

36. There is a wide range of tools available to support boards to achieve value for money from their resources. In schools, 'value for money' means achieving the

best educational outcomes for children in relation to the budget spent on the school.

37. The School performance tables enable boards, parents and the wider public to compare how organisations spend their money with the outcomes they achieve. The data is grouped into categories of income and expenditure alongside measures of attainment. Further guidance is available on how boards can interpret and analyse the data.

38. The Schools financial benchmarking website enables maintained schools to compare their spending in detail with other maintained schools, consider their comparative performance and think about how to improve their efficiency. Academies can view comparable statistical data for income and expenditure in academies in England. Benchmarking financial information in this way helps the board to question whether resources could be used more efficiently. For example:

- are other schools buying things cheaper or getting better results with less spending per pupil?
- if the cost of energy seems high compared to similar schools, are there opportunities for investment in energy-saving devices to reduce the cost?
- if spend on learning resources seems high compared to similar schools, are there opportunities for collaborating with other local schools to bring costs down?
- if your spending on staffing is higher than other similar schools, are these schools achieving more in terms of attainment? If so what might be learnt from them about how they deploy their workforce?
- if the spend on teaching assistants is higher than other schools, is the board sure that they are being used effectively and efficiently to support pupil outcomes?

39. The department and EFA have published guidance on schools financial health and efficiency which provides information, tools and training to help schools improve their financial management and efficiency. The EFA has also published Top 10 planning checks to help boards understand effective financial management. Boards can use this information to make sure their school is efficient in managing its resources. Boards should use these checks early in the annual budget planning cycle and when looking ahead at the three to five year position. Senior staff in schools and MATs, including finance directors and business managers, will also find this guide useful.

40. The Association of School and College Leaders (ASCL) in 2015 published advice outlining the basic tenets of sound financial planning. Further guidance on school and college funding and finance is also available on GOV.UK.

41. The financial responsibilities of boards' and additional information on the dedicated schools grant and pupil premium can be found in Section 6.6.

4. People

1. The effectiveness of a board depends on the quality of its people and how they work together and with executive leaders. This section looks at how boards can build an effective team of the right kind of people.

4.1 Building an effective team

2. All boards should be tightly focused and no larger than they need to be to have all the necessary skills to carry out their functions effectively, with everyone actively contributing relevant skills and experience. In general, the department believes that smaller boards are more likely to be cohesive and dynamic, and able to act more decisively. Boards cannot afford to carry passengers.

3. The need for boards to establish committees, or panels, for exclusions or disciplinary matters, does not necessitate in itself a large board. Committees or panels can be established specifically for these purposes, to which people who are not on the board may be appointed, and/or a committee may be established as a joint committee with another organisation.

4. For maintained schools, the Constitution Regulations 2012 require anyone appointed to the board to have the skills required to contribute to effective governance and the success of the school. The AFH requires all academy trusts to identify and fill any skills gaps through recruitment or training.

5. The membership of the board should therefore focus on skills, and the primary consideration in appointment decisions should be acquiring the skills and experience the board needs to be effective. Boards should therefore develop a skills-based set of recruitment criteria which they should share with any third parties, such as academy trust Members or a foundation or sponsor, that has a role in appointing people to the board. Such criteria can also be used to inform elections and ongoing self-evaluation and training.

6. Boards should keep their constitution and its impact on their effectiveness under review as discussed further in section 7. Where a vacancy needs filling, boards and other appointing bodies should move to fill the vacancy as soon as possible to prevent it impacting on the board's effectiveness. In filling vacancies, boards and others responsible for nominating or appointing to the board should make use of all available channels to identify suitable people. The department funds free support to help boards recruit skilled people:

    - Academy Ambassadors recruits senior business leaders to serve on the boards of MATs; and

- Inspiring Governance enables schools and colleges to search and identify online people from the world of work with relevant skills and experience who are willing to offer support in a variety of ways, including joining a board.

4.1.1 The skills governing boards need

7. Boards must have a keen understanding of the skills they need to deliver effective governance. The specific skills that a board needs to meet its particular challenges will vary. It is therefore for the board and other appointing persons to determine in their own opinion what these skills are and be satisfied that the people they appoint possess them. Relevant skills may include important personal attributes, qualities and capabilities, such as the ability and willingness to learn and develop new skills. Skills may also be taken to include the knowledge and perspectives that will contribute to good decision making

8. Boards should identify the skills they need having regard to the department's Competency framework for governance that sets out the knowledge, skills and behaviours required for effective governance. Having done so, they should inform any other parties that have a role in appointing to the board, such academy trust Members or those that appoint maintained school Foundation Governors, so that they can take these skills into account in making their appointments.

9. In summary, everyone on the board needs a strong commitment to the role and to improving outcomes for children; the inquisitiveness to question and analyse; and the willingness to learn. They need good inter-personal skills, appropriate levels of literacy in English (unless a board is prepared to make special arrangements), and sufficient numeracy skills to understand basic data. Foundation Governors are selected for their skills as well as their ability to preserve and develop the religious character and ethos of the school.

10. Effective boards seek to secure or develop within their membership as a whole expertise and experience in analysing performance data, in budgeting and driving financial efficiency, and in performance management and employment issues, including grievances. They seek to recruit and/or develop people with the skills to work constructively in committees, chair meetings and to lead the board.

4.1.2 Conduct

11. Effective boards set out clearly what they expect of individuals, particularly when they first join. A code of conduct should be maintained and

communicated to all prospective appointees to set clear expectations of their role and behaviour. Explicit agreement to the code of conduct will mean there is a common reference point should any difficulties arise in the future. The NGA model code of conduct aims to help boards draft a code of conduct which sets out the purpose of the board and describes the appropriate relationship between individuals, the whole board and the leadership team of the school.

12. Boards should be mindful that in exercising all their functions, they must act with integrity, objectivity and honesty and in the best interests of the school; and be open about the decisions they make and the actions they take and be prepared to explain their decisions and actions to interested parties. This is required in maintained schools by legislation[8].

13. Similarly, everyone involved in governance should be aware of and accept 'The 7 principles of public life', as set out by Lord Nolan and applying to anyone, locally and nationally, who is elected or appointed as a public office-holder. They are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

14. All maintained school governors and all academy Members, Trustees and individuals on any LGBs in a MAT are required to have an enhanced criminal records certificate from the DBS. Further details on DBS checks in schools are within the statutory guidance Keeping Children Safe in Education (KCSIE).

15. All maintained school and some academy trust boards are able to suspend someone from the board for a fixed period of time up to six months at a time for example for acting in a way that is contrary to the board's ethos and for bringing or being likely to bring the organisation, the board or their role into disrepute[9]. Swift action should be taken to suspend from office anyone that acts to undermine fundamental British values or the board's commitment or ability to deliver on its Prevent duty. The board, or where applicable other appointing body, should also consider removing from office anyone acting in this manner.

16. If you are concerned that someone who is or may become involved in governance may have links to extremism, or that a child might be at risk of extremism, or if you have any other concern about extremism in a school please contact our helpline at counter.extremism@education.gov.uk or on 020 7340 7264.

[8] The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

[9] For maintained schools, see regulation 17 of the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, for academies see model articles.

4.1.3 Appointments

17. As highlighted in statutory guidance for maintained schools on the constitution of the board (the principles of which will also be of interest to academies), it is for whoever is appointing the individual to be confident that they have the necessary skills, including the willingness and ability to learn and develop. To make an informed decision on the matter an interview or detailed discussion will need to take place with each prospective candidate, with references (oral or written) taken as necessary, together with other recruitment tools such as psychometric testing as appropriate.

18. The department recognises that there are people who have the skill and the time to serve effectively on a number of boards, and does not want to restrict their ability to do so. However, where a prospective appointee is already governing at another school or MAT, the chair of the board, should speak to the chair of the other board to discuss both the skills of the individual and, where appropriate, their capacity to serve effectively on an additional board. It is likely that only in exceptional circumstances will an individual have the capacity to serve effectively on more than two boards – but this is rightly a matter for the board and/or other appointing body to decide.

19. It is essential that boards recruit and develop people with the skills to deliver their core functions effectively. However, it is equally important to emphasise that the skills required are those to oversee the success of the school, not to do the school's job for it. For example, a person with financial expertise should use their skills to scrutinise the organisation's accounts, not to help prepare them. If someone on the board does possess skills that the school wishes to utilise on a pro bono basis, then it is important that this is considered separately from their role in governance, and steps should be taken to minimise conflicts of interest and ensure that this does not blur lines of accountability.

4.1.4 Elections

20. Some positions on the board may filled through election rather than appointment. In the case of elected parents, this helps to ensure that boards stay accessible and connected to the community they serve and that there is always a diverse range of perspectives around the table to support robust decision making. With the right election process and subsequent support and training there is no reason that those elected to the board need be any less effective than those chosen specifically for their skills. All maintained school and some academy trust boards have powers to suspend someone who acts in a way that is contrary to the board's ethos and has brought or is likely to bring

the organisation, the board or their role into disrepute. Academy trust Members have power to remove an ineffective elected Trustee.

21. Boards (and local authorities where applicable) should make every effort to conduct informed Parent and Staff Governor elections in which the expectations and credentials of prospective candidates are made clear. They should set out clearly in published recruitment literature:

    - the core functions and role of the board, and the induction and other training and development that will be available to new recruits to help them fulfil it;
    - the expectations they have of people appointed to the board for example in relation to the term of office, the frequency of meetings, membership of committees and the willingness to undertake appropriate training and development; and
    - with reference to the department's Competency framework for governance, the specific skills or experience that would be desirable, including the willingness to learn or skills that would help the board improve its effectiveness and address any specific challenges it may be facing.

22. Well run elections use secure and reliable voting systems and offer candidates the opportunity to publish a statement of sufficient length to set out:

    - evidence of the extent to which they possess the skills and experience the board desires;
    - their commitment to undertake training and development to acquire or develop the skills to make an effective contribution to governance;
    - if seeking re-election, details of their contribution to the work of the board during their previous term of office; and
    - how they plan to contribute to the future work of the board.

23. The purpose of boards providing and publishing information about the role and the skills they ideally require is not to create additional eligibility criteria for potential candidates – which they do not have the power to do. It is for the electorate to elect their choice of candidate(s)[10]. The purpose of publishing the information is to simply inform the electorate of the boards' expectations, circumstances and ideal requirements.

[10] Notwithstanding the power contained in the model articles for Catholic academy trusts to appoint the elected candidate at their discretion.

4.2 Training and development

24. All boards are responsible for identifying the induction and other ongoing training and development they need – including for those with specific responsibilities such as the lead on safeguarding including Prevent. They should set aside a budget for this purpose. Maintained schools should liaise with LAs where appropriate[11]. The AFH requires academy trusts to identify and fill any skills gaps on the board through recruitment or training.

25. As part of induction and continuous development, effective boards encourage everyone involved in governance, especially those new to their role, to make the most of the resources, guidance and training available to develop their knowledge and skills.

26. The board's code of conduct should set an ethos of professionalism and high expectations of everyone involved in governance, including an expectation that they undertake whatever training or development activity is needed to fill any gaps in the skills they have to contribute to effective governance. Importantly, this includes their ability to understand and interpret educational and financial performance data. Everyone on the board should be able to engage fully with discussions on these matters and if they cannot, they should undertake appropriate training or development to enable them to do so.

27. Boards should consider giving the vice-chair or another individual on the board a specific responsibility for enabling every person to develop the skills they need to be effective. Rather than simply track attendance at training and development courses, with administrative support from the professional clerk, this person would be responsible for ensuring that everyone on the board develops their skills to make an active and valuable contribution board. Any persistent skill gaps across the board or for individuals should be brought to the attention of the chair.

28. If, in the view of the board, an individual fails persistently to undertake the training of development they need to contribute effectively to the board, then they are likely to be in breach of the board's code of conduct. Where they have powers to do so, the board should consider suspending them on the grounds that they have acted in a way that is contrary to the board's ethos and has brought or is likely to bring the organisation, the board or their role into disrepute. Suspensions are for a fixed period of up to six months at a time.

[11] Section 22(b) of the Education Act 2002 provides that the local authority in England shall secure that there is made available to every maintained school governor, free of charge, such training as they consider necessary for the effective discharge of their functions.

4.3 The chair

29. The chair, with support from the vice chair, is responsible for ensuring the effective functioning of the board and has a vital role in setting the highest of expectations for professional standards of governance. It is the chair's role to give the board clear leadership and direction, keeping it focused on its core functions. Chairs should encourage the board to work together as an effective team, building their skills, knowledge and experience. They need to ensure that everyone is actively contributing relevant skills and experience, participating constructively in meetings, and actively involved in the work of any committees. It is their role to make sure everyone understands what is expected of them and receives appropriate induction, training and development. It is for the chair to have honest conversations, as necessary, if anyone appears not to be committed or is ineffective in their role.

30. The chair must not exercise as an individual any of the functions of the board except where this has been sanctioned by the board, or in the case of maintained schools in the specific circumstances permitted in regulations. In all maintained schools, and where an academy trust board decides, the chair is permitted to act in cases of urgency where a delay in exercising the function would be likely to be seriously detrimental to the interests of the school, a pupil, parent or member of staff.

4.2.1 Development and succession

31. The focus of the procedure for appointing a chair and vice-chair from among the existing members of the board, should be on appointing someone with the skills for the role, not just the willingness to serve. It is possible to appoint more than one person to share the role of chair, or similarly the role of vice chair, if the board believes this is necessary and in the best interests of the school. The board would need to ensure that any role-sharing arrangement does not lead to a loss of clarity in its leadership.

32. Succession planning arrangements should be in place so that any change in the chair does not impede the board's effectiveness. Although the regulations do not place any restrictions on this, boards should consider carefully how many times they re-elect their chair to a new term of office. In some circumstances, a change of chair may be necessary for the board to remain invigorated and forward looking.

33. The board may decide that none of its existing members has the appropriate skills to serve as its chair. Nothing in law prevents boards advertising for and recruiting a highly skilled chair from outside its current membership. The

successful candidate would need to be appointed to a vacant position on the board prior to being elected as chair in accordance with the regulations.

34. With effective succession planning in place, it can be beneficial for strong chairs to move on to another school or trust after a reasonable time (e.g. two terms of office). This can help to share expertise across the system and prevent boards stagnating or individuals gaining too much power and influence solely through their length of service.

4.4 The professional clerk

35. High quality professional clerking is crucial to the effective functioning of the board. The clerk should be the boards' 'governance professional'. Their role 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 and supporting the chair to enable and facilitate strategic debate and decision making. This is crucial in helping the board exercise its functions expediently and confidently, so that it can stay focused on its core functions.

36. Boards should set demanding standards for the service they expect from their professional clerk and assure themselves that they are employing a clerk with suitable skills, training and knowledge. Consequently, they should expect to pay an appropriate amount commensurate to the professional service they expect their professional clerk to deliver. The NGA has developed a model job description and person specification. NCTL licenses delivery of a clerks training programme.

4.5 Liability

19. The board is legally responsible for the conduct of its school(s). However, individuals are generally protected from personal liability. Provided they act honestly, reasonably and in good faith, any liability will fall on the board even if it exceeds its powers, rather than on individuals.

4.6 Time off work

37. Boards can benefit significantly from transferable skills that people have developed in the workplace. Serving in governance also helps people develop board-level skills and experience that they can take back into the workplace that they may not otherwise develop until much later in their careers. The learning and development benefits are therefore significant and more than compensate for the flexibility and time off that staff may need to fulfil their

governance duties. The Confederation of British Industry (CBI) has stated clearly that is sees a robust business case for more employers supporting their staff to volunteer in governance roles[12].

38. By law, employers must give employees who serve on maintained school boards 'reasonable time off' to carry out their duties[13]. The employee and employer must agree on what is 'reasonable time off'. Employers may give time off with pay but do not have to do so. This is for discussion between the employee and the employer. Guidance on time off for public duties is available.

39. If the employee and employer cannot agree on any of these questions, either of them can ask for help from the Advisory Conciliation and Arbitration Service (ACAS), which will try to settle any differences informally. An employee who is still not satisfied may complain to an Employment Tribunal.

4.7 Pay

40. The governance of schools in England is rooted firmly in the principle of voluntary service. The Government is committed to maintaining and promoting this principle for boards of both academies and maintained schools. This is in line with charity law and corporate governance practice in other parts of the public sector.

41. Paying people to be involved in governance is subject to very specific legal restrictions. This is true in both maintained schools and academies.

Maintained schools

42. There is no legal power for schools, LAs or the government to pay individuals on maintained school boards for their governance duties.

43. Schools that are performing very poorly may be 'eligible for intervention'. In these schools, the Secretary of State or the local authority with the consent of the Secretary of State has the power to replace a board with an Interim Executive Board (IEB). They have the power to pay members of an IEB they impose, if they chose to do so. Payment to IEB members should only be offered when this is in the best interests of the school.

44. The legal power also exists for the Secretary of State or the local authority to appoint any additional people to a maintained school board if the school is 'eligible for intervention'. The Secretary of State has the power to pay anyone

[12] CBI Report, Leading the Way – Improving School Governance and Leadership, 2013

[13] Employment Rights Act 1996, s 50

they appoint. However, they have not used this power to date, preferring instead to seek an academy solution for the under-performing school.

Academy trusts

45. Academy trusts are independent charitable companies. Their trustees are therefore also Charity Trustees who must comply with Charity Law. This means that they can only receive payment for carrying out Trustee duties if this payment is specifically allowed by the academy's governing document or has express authorisation from the Charity Commission. For academies, this power is not in the department's model Articles of Association and any change to allow payment to Trustees would need Charity Commission authorisation.

46. The Charity Commission will only authorise payment to academy Trustees where it has been clearly shown to be in the charity's interests. They will consider issues like the reasons for payment, whether conflicts of interests are managed appropriately, whether the Principal Regulator (for academies this is the Secretary of State for Education) is agreeable and whether payment of any Trustees is in the longer-term interests of the charity.

47. The people who sit on committees, including any local governing bodies in a MAT, are not Charity Trustees unless they also sit on the MAT board. That means that the charity law restrictions on payment to Trustees do not apply to them.

48. However, the government expects voluntary service to remain normal practice for LGBs and other committees. The legality of paying people that sit on them does not remove academy trusts' duty under charity law to act only in the interests of their charitable objectives. Any academy trust considering paying people to sit on their LGBs or other committees should review very carefully, whether this is in the best interest of the trust and whether this would be an appropriate use of public funds. Our expectation is that any payment would most likely be for a time limited period, for example in relation to bringing in highly skilled individuals to oversee the turnaround of an underperforming academy. MATs must also ensure that they manage any conflicts of interest in accordance with their trust's Articles of Association.

4.6.1 Other types of payments

49. There are other limited, specific, circumstances in which individuals serving on boards can receive payments from their school. However, this should only take place where it is clearly in the best interests of the school or academy.

Board allowances and expenses

50. The law[14] allows boards in maintained schools with a delegated budget to choose whether to pay allowances or expenses to boards and Associate Members of the board to cover any costs, such as travel or childcare, which they have incurred because of serving on a board. Where they choose to do so, it must be in accordance with a policy or scheme. Payments can only be paid for expenditure necessarily incurred to enable the person to perform any governance duty. This does not include payments to cover loss of earnings for attending meetings. Travel expenses must not exceed the HM Revenue and Customs (HMRC) approved mileage rates, which are changed annually and are on HMRC website. Other expenses should be paid on provision of a receipt (at a rate set out in the scheme) and be limited to the amount shown on the receipt.

51. Where a board does not have a delegated budget, the local authority may pay allowances expenses at a rate determined by them.

52. Boards in academies are free to determine their own policy on the payment of allowances and expenses.

Payment for services

53. In both maintained schools and academies it is legal for boards to pay for goods and/or services, including those provided by an individual who is also serving on a board, although the individual must not put themselves in a position where their personal interests conflict with their duty unless they are authorised to do so. If a conflict does exist, the board should first assure themselves that this in its best interests and will better help it achieve its purposes. The board must manage, and be seen to manage, any conflicts of interest that may arise, and be open and accountable to those with an interest; there would be no advantage of using the services provided by the individual if the need to manage the conflict of interest outweighed the benefit.

54. The department places very clear expectations on academy trust boards in how they should manage any conflicts of interest. It is essential that all contracts and arrangements for payments of good and/or services follow proper procurement processes. In addition, where a contract is awarded to an academy Member, Trustee or a party connected to them the service/goods must be provided at cost and no profit, subject to the de minimus limit in the

[14] The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

AFH, is allowed to be made. Full details of the requirements placed on academies can be found in the AFH.

55. Further information about payments to Trustees is available in the Charity Commission guide (CC11), Trustee expenses and payments.

4.8 Publishing information about individuals

56. People that govern hold an important public office and their identity should be known to their school(s) and wider communities. As required by statutory guidance for maintained schools and the AFH for academy trusts, boards must publish details on their website about each person (including all governors and associate members in maintained schools and all Members, Trustees, individuals on any LGBs and the AO in academy trusts). This information must include any relevant material business or pecuniary interests, including any governance roles in other educational institutions. It must also include any material interests arising from close family relationships between those involved in governance or between them and senior employees because such interests may increase the risk of:

- an inappropriate concentration of control of a publicly funded service among a small number of related individuals;
- a lack of safeguards against financial irregularity and the trust not being governed solely in its best interests; and
- potential negative external perceptions and damage to the reputation of the organisation or schools in general.

57. Under s.538 of the Education Act 1996, and the AFH, the Secretary of State requires boards to provide certain details they hold about people involved in governance, as volunteered by individuals, via Edubase and keep the information up to date. The information to be provided is set out in a message to all schools, published on 1 July 2016. Not all of the information collected via Edubase will be published, but all will be held encrypted securely by the department.

58. Boards should make it clear in their code of conduct that information about each person will be published on their website and via Edubase. Anyone failing to provide information to enable the board to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the board into disrepute. In such cases the board should consider suspending them in accordance with their powers.

5. Structures

1. This section explains the specific structures of governance for academies and maintained schools and how they must be constituted, contextualised by further discussion on the benefits of the board governing a group of schools.

5.1. Governing a group of schools

2. Governance structures that span more than one school create an opportunity for more effective governance.

3. When a board governs a group of schools it gains a more strategic perspective and the ability to create more robust accountability through the opportunity to compare and contrast between schools. It enables more schools and pupils to benefit from the strategic leadership of the most talented non-executive and executive leaders. Conversely, people who transition from sitting on the board of a standalone school to operating under the leadership of say a MAT board, may be relieved to have the burden of ultimate accountability and the responsibility for financial and other corporate functions held centrally, leaving them freer to focus on the needs of their school and the progress and attainment of its pupils.

4. Governing a group of schools through a single board also creates the condition for fully realising the sustained benefits of school-to-school collaboration, which include:

    - a richer and wider curriculum – including through the ability to recruit and deploy more specialist staff, such as subject specialists or faculty heads;
    - better professional development and career progression opportunities for staff, and better retention of key staff as a result;
    - bigger leadership opportunities for middle and senior leaders, while also easing the overall leadership challenge through more supported leadership roles;
    - financial efficiency – through shared procurement;
    - economies of scale – that make employing specialist finance directors and business managers with vital skills more feasible;
    - improved relationship with local services – developing a better relationship with for example Children and Adolescent Mental Health Services (CAMHS) as a cluster of schools (for example, to request mental health awareness training) which can also promote effective referral and

cooperation, provide quick response services and long term planning for the school population; and

- ultimately, better prospects for pupils through greater professional accountability and the roll out of consistent proven pedagogies.

5. Many boards, like executive leaders and parents can be passionate and committed to their school. However, governing is about putting the interests of pupils before adults and boards should set aside issues of control and school identity to consider objectively the governance structures that would most benefit current and future pupils. Every board should consider whether for them this means forming or joining a group of schools under the leadership of a single board.

6. When the number of schools the board governs grows, it might try to develop its existing governance model to form a small MAT or federation of two or three schools, but growth beyond three schools usually represents the first real need to overhaul governance arrangements. Likewise, the governance structures of a small MAT will start to become stretched at around six to seven schools and by 10 a further overhaul will be needed.

7. In order to transition to academy status or grow successfully, the board should commission a robust independent review of its effectiveness and readiness for growth. The All Party Parliamentary Group for Governance and Leadership's Twenty questions for boards and MAT boards to ask themselves provide a helpful framework for doing this. The board should also consider the department's Multi-academy trust – good practice guidance and growth expectations which includes a summary of the key characteristics of governance in successful MATs.

8. As the organisation the board is governing becomes larger and more complex organisationally and financially, governance can, and in some cases must, change in a number of ways:

    - **Culture:** it is important to generate a professional ethos across the entire governance structure and a culture of one organisation and away from any sense of 'my school/your school'.
    - **Skills:** an increasing number of pupils and schools are impacted by the quality of the individuals on the board, and there is hence an increasing imperative for the board to act professionally and actively recruit, develop and retain high calibre board members and an effective chair with the necessary skills to govern and lead the increasingly complex organisation and oversee its growth.

- **Executive oversight:** there is increasing opportunity, and possibly need, for the board to discharge some of its functions of governance and oversight through a central professional executive team – starting with an executive headteacher and finance director, and with further growth extending to a chief executive officer (CEO) who no longer has sole direct responsibility for any individual school.
- **Structures:** there is a range of options for how to design governance structures and levels of delegation. As the need for additional tiers within non-executive and executive governance structures grows to avoid unwieldy spans of control, there is a need for absolute clarity on the role and remit of each part of the structure and the relationship and reporting arrangements between them – including, for example in a MAT, between the role of a LGB and an executive principal in holding a school-level principal to account.
- **Processes:** there is an increasing need for the board to be professional in the way it conducts its business. It needs more standardised and robust systems and processes for governance and oversight, including systems for reporting and analysing school performance data; financial planning, management and control; and for human resources (HR) and other business processes. It also needs to ensure more standardised teaching and school improvement methodologies are in place across its schools based on proven pedagogies.
- **Risk:** increasingly, boards need a more sophisticated understanding of financial, organisational and educational risk; its assessment and its minimisation – and this in turn highlights that increasingly the board must be strategic, that it must focus on priorities and that it must manage by exception.

5.2 The governance structure of academies

9. An academy trust is a charitable company limited by guarantee. It is an independent legal entity with whom the Secretary of State has decided to enter into a funding agreement on the basis of agreeing their articles of association with the department.

10. Some academy trusts (known as single academy trusts or SATs) run one academy and so have a single funding agreement with the Secretary of State. Some academy trusts (known as multi-academy trusts or MATs) run multiple academies and so have both a master funding agreement with the Secretary of State as well as a supplemental funding agreements for each academy.

11. The EFA has published 10 top tips for maintained schools governing bodies consider before converting to academy status. They should also refer to published guidance and the NCTL's Academies online resource.

5.2.1 Members and Trustees

12. All academy trusts, as charitable companies, have both Trustees and Members.

Trustees

13. Trustees are both charity trustees and company directors of the academy trust. This handbook and the AFH refer to them as Trustees, in recognition of the charitable, non-profit making status of trusts. However, in some academy trusts those on the board of the academy trust are known instead as 'directors': notably in church academies where the term 'Trustee' is reserved for those on the board of the separate trust that owns the land.

14. The board of Trustees manages the business of the academy trust and may exercise all the powers of the academy trust. The board should focus strongly on the three core functions of governance set out in this handbook. The Trustees must ensure compliance with the trust's charitable objects and with company and charity law. The board of Trustees signs off the annual accounts and is responsible for adherence to the trust's funding agreement with the Secretary of State. It is the Trustees who are therefore responsible for the trust's accountability to Parliament and to the Secretary of State as the Principal Regulator of academies as exempt charities.

15. The constitution of the board of Trustees – including the numbers of Trustees that may be appointed by different bodies including any sponsor or foundation as well as the board itself, is set out in each trust's own articles of association.

16. The department sets very few requirements relating to the constitution of the board of Trustees of trusts into which it is prepared to enter a funding agreement. The department's model articles of association give trusts almost complete flexibility to design the constitution of their board of Trustees as they see fit in order to ensure it has the necessary skills and capacity to carry out its functions effectively:

    - the board must include at least two elected parent Trustees – in a MAT the parents can be at board level or alternatively on each LGB;
    - no more than one third of the board can be employees of the trust;
    - no more than 19.9 per cent of the board can be LA associated, i.e. people employed by an LA (including teachers and headteachers of LA maintained

schools) or people who are or have been within the last four years a member of an LA, where that LA has a responsibility for education or is a district or parish council where there is a land or other commercial relationship with the trust; and

- for UTCs there is a requirement that nominees of the employer and university sponsors must together form the majority on the board of Trustees.

17. The principal or any other employee who is appointed as a Trustee is appointed on the basis that their role as Trustees is dependent on their employment by the trust and that if they leave the trust, they cease to be a Trustee. Our model articles give members the decision on whether to appoint the principal/ CEO as a Trustee, if he/she is willing to be. Our strong preference is for no other employees to serve as Trustees in order to retain clear lines of accountability through the trust's single senior executive leader.

18. The board may delegate functions to committees. Each committee of the board (other than those in a MAT constituted under the articles as a LGB) must contain a majority of Trustees, but may also include other people the board choses to appoint.

19. The board is able to remove from office any Trustee that they have appointed. In addition members have the power[15] to remove any Trustee irrespective of whether the individual was appointed or elected to the board.

Members

20. As charitable companies limited by guarantee every trust has Members who have a similar role to the shareholders in a company limited by shares. Most notably they:

- are signatories to the articles of association which includes definition of the trusts' charitable object and governance structure (where they are founding Members);
- may, by special resolution, amend the articles of association, subject to any restrictions created by the trust's funding agreement or charity law;
- may, by special resolution (which requires 75% rather than a simple majority of Members to agree) appoint new Members or remove existing Members other than, where there is one, the foundation/ sponsor body and any Members it has appointed;

[15] Companies Act 2006, s 168

- have power to appoint Trustees as set out in the trust's articles of association, and have power under the Companies Act to remove any or all serving Trustees;
- may by special resolution issue direction to the Trustees to take a specific action;
- appoint the trust's auditors and receive the trust's annual audited accounts; and
- have power to change the name of the charitable company and ultimately, wind up the academy trust.

21. Any obligation on Members to meet (e.g. for an Annual General Meeting) will be set out in the trusts articles of association. However, under the current model articles of association, Members may instruct the Trustees to convene a general meeting at any point, at which Trustees may speak but not vote.

22. The department's minimum requirement before entering into a funding agreement is that academy trusts have at least three Members, although the department's strong preference wherever possible is for trusts to have at least five Members, as this:
    - provides for a more diverse range of perspectives to enable robust decision making and reduces the risks of concentrating power; and
    - ensures Members can take decisions via special resolution without requiring unanimity.

23. Where an academy trust has a sponsor, the relationship between the sponsor and trust is vested in the sponsor's right to appoint Members as set out in the trust's articles of association. Likewise, the minority or majority control of the church in a voluntary controlled (VC) or voluntary aided (VA) school respectively is retained on conversion to academy status through minority or majority control over the appointment of Members of the trust.

24. Employees of the trust cannot be appointed as Members under the current model articles.

25. As set out above, it is Trustees who have the duty and responsibility in law to conduct the business of the trust subject to company and charity law, the articles of association and any direction from the Members. Although they can choose to delegate certain powers, they cannot give up these duties to a third party – even to the Members. Members should therefore be 'eyes on and hands off', and avoid over stepping their powers or undermining the boards' discretion in exercising its responsibilities. In general, Members would not be

expected to attend board meetings, sit on executive leaders' performance review panels, or even contribute to specific decisions in relation to the trusts' business.

26. It is for each trust to determine how best to keep Members informed so they can be assured that the board is exercising effective governance and leadership of their trust. Members will want to be well informed of the skills the board needs to be effective and to have confidence in the board at all times, with sufficient arrangements in place for them to know when they may need to exercise their powers – particularly to appoint or remove one or more Trustees. If the governance of the trust by the board of Trustees becomes dysfunctional the Members have a strong interest in ensuring the board has sufficient plans to address the issues or otherwise to remove the board or individual Trustees and re-appoint Trustees with the skills necessary for effective governance. It should be clear to Trustees or others involved in governance of the trust (e.g. those appointed to committees including any LGBs) how they can escalate concerns to Members, where these are not satisfactorily addressed by the board themselves.

27. One way in which some trusts decide to keep Members informed and engaged is for one or more Members to also serve as a Trustee on the board, which may be through appointing the chair of Trustees as a Member. When operating as a Trustee such Members have no greater power than other Trustees, and should remain conscious of the corporate nature of the board's identify and decision making and not seek to dominate the board because they are also Members.

28. The department's view is that the most robust governance structures will have a significant degree of distinction between the individuals who are Members and those who are Trustees. If all Members also sit on the board of Trustees this reduces the objectivity with which the Members can exercise their powers, and increases the risk of unchecked 'group think' by the board. The department's strong preference is therefore for at least a majority of Members to be independent of the board of Trustees.

5.2.2 Multi-Academy trusts

29. As an academy trust a MAT is a single legal entity, a charitable company, with a board that is accountable for all of the academies within the trust. There is no lead school within a MAT. The MAT board is equally responsible and accountable for the performance of all the academies within the trust. Even where the trust was originally established by one stronger school 'taking on' weaker schools, once the MAT is formed it becomes one organisation and the board must not favour or show allegiance preferentially to one school, but

rather govern in the interests of all pupils and foster a common ethos and vision across the whole MAT.

30. The MAT board can choose to delegate governance functions to LGBs or other committees which may relate to one academy or more than one academy. Particularly in a large MAT, the board may decide to appoint a committee to oversee a group of LGBs, for example as a regional cluster. Both committees and LGBs are made up of people that the MAT board appoints – this may include MAT Trustees but can be anyone that the board selects for their skills. People appointed to committees or local governing bodies are not Trustees of the MAT unless they also sit on the MAT board itself.

31. It is the decision of the Trustees about which, if any, governance functions they delegate to LGBs or other committees. LGBs with no delegated governance functions are wholly advisory. MATs may delegate responsibilities in proportion to the strength of individual academies and the skills and expertise of the people on their LGBs – for example by increasing levels of delegation as initially weak schools improve. Boards of single schools considering joining an existing MAT should ensure they understand the range of governance functions, if any, that would be delegated to them as an LGB by the MAT board; and understand that the board will have full control over the membership and delegated authority of the LGB that they become.

32. A MAT may use wholly advisory bodies at local level to engage meaningfully with parents and local communities to understand their views and needs and listen to their feedback. It is reasonable for MATs to conclude that most parents' interest is in their child's school and therefore that meaningful engagement with the parent body will be most effective at the school level.

33. Even where local bodies are advisory in nature, they are a full and formal part of the governance structure, as determined by the trust's articles of association (they are LGBs). We would, therefore, expect the board (or any committee established by the board to oversee the success of individual schools or clusters of schools) to have very close links with the advisory body at school level and actively take into account and respond to the issue and risks they identify and escalate.

34. All individuals involved in the governance of a MAT should know who the Trustees are and understand clearly what functions have been delegated by the board to LGBs or other committees.

35. As they grow, MAT boards have the opportunity to expand their central executive team as means of exercising their responsibilities of oversight.

However, if individual school principals are line managed by, for example, the MAT's chief executive, there is a risk of duplication or confusion between the role of the chief executive and the LGB in holding the school principal to account. MATs need to consider carefully and be clear about how they will exercise their governance and oversight through both executive and non-executive channels and how the two fit together.

36. MATs can also use their executive team to oversee finances. Many MAT boards tell us that in hindsight they would have appointed a finance director earlier in their growth. A dedicated finance director helps the MAT to oversee the efficient and effective use of the MAT's resources for the benefit of pupils, and ensure that systems for financial planning and control are appropriate and sufficient.

37. The department's Multi-academy trust – good practice guidance and growth expectations sets out what we know about the characteristics of successful MATs and the barriers that they will need to overcome in order to secure their ongoing success. NCTL has also published information and case studies on Governance in multi-academy trusts.

5.4 The governance structure of maintained schools

38. All maintained school boards must be constituted under the Constitution Regulations 2012 or the Federation Regulations 2012. Statutory guidance is available on the Constitution of governing bodies of maintained schools.

5.4.1 Single maintained schools

39. The Constitution Regulations 2012 provide that the total membership of the board must be no fewer than seven governors and the board must include:

- at least two Parent Governors – elected where possible, otherwise appointed;
- the headteacher, unless he/she decides not to serve on the board;
- only one elected Staff Governor;
- only one LA Governor; nominated by the LA, appointed by the board, and
- where appropriate, Foundation Governors – appointed by the relevant Foundation, or Partnership Governors – nominated by the appropriate religious body (where the school has a religious character) or by parents or the local community and appointed by the board as specified in the regulations.

40. The board may appoint as many additional Co-opted Governors as it considers necessary. The number of Co-opted Governors who are eligible to be elected or appointed as Staff Governors must not (when added to the one Staff Governor and the headteacher) exceed one-third of the total membership of the board. The term of office for each category of governor is decided by the board and set out in the instrument of government. Additionally, boards may decide to adopt the flexibility for those appointing governors to decide the term of office of each individual governor to be between one and four years. This will only apply to newly appointed governors and would not affect the terms of office of existing governors.

41. For LA Governor appointments, a board should make clear its eligibility criteria including its expectations of the credentials and skills prospective candidates should possess. LAs must then make every effort to understand the board's requirements in order to identify and nominate suitable candidates. It is for the board to decide whether the local authority nominee meets any stated eligibility criteria and, if it chooses to reject the candidate on that basis, to explain their decision to the LA.

27. Once appointed, LA Governors must govern in the interests of the school and not represent or advocate for the political or other interests of the local authority; it is unacceptable practice to link the right to nominate local authority governors to the local balance of political power.

42. The board can appoint Associate Members to serve on one or more committees of the board. Associate Members can attend full board meetings but may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil. They are appointed for a period of between one and four years and can be reappointed at the end of their term of office. Associate Members are not governors and they are not recorded in the instrument of government.

43. The definition of Associate Member is wide and pupils, school staff and people who want to contribute specifically on issues related to their area of expertise (for instance, finance) can be appointed as Associate Members.

44. The constitution of all boards is set out in their instrument of government[16]. The board drafts the instrument and submits it to the LA. Before the board submits the draft instrument to the LA, it must be approved by any Foundation Governors and, where relevant, any Trustees and/or the appropriate religious

[16] This includes community, community special, foundation (including qualifying foundation schools, foundation schools with and foundation schools without a foundation), foundation special, voluntary-aided (VA), voluntary-controlled (VC) and maintained nursery schools.

body. The LA must check if the draft instrument complies with the legal requirements, including the relevant guiding principles for the constitution of boards. If the instrument complies with the legal requirements, the LA will 'make' the instrument. The instrument can be reviewed and changed at any time.

45. A school may have more governors in a particular category than is provided for in its instrument of government. This situation could arise if a board has decided to reconstitute and reduce in size but sufficient resignations are not forthcoming for the remaining members to fit within the new structure. Further guidance on managing this process is available in statutory guidance.

46. The board, and where applicable other appointing bodies, are able to remove any individual that they have appointed. Elected governors cannot be removed from office. Further detail on the procedure for removing individuals from office is available in statutory guidance.

5.4.2 Maintained school federations

47. Federation creates a single board to govern more than one maintained school. Schools in federations continue to be individual schools, keeping their existing category, character and legal identity, but have their governance provided by the same board. Admission to each school continues to be determined by the appropriate admissions authority. The board of the federation will receive individual budgets for each of the federated schools, and can pool these budgets to use across the schools in the federation as it sees fit. Staff may also be employed at the federation level to enable flexible deployment between schools.

48. A board's decision to federate must follow a prescribed process, which is detailed in the School Governance (Federations) Regulations 2012. A prescribed process must also be followed when an individual school wishes to leave a federation or where the federation board decides to dissolve the federation; these processes are also detailed in the federation regulations.

49. The regulations require the board of all federations to have at least seven members, including:

- only two Parent Governors;
- the headteacher of each federated school unless they resign as a governor;
- only one elected Staff Governor; and
- only one LA Governor – nominated by the LA and appointed by the board.

50. In addition, federations comprising foundation and voluntary schools are required to have Foundation or Partnership Governors.

51. It is possible that each school within a federation will have its own headteacher. In these circumstances, each headteacher will be entitled to a place on the board. Alternatively, the federation may have headteacher(s) acting across two or more schools each of whom sits on the board. To be a headteacher the person must be being paid on the appropriate headteacher group of the headteacher pay range and be performing the duties in the school, which the board has conferred upon the headteacher through the School Teachers' Pay and Conditions Document.

52. The board may also appoint as many Co-opted Governors as they consider necessary, but in doing so, it must take into account the additional requirement for federations comprising foundation and voluntary schools where there may be a requirement to have a majority of Foundation Governors. The total number of Co-opted Governors who are also eligible to be elected or appointed as Staff Governors (when counted with the Staff Governor and the headteacher/s) must not exceed one third of the total membership of the board of the federation.

5.5 Collaboration

53. Collaboration is when schools work together without a single over-arching governance structure.

5.5.1 Academy collaboration

54. Forming or joining a MAT is the best way for academies to work together within robust governance structures to support weaker schools to improve. Where an academy is a standalone trust, our conversion guidance makes clear that it is still expected to support one or more other schools, whether maintained schools or academies. Such academies can choose what they do to support another school or schools and how they do it, but it must be intended to raise standards. This is a key aspect of the creation of a self-improving school-led system. The board of an academy has a role in making sure that it delivers its commitment to other schools, however it is done.

Umbrella trusts

55. An 'umbrella trust' is an arrangement that some academy trusts use to aid collaboration. The term can be used to refer to arrangements in which a separate trust is used by academy trusts to help them work together for

example to procure services, but may also be used describe the idea of a trust sitting above a number of academy trusts.

56. The department does not have a formal relationship with umbrella trusts and has no powers of oversight or intervention in them. The department's contractual relationship is with academy trusts via their funding agreement. It is essential that the board of the academy trust is fully empowered to deliver its charitable object with a single clear line of accountability for its performance to the department. If an umbrella trust had governance or intervention powers over an academy trust this would blur these lines of accountability.

57. The department will, therefore, not approve the conversion to academy status of schools planning to join an umbrella trusts that has governance or intervention powers over the constituent academy trusts. We will also not approve existing academy trusts wishing to join such an umbrella trust.

58. Academy trusts wishing to form or join an umbrella trust to facilitate joint procurement or partnership working may continue to do so as long as there is no impact on governance, financial transparency, intervention or the accountability relationship between the academy trust and the department. The arrangements must also be compatible with the Charity Commission's advice about Trustee responsibilities. Academy trusts with an umbrella arrangement must still ensure that they follow the provisions of the AFH and follow appropriate procurement procedures.

59. The department's strong preference is for academy trusts to collaborate within a MAT in which there is robust shared governance arrangements and clear lines of accountability. MATs are the most effective and accountable governance model for enabling formal collaboration between academies; they drive school improvement, enable schools to be run more efficiently through economies of scale and provide development and progression opportunities for their teachers. The department has a number of MAT model articles of association for different kinds of schools that are flexible and allow a range of approaches to collaboration and a high degree or delegation of functions where appropriate. Regional Schools Commissioners (RSCs) can advise on how to develop arrangements that best suit your situation.

60. In Church of England academies, Diocesan Boards of Education may have established what they also call an umbrella trust to be the corporate member of an academy trust on behalf of the Diocesan Board of Education. This reflects the agreed governance arrangements as set out in the academy trusts' articles of association. They do not have additional decision-making powers or

intervention powers and do not encroach on the department's accountability relationship with the academy trust.

5.5.2 Maintained school collaboration

61. Maintained schools may collaborate formally with other maintained schools, hold joint board meetings and form joint committees[17]. The School Governance (Collaboration) (England) Regulations 2003 leave much of the detailed arrangements to the schools concerned. They allow two or more boards to arrange for any of their functions to be carried out jointly, as well as allowing those functions to be delegated to a joint committee. The specific procedures (on clerking and membership of committees, for example) generally mirror those for individual schools. Individual boards retain legal responsibility and corporate liability for all decisions made on their behalf. Boards must therefore make sure that they receive regular reports, including signed minutes, from any joint committees they agree to establish.

62. Maintained schools may also enter into collaborative arrangements with further education (FE) colleges using joint committees[18].

5.5.3 Collaboration between academies and maintained schools

63. While the Collaboration Regulations do not permit maintained schools to share governance arrangements and form formal joint committees with academies, they may collaborate informally. For example, a joint working group may be established which is purely advisory in nature, making recommendations to the boards of both schools who retain decision making powers. Alternatively, a committee may be established with parallel dual identities – complying with both the requirements of maintained school regulations and the legal framework for academies.

5.5.4 Teaching school alliances

64. Teaching schools work to identify, develop and co-ordinate expertise for the benefit of pupils across a network of schools, resulting in:

- better results for pupils;
- fewer poorly performing schools;
- more good and outstanding schools;

[17] Education Act 2002, s 26

[18] The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007.

- a self-improving and sustainable system.

65. Teaching schools are strong schools led by highly effective leaders that work with others to provide high-quality training, development and support to both new and experienced school staff. NCTL has published an eligibility criteria for those schools who wish to apply to become a teaching school. Further information is available on Teaching schools, system leadership and how boards can become involved on GOV.UK.

5.6 Publishing information about governance structures

66. While boards in some schools have more flexibility than in others, all boards have a choice about how they are constituted and organised. Effective boards think carefully about this and in particular about whether and how to use their powers to delegate functions and decisions to committees or individuals.

67. In the interests of transparency, the board must publish on its website up-to-date details of the overall governance arrangements they have put in place. This must be in a readily accessible form[19]. This scheme of delegation must set out the structure and remit of the board and any committees (including any LGBs in a MAT) – as well as the full names of the chair of each.

68. An effective scheme of delegation, particularly in MATs, will:

- include details of all the committees, including LGBs in MAT (whether decision making or advisory), in place beneath the board and explain in headline terms the role and remit of each;
- provide full clarity on which governance functions are retained at board level and which are delegated making clear, particularly where the board governs a number of schools, where all key governance functions are exercised in respect of each school – including vision and budget setting and executive leader oversight and performance management;
- explain clearly how the role of governance structures relates to that of key executive leaders (such as the CEO, any executive principals or regional directors, and finance and HR directors), avoiding duplication for example in a MAT between the role of MAT executives and LGBs in holding individual academy leaders to account;

[19] Readily accessible means that the information should be on a webpage without the need to download or open a separate document.

- explain the board's parental and community engagement arrangements and how these feed into and inform governance both at board level and at the level of individual schools as applicable;
- be drafted clearly so that everyone in the organisation can understand it, in order to be clear about their role and that of others; and
- explain the circumstances in which the arrangements set out may vary: including both the timeframes for the overall scheme being reviewed and updated, and any triggers that might lead the board to review or change levels of delegations.

6. Compliance

1. This section summarises the board's key duties and responsibilities, signposting to more detailed information, guidance and resources to help the board understand these duties in more detail.

6.1 Governance procedures

2. Boards are generally best placed to decide how they can best work effectively in the light of their own local circumstances.

3. Any rules on how boards of academies must operate will be set out in their articles of association, the funding agreement and within the AFH.

4. For maintained schools, the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 cover board procedures, terms of reference and board allowances. Guidance on the regulations is available on GOV.UK.

6.2 Charity and company law duties

5. Academy Trustees are Charity Trustees. As such, they must comply with the following duties under charity law:

   - ensure the charity is carrying out its purposes for the public benefit;
   - comply with the charity's governing document and the law;
   - act in the charity's best interests;
   - manage the charity's resources responsibly;
   - act with reasonable care and skill;
   - ensure the charity is accountable.

6. These requirements are reflected in the funding agreement and the AFH. More information on the role of a Charity Trustee is available on the Charity Commission's website (CC3).

7. Academy Trustees must also comply with their statutory duties as company directors, which are set out in the Companies Act 2006, s170 - 177. In practical terms, all Trustees need to be familiar with their academy's articles of association as well as their statutory duties under the Companies Act, which comprise the duties to:

   - act within their powers;

- promote the success of the company;
- exercise independent judgment;
- exercise reasonable care, skill and diligence;
- avoid conflicts of interest;
- not to accept benefits from third parties; and
- declare any interest in proposed transactions or arrangements.

8. The duties of a company director and charitable Trustee should not put anyone off from serving as an academy Trustee as the core duties of the role are very similar to those of a maintained school governor.

6.3 Equality

9. The Equality Act 2010 applies to all schools as providers of education to the pupils in their care, as providers of a service or public function and (where applicable) in their role as employers. The board is responsible for compliance with the public sector equality duties of the Act and the specific education sections (part 4) for school pupils.

10. The Equality Act's general and specific public sector equality duties mean that schools must:

    - have due regard to the need to eliminate discrimination;
    - advance equality of opportunity and foster good relations between people of all characteristics (those who share a protected characteristic, and those who do not); and
    - publish equality objectives and information demonstrating how they are doing this.

11. The Equality and Human Rights Commission (EHRC) can enforce this duty by issuing a compliance notice to order a school to meet the duty within a certain timescale. The guidance on the Equality Act 2010 gives detailed information for schools.

12. Boards should make sure that their school complies with all aspects of discrimination law. The best way to do this is to ensure that they apply the principles of fairness and equality in everything that the school does. Schools with a religious character have legitimate exemptions.

6.4 Education

6.4.1 The curriculum

13. Education legislation[20] states that the school curriculum should be *balanced and broadly based*, and should:

    - promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and
    - prepare pupils at the school for the opportunities, responsibilities and experiences of later life.

14. Responsibility for the curriculum in schools is shared between the executive leader(s), the board and (where applicable and to a limited extent) LAs. The curriculum for maintained schools must include the national curriculum. The national curriculum sets out the subjects and associated programmes of study that must be taught at each key stage. Academies do not have to follow the national curriculum but they are bound by their funding to teach a *broad and balanced curriculum* to the age of 16. This must include English, mathematics and science in mainstream academies. Alternative provision academies are not required to teach science.

15. Boards in maintained schools should reassure themselves that:

    - enough teaching time is provided for pupils to cover the national curriculum and other statutory requirements;
    - the relevant assessment arrangements are implemented; and
    - all courses provided for all pupils below the age of 19 that lead to qualifications such as GCSEs and A levels, are approved by the Secretary of State.

16. The department has published further guidance on the statutory requirements for each subject within the national curriculum for primary and secondary schools. New GCSEs, AS and A levels are currently being introduced, with the first new examinations for AS levels in some subjects in summer 2016 and the first of the new GCSEs and A levels in summer 2017. Further information on the reform programme is available.

17. There is no longer a duty on maintained schools to prepare a policy for the school curriculum. If schools do choose to adopt such a policy, it should be broad; it does not need to be a detailed map of all secular curriculum activities.

[20] Education Act 2002, s 78

18. In maintained schools, 'Disapplication' is the decision not to apply elements of the national curriculum in certain circumstances. Where elements of the national curriculum are being disapplied for pupils in individual maintained schools, boards have a role to play in various 'disapplication' processes, depending on the circumstances. Further guidance is available on GOV.UK.

6.4.2 16 to 19 study programmes

19. All publicly funded education for 16 to 19 year olds, including A levels, should be delivered as a study programme. Study programmes:

    - include one or more substantial academic, applied or technical qualifications that provide a recognised route into employment, further or higher education;
    - require students who have not achieved GCSE grade A*-C in mathematics and/or English to work towards the achievement of these qualifications; and
    - provide work experience and other non-qualification activity, such as tutorials and enrichment activity, to develop students' personal skills and prepare them for employment or higher/further education.

20. Boards should note that only those technical and applied qualifications that have been approved by DfE will be reported in 16 to 19 performance tables.

21. Guidance for those involved in the planning or delivery of 16 to 19 study programmes is published annually.

6.4.3 Cultural education

22. It is a legal requirement for all schools to promote the cultural development of their pupils through the spiritual, moral, cultural, mental and physical development education requirements. Cultural education forms an important part of a broad and balanced curriculum, and children and young people should be provided with an engaging variety of cultural experiences throughout their time at school.

23. The policy paper 'Cultural Education' provides an overview of some of the programmes and opportunities open to schools and teachers to give all children access to a high-quality cultural education. Appendix A outlines the minimum levels of cultural activities that pupils should have experienced through school by age that, while voluntary, would provide a benchmark for a board to reflect on its school cultural provision.

24. There is also a legal requirement placed on maintained schools to provide music and art and design as part of their curriculum for all pupils for all pupils aged five to 14; drama is also present within the national curriculum, and dance is a statutory element of the PE programmes of study.

6.4.4 Sex and relationship education

25. Sex and relationship (SRE) education is statutory in maintained secondary schools and maintained special schools as part of the basic school curriculum. This includes education about HIV and AIDS and other sexually transmitted diseases. Academies are not obliged to teach SRE.

26. All maintained schools must teach human growth and reproduction as set out in the statutory national curriculum for science. Executive leaders and the board must make sure that sex education has due regard to moral considerations and the importance of family life.

27. Maintained schools are required under section 404 of the Education Act 1996 to have a statement of their policy on the provision of SRE, which is available at the school for inspection. Schools are required to consult with parents in setting out their SRE and the statement has to include information setting out the effect of the right to withdraw from SRE.

28. Boards and executive leaders of maintained schools providing primary education must decide whether SRE, beyond that set out in the statutory national curriculum for science should be included in their school's curriculum. If so, they must decide what it should consist of and how it should be organised, and keep a record of their decisions.

29. All schools providing SRE, including academies that choose to do so, must have regard to the statutory guidance.

30. The PSHE[21] Association has published advice to supplement the statutory guidance.

6.4.5 Physical education and sport

31. A high-quality PE curriculum inspires all pupils to succeed and excel in competitive sport and other physically demanding activities. It should provide opportunities for pupils to become physically confident in a way which supports

[21] Personal, social, health and economic (PSHE) education

their health and fitness. Opportunities to compete in sport and other activities build character and help to embed values such as fairness and respect.

32. All primary schools boards should be aware of the PE and sport premium. The premium must be used to fund additional and sustainable improvements to the provision of PE and sport, for the benefit of primary-aged pupils, in the 2016 to 2017 academic year, to encourage the development of healthy, active lifestyles. The department has published guidance on PE and sport premium funding.

6.4.6 Religious education

33. All schools must teach religious education (RE). Maintained schools without a religious character should follow their locally agreed syllabus[22].

34. VA schools designated with a religious character should provide RE in accordance with the trust deed or religious designation of the school, unless parents request the locally agreed syllabus.

35. Foundation schools and VC schools designated with a religious character should follow the locally agreed syllabus, unless parents request RE in accordance with the trust deed or religious designation of the school.

36. RE is compulsory in both academies designated with a religious character and those without; as set out in their funding agreement.

37. Parents have the right to withdraw their children from all or any part of RE. They do not have to give a reason to the school and the school must comply with their request. Schools should ensure that parents who want to withdraw their children from RE are aware of the RE syllabus and that it is relevant to all pupils and respects their own personal beliefs. They should be given the opportunity to discuss this, if they wish. The school may also wish to review such a request each year, in discussion with the parents. The right of withdrawal does not extend to other areas of the curriculum when, as may happen on occasion, spontaneous questions on religious matters are raised by pupils or there are issues related to religion that arise in other subjects such as history or citizenship.

6.4.7 Collective worship

38. All maintained schools without a designated religious character must provide a daily act of broadly Christian collective worship for their pupils. In community

[22] The locally agreed syllabus is a statutory syllabus of RE prepared under Schedule 31 to the Education Act 1996 and adopted by the LA under that schedule. It must be followed in maintained schools without a designated denomination.

schools and non-faith foundation schools, the executive leader is responsible for arranging this after consulting the board. In voluntary aided schools, VC schools and foundation schools designated with a religious character, the board is responsible for arranging collective worship in accordance with the trust deed or religious designation of the school after consulting the executive leader.

39. In some maintained schools without a designated religious character, the family backgrounds of some or all pupils may lead the executive leader and board to conclude that broadly Christian collective worship is not appropriate. The executive leader can apply to the local Standing Advisory Council on Religious Education (SACRE) to have the broadly Christian requirement disapplied and replaced by collective worship distinctive of another faith and should consult the board before doing so.

40. Academies without a designated religious character must also provide a daily act of broadly Christian collective worship by virtue of their funding agreement. An academy wishing to have the broadly Christian requirement disapplied and replaced by collective worship distinctive of another faith should apply to the Secretary of State via the EFA.

6.4.8 Political bias

41. All boards, headteachers and LAs (where applicable) must not allow the promotion of one-sided political views. This applies both to the teaching of any subject and to extra-curricular activities at the school[23]. Where political issues are covered, opposing views must be presented in a balanced way. The board, executive leader and LA must also prevent pupils under 12 from taking part in political activities. This covers activities at school or elsewhere. This applies only where a member of staff or anyone acting on behalf of the school or a member of staff arranges the activity.

6.4.9 Careers guidance and pupil inspiration

42. All maintained schools must secure access to independent careers guidance for pupils in years 8-13. Many academies are subject to the same duty through their funding agreements.

43. Boards subject to this duty must have regard to the careers statutory guidance to ensure that high-quality careers advice and guidance is provided to pupils. Boards should provide clear advice to the head teacher on which he/she can

[23] Education Act 1996, s 406 - 407.

base a strategy for advice and guidance, which is appropriately resourced and meets the school's legal requirements.

44. The board should ensure that the advice and guidance provided is impartial, includes information on the range of options (including apprenticeships and other technical pathways) and promotes the best interests of the pupils to whom it is given.

45. All boards have a crucial role to play in connecting their school with the wider community of business and other professional people in order to enhance the education and career aspirations of pupils. Boards are encouraged to have a nominated individual who is responsible for overseeing careers advice, guidance and inspiration. This includes helping secure speakers, mentors and work experience placements, all of which can help engage employers in the school and in turn potentially lead to them providing new, skilled individuals to serve on the board. Boards should engage with their Careers & Enterprise Company Enterprise Adviser (where appointed), who can broker relationships between employers and the school.

6.4.10 The early years foundation stage (EYFS) statutory framework

46. The EYFS sets out requirements for both learning and development, and safeguarding and welfare provision for children from birth to five. It is mandatory[24] for all schools with nursery and reception classes to deliver the EYFS. This includes maintained schools, academies and all providers on the Early Years Register must also deliver it. The EYFS includes requirements for a number of policies and procedures that may be needed by schools, and boards of establishments delivering the EYFS should reassure themselves that where such policies and procedures are required they are in place. Further guidance and supporting materials are available on GOV.UK.

6.4.11 Children with special educational needs and disabilities (SEND)

47. All boards have legal duties in relation to pupils with SEND. Legal duties on SEND are set out in the Children and Families Act 2014[25] and statutory

[24] The EYFS is given legal force through an Order and Regulations made under the Childcare Act 2006.

[25] Part 3 of the Children and Families Act 2014 replaces Part 4 of the Education Act 1996

guidance on the SEND code of practice, jointly published by the department and the Department of Health

48. Boards are also under a duty[26] to 'to take such steps as it is reasonable to have to take to avoid the substantial disadvantage' to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service. Boards providing auxiliary aids and services is part of the 'reasonable adjustments' duty. Detail of Equality Act duties that apply to schools is available in the Equality Act 2010: advice for schools, and Technical Guidance for Schools in England published by EHRC.

49. In practice, the functions these duties require of the board can be delegated to a committee, an individual or to the executive leader; although the responsibility is still with the board itself to ensure that the functions are carried out. It should decide, with the executive leader, the school's policy and approach to meeting children and young people's SEND requirements, including those with and without statements of SEN or Education, Health and Care (EHC) plans[27]. EHC plans are replacing statements of SEN, but the review of existing statements will take up to April 2018. Existing statements will continue to have force during this time. Guidance on changes to legislation relating to children and young people with SEND has been published, August 2015, on GOV.UK.

50. All boards have legal duties under the Children and Families Act 2014 and must have regard to the statutory guidance, 'the SEND Code of Practice: 0 to 25 years'. Academies must also meet these requirements by virtue of their funding agreement. They must (SEND Code of Practice references provided):

- co-operate with the LA in reviewing the provision that is available locally (Chapter 3) and developing the local offer (Chapter 4);
- use their best endeavours to make sure that a child with SEND gets the support they need – this means doing everything they can to meet children and young people's SEND (para 6.2);
- ensure that children and young people with SEND engage in the activities of the school alongside pupils who do not have SEND (para 6.2);
- inform parents when they are making special educational provision for a child (para 6.2);
- ensure that arrangements are in place in schools to support pupils at school with medical conditions. (para 6.11);

[26] The Equality Act 2010

[27] Statements and EHC plans are drawn up by LAs to set out a child or young person's SEN and the provision that must be made for the child or young person to meet those needs.

- provide access to a broad and balanced curriculum (para 6.12);
- ensure that pupils from Year 8 until Year 13 are provided with independent careers advice (para 6.13);
- have a clear approach to identifying and responding to SEND (paras 6.14 – 6.63);
- provide an annual report for parents on their child's progress (paras 6.64 – 6.51);
- record accurately and keep up to date the provision made for pupils with SEND (paras 6.52 – 6.58);
- publish information on their websites about the implementation of the board's policy for pupils with SEND, the School SEN Information Report[28]; (paras 6.59 – 6.83);
- publish information about the arrangements for the admission of disabled children, the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans;
- ensure that there is a qualified teacher designated as special educational needs co-ordinator (SENCO) for the school. (paras 6.84 – 6.94);
- determine their approach to using their resources to support the progress of pupils with SEND (paras 6.95 – 6.99).

51. In addition:

- There should be an individual on the board or a committee with specific oversight of the school's arrangements for SEND. School leaders should review regularly how expertise and resources used to address SEND can be used to build the quality of whole-school provision as part of their approach to school improvement.
- When considering an appeal from a parent or young person, the First-tier Tribunal (Special Educational Needs and Disability) must have regard to the SEND Code of Practice 2015. The Tribunal will expect LAs, early education settings, schools and colleges to be able to explain any departure from the Code, where it is relevant to the case it is considering.

52. Boards providing extended services must also consider their duties under the Equality Act 2010: in particular, whether proposed extended services affect their functions and responsibilities towards their pupils, the users of these services or their employees. When services are provided by a third party on

[28] Children and Families Act 2014, s 69

schools' premises, either independently of the school or on behalf of the school, boards should establish who would be regarded as the service provider with the responsibility to make 'reasonable adjustments' and/or access improvements for disabled users, pupils or employees.

Teachers in maintained schools with responsibility for SEN

53. Boards must ensure that there is a qualified teacher designated as a SENCO for the school[29].

54. The SENCO must be a qualified teacher working at the school. A newly appointed SENCO must be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, they must achieve a National Award in Special Educational Needs Co-ordination within three years of appointment. A national award must be a postgraduate course accredited by a recognised higher education (HE) provider.

55. The board should reassure itself that the key responsibilities of the SENCO are drawn up and monitor the effectiveness of the way the responsibilities are carried out against a list of illustrative activities, as described in the SEND Code of Practice: 0 to 25 years (paras 6.84-6.94). The board should also reassure itself that the SENCO has sufficient time and resources to carry out their role effectively.

6.4.12 Looked after children

56. Boards are required to appoint a designated teacher to promote the educational achievement of looked after children who are on the school roll[30]. Statutory guidance on the roles and responsibilities of designated teachers is available on GOV.UK.

57. Boards must ensure, as a minimum, that:

- a designated teacher is appointed;
- the teacher undertakes appropriate training;
- it considers an annual report from the designated teacher; and
- it acts on any issues that the report raises.

58. Regulations specify that the role should be carried out by:

[29] Children and Families Act 2014, s 67

[30] For maintained schools: The Children and Young Persons Act 2008, and the Designated Teacher (Looked After Pupils etc.) (England) Regulations 2009. For academies: their Funding Agreement.

- a qualified teacher, within the meaning of section 132 of the Education Act 2002, who has completed the appropriate induction period (if required); or
- the executive leader or acting executive leader at the school.

59. All looked after children have a personal education plan (PEP) as part of the care plan that is drawn up by the LA that looks after them. The PEP forms part of the child's education record[31].

60. Details on the admission arrangements for looked after children are in section 6.9.

6.4.13 Assessing attainment and achievement

61. Schools should assess pupils' attainment throughout their compulsory education and, by law, must report annually to parents or carers on their child's achievements and general progress. In addition, there are statutory assessments at key points when pupils have completed the EYFS and the programmes of study for key stages 1 and 2, usually at the ages of 5, 7, 11. There is also a statutory check of phonics at the end of year 1 (age 6). The outcomes of statutory assessments are used to judge school performance and must also be included in annual reports to parents if taken by the child that year.

62. While boards are not directly involved in these processes, they should be familiar with statutory assessment system as well as how the school's own system of non-statutory assessment captures the achievements and progress of all pupils. The Standards and Testing Agency provides information and guidance on the administration of statutory assessment, while the Commission on Assessment Without Levels provides useful information and guidance on effective non-statutory assessment practice.

6.5 Staffing and performance management

63. The main staffing functions of the board in a maintained school, including the appointment, conduct, suspension and dismissal of staff are set out in the School Staffing (England) Regulations 2009[32] and supporting 'Guidance on managing staff employment in schools'. With effect from 1 January 2016 the Secretary of State's powers to issue statutory guidance relating to the

[31] The Education (Pupil Information) (England) Regulations 2005.

[32] The School Staffing (England) Regulations 2009 are amended by The School Staffing (England) (Amendment) Regulations 2012 and The School Staffing (England) (Amendment) Regulations 2014.

appointment, discipline, suspension and dismissal of staff in maintained schools, and the duty on boards and LAs to have regard to such guidance have been removed. As a result, the guidance is no longer statutory and should be regarded as guidance[33].

64. The requirements on academy trusts are set out in their funding agreements and regulations[34].

65. In addition to their responsibilities under employment law, boards also have responsibilities under the Equality Act 2010. This sets out that employers must not discriminate against employees on any protected grounds (e.g. race or sex) in relation to pay, conditions, opportunities, promotion, training or dismissals. Advice for employers on their responsibilities is available on the ACAS website and further advice to help schools understand how the Equality Act affects them, and how to fulfil their duties under the Act, can be found in published guidance.

66. The board of a maintained school may delegate all of its functions relating to staff employment in schools[35] with the exception of:

- establishing a selection panel to appoint a headteacher or deputy headteacher;
- making sure that headteachers benefit from any statutory entitlements and comply with the duties imposed on them which are contained within the STPCD;
- responding to any report from the LA that raises serious concerns about the performance of the headteacher;
- establishing procedures for the regulation of conduct and discipline of staff, and making sure that safer recruitment procedures are applied.

67. The responsibility to ensure that delegated responsibilities are carried out remains with the board.

68. Academy trusts are free to decide which functions they delegate, and must record this within their scheme of delegation.

[33] Cabinet Office Deregulation Act 2015 in respect sections 35(8) and 36(8) of the Education Act 2002.

[34] The Education (Independent School Standards) Regulations 2014.

[35] School Staffing (England) Regulations 2009, regulation 4.

6.5.1 Appointing an executive leader

69. Appointing an executive leader is a pivotal decision in an organisation's life. It is crucial that a board has the skills it needs to carry out a thorough and effective selection process. Boards may need to seek help or training, for example, on good interviewing techniques or on how to secure meaningful and accurate references.

70. 'A guide to selecting and recruiting a new headteacher', developed jointly with the NGA, is available on GOV.UK.

71. Every maintained school must have a headteacher[36]. The board must notify the LA in writing of any headteacher vacancy, advertise the post in a manner considered appropriate, and appoint a selection panel. The board must appoint a member of staff to carry out the functions of a headteacher pending the appointment of a headteacher or in the absence of a headteacher.

72. The Education (Independent School Standards) Regulations 2014 require an academy to publish the name of a headteacher.

73. As part of the appointment process the board of a maintained school or academy trust may ask for details about whether an executive leader or teacher at the school has been subject to capability procedures in the previous two years. A maintained school must provide this. The trust of any academy that opened after April 2013 must also provide this information[37].

74. Where the LA is the employer[38], a representative of the authority may attend proceedings relating to the selection or dismissal of any teacher. The board must consider any advice offered by the representative. Where the board is the employer[39] and where it has been agreed the LA has advisory rights, the board must consider any advice offered.

[36] Education Act 2002, s 35(3) and s 36(3).

[37] Subject to the terms of its funding agreement an academy that opens earlier than April 2013 may also be required to provide information relating to a teacher's capability procedures.

[38] Community, voluntary-controlled, community special or maintained nursery schools (Education Act 2002, s 35).

[39] Foundation, voluntary-aided and foundation special schools (Education Act 2002, s 36)

6.5.2 Discrimination in appointments and during service

75. Employers must be aware of their responsibilities in respect of discrimination within equalities legislation[40] when recruiting staff and throughout the employment relationship.

76. Employers are not allowed to ask about the health and disability of any candidate until after a job offer has been made, unless such an enquiry is to establish their capability to carry out a function intrinsic to the work concerned. Boards and academy trusts must make 'reasonable adjustments' to their employment arrangements, practices or premises if such changes would help alleviate any disadvantage suffered by a disabled employee compared to a non-disabled person.

77. Legislation[41] sets out the circumstances in which maintained schools, designated by the Secretary of State as having a religious character, have some discretion to take into account certain religious or denominational considerations in making specified employment decisions relating to their staff (i.e. decisions on appointment, remuneration, promotion and dismissal). Guidance on staff at schools with a religious character, is provided in chapter 9 of the department's Guidance on managing staff employment in schools.

78. In relation to academies, academy converters follow the position of the school prior to conversion. New academies with a religious character are able to appoint all their teaching staff based on faith in line with their designation, and can appoint support staff by application of religious criteria, where they can demonstrate a genuine occupational requirement for doing so.

6.5.3 Employment checks

79. Specific and detailed information about required safer recruitment practices can be found within KCSIE. Boards responsible for appointing staff in schools should make themselves familiar with *Part three: safer recruitment*.

80. Once the board has chosen a preferred candidate, and before any appointment is made, it must:

    - check the identity of the candidate;

[40] The Equality Act 2010.

[41] School Standards and Framework Act 1998, s 58 - 60.

- their right to work in the United Kingdom[42] and whether the candidate has the necessary health and mental fitness to teach[43];
- whether any reasonable adjustments are required to allow teaching staff to provide effective and efficient teaching; and
- when appointing into teaching positions that the individual concerned is not prohibited from carrying out such work.

81. For the majority of work in schools, boards and academy trusts must obtain, for all new appointments, an enhanced DBS certificate before, or as soon as practicable after appointment. If the work is within the scope of 'regulated activity' relating to children,[44] the enhanced certificate will need to include information to confirm the person is not barred from working with children (barred list information). Where the person will begin work before the DBS certificate is available a separate barred list check must be obtained before work commences.

82. Boards will usually make the request for the DBS certificates/checks through their LA, which acts as an umbrella body for the DBS; academy trusts will have their own umbrella body arrangements. Further guidance on these checks is available on the DBS website and within KCSIE.

83. Where the applicant has lived outside the UK, the board must carry out additional checks to determine the person's suitability. An overseas criminal record check or a certificate of good conduct from the relevant embassy or police force should be obtained where possible. Advice on the criminal records information that can be obtained from overseas police forces has been published by the Home Office on GOV.UK.

84. Employers have a duty[45] to check potential employees' documents before employing them, to ensure they have the right to work in the UK. Further guidance on the checks needed to establish the right to work in the UK is available on GOV.UK.

85. Boards should also:

[42] Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools and for academy schools and AP academies, in line with the requirements set out in their funding agreement.

[43] The Education (Health Standards) (England) Regulations 2003.

[44] As defined in Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006.

[45] The School Staffing (England) Regulations 2009 and The Education (Independent School Standards) Regulations 2014.

- request written information about previous employment history, which should be scrutinised for inconsistencies, contradictions, or incomplete information;
- source references, both written and via telephone, directly from the applicant's current or former employer for all short-listed candidates, including internal ones, before interview, so that any issues of concern they may raise can be explored further with the referee, and taken up with the candidate at interview. Boards should not rely on open, 'to whom it may concern', references;
- consider asking the candidate's current employer for details of any capability history in the previous two years, and the reasons for this.

86. When sharing information employers should make sure that they act in accordance with the Data Protection Act 1998 and data protection principles, making sure that the information is provided fairly and lawfully to prospective employers.

87. The board must reassure itself that all appropriate suitability checks have been undertaken and that the school keeps a single central record, detailing the range of checks it has carried out on its staff.

6.5.4 NCTL teacher services

88. When making appointments, boards will need to reassure themselves that mechanisms are in place within the school to check that any person employed to teach has the required teaching qualifications, has successfully completed any statutory induction required and is not prohibited by the Secretary of State from carrying out teaching work. NCTL teacher services, which is accessed via the department's secure access portal, can be used to confirm teaching qualifications, the satisfactory completion of the necessary induction period for UK trained teachers and to check that a prohibition order has not been imposed on the individual.

6.5.5 Statutory induction for newly qualified teachers (NQTs)

89. The board must be satisfied that the institution in which the induction of NQTs is being served has the capacity to support the NQT and that the headteacher is fulfilling their responsibilities. In addition, charges by appropriate bodies for their services, in respect of induction in maintained schools, will be directed to the board. The full statutory guidance is on GOV.UK.

6.5.6 Teacher qualifications

90. The board of a maintained school or non-maintained special school should be aware that teachers must hold qualified teacher status (QTS)[46] (unless the teacher satisfies one of the requirements or conditions specified in the schedule to the appropriate regulations). This also applies to academy trusts whose funding agreement states that any teachers that it employs must hold QTS.

91. Teachers who hold Qualified Teacher Learning and Skills (QTLS) status and membership of the Society for Education and Training (SET), will automatically be recognised as qualified teachers in schools in England, and do not need QTS. They will also be exempt from serving a statutory induction period in schools. This will allow them to be appointed to permanent posts in maintained schools in England and they will be paid on the qualified teachers' pay scale. They will continue to be recognised as qualified teachers providing they remain a member of the SET.

92. The same statutory requirement to hold QTS is not in place for teachers employed by academies and free schools unless the academy's funding agreement retain a clause to that effect. An academy may be required through its funding agreement to employ teachers with QTS, but the department may agree to relax this requirement if requested by an academy. Even in academies, special educational needs coordinators and designated teachers for looked after children must have QTS. All teachers in special academies must hold QTS.

93. The Education (Specified Work) (England) Regulations 2012 allow maintained schools to employ industry experts as instructors to teach, where specialist qualifications and/or experience are required, as a first choice and on a permanent basis. Instructors will continue to be classed as unqualified teachers and will be paid at the appropriate level of the unqualified teachers' pay range (in maintained schools).

6.5.7 Teacher and headteacher appraisal

94. Academies are free to determine their own appraisal process and may adopt the requirements for maintained schools if they wish.

95. Boards in maintained schools have a statutory duty[47] to:

[46] Education (Specified Work) (England) Regulations 2012, regulation 3(1).

[47] The Education (School Teachers' Appraisal) (England) Regulations 2012.

- appoint an external adviser for advice and support on the headteacher's appraisal and to consult that adviser on setting objectives for, and appraisal of, the headteacher;
- inform the headteacher of the standards against which their performance will be assessed;
- set objectives for the headteacher;
- appraise the performance of the headteacher, assessing their performance of their role and responsibilities against the relevant standards and their objectives;
- assess the headteacher's professional development needs and action needed to address them;
- make a recommendation on headteacher's pay, where relevant;
- give the headteacher a written report of their appraisal which includes the assessments and recommendation above;
- determine the appraisal period that applies to teachers (including headteachers)[48];
- adopt a document that sets out the appraisal process for teachers (including headteachers) and make that document available to teachers; and
- make sure that headteachers carry out their duties in respect of appraising other teachers (including recommendations on pay).

96. In practice, boards will want, in relation to the appraisal of the headteacher, to:

- satisfy themselves that the external advisor has the skills, experience and objectivity to provide them with advice and support;
- consider whether to delegate the headteacher's appraisal to a sub-group;
- satisfy themselves that the headteacher's objectives are SMART[49];
- decide which standards they will use to assess the headteacher's performance. They must assess headteachers' performance against the Teachers' Standards and may also wish to use the National Standards for headteachers;

[48] The Education (School Teachers' Appraisal) (England) Regulations 2012, regulation 5.

[49] Specific, measurable, achievable, realistic, timed.

- decide what arrangements to make for observing the headteacher's performance, including any arrangements for classroom observation where headteachers teach; and
- satisfy themselves that appraisal evidence informs other decisions, for example, on professional development and pay.

97. In relation to appraisal more widely, boards will want to:

- scrutinise the content of the school's draft appraisal policy carefully to make sure that it will support effective appraisal in the school, challenging the headteacher as appropriate. In particular, they will want to satisfy themselves with:
- the provision that is made for the appraisal of teacher performance against the Teachers' Standards and their objectives;
- the arrangements being made for classroom observation, now that there is no annual limit on the amount of observation that can take place;
- any arrangements for the headteacher to delegate the duty of managing the performance of teachers to others.
- satisfy themselves that the appraisal policy is being implemented effectively and fairly in the school, challenging the headteacher on how objectives and assessments are quality assured and moderated;
- satisfy themselves that appraisal evidence informs other decisions for example, on professional development and pay; and
- keep the policy under review and amend it as necessary.

6.5.8 Pay and conditions of service

98. The department has published guidance to help boards to determine their approach to teachers' pay.

99. The relevant body (usually the board) must adopt and take full responsibility for maintaining, updating and implementing a robust and considered pay policy that:

- sets out clearly the basis on which all decisions that determine pay will be made and communicated to all teachers;
- sets out the extent to which specific functions relating to pay determination will be delegated to others, such as the headteacher;
- explains the role that the relevant body will play in determining decisions relating to individual teachers;

- fully complies with all relevant aspects of equalities legislation;
- sets the date by which it will determine teachers' annual pay review; and
- establishes procedures for addressing teachers' grievances, in relation to their pay, in accordance with the 'ACAS Code of Practice'

100. Such a policy must conform to any statutory provisions that are set out within the STPCD. Boards must assure themselves that the arrangements proposed for linking appraisal to pay progression are robust and can be applied consistently.

101. All teachers in maintained schools are subject to statutory conditions relating to their professional duties and working time[50]. In addition to these statutory conditions, teachers are subject to other conditions of employment laid down in their contracts of employment, such as those that provide for sick pay and maternity leave. The terms of certain local agreements may also be incorporated into their contracts of employment.

102. In schools where the LA is the employer, the pay and conditions of service for school support staff must be on the scale of grades determined by the LA. In foundation and voluntary-aided schools, the board is free to determine the pay and conditions of support staff.

103. Academy trusts are free to set their own pay and conditions of service for any teachers and support staff[51].

6.5.9 Discipline, grievance and capability procedures

104. The board of maintained schools must approve disciplinary and grievance procedures for staff. Academy trusts may delegate this duty. Maintained school boards must also approve capability procedures for dealing with staff underperformance and provide a procedure to enable staff to appeal against a decision to dismiss them. Boards may adopt the department's Model capability policy for teachers.

105. Advice for boards about establishing these procedures is provided in Guidance on managing staff employment in schools. Boards should be mindful of their

[50] School teachers' pay and conditions document (STPCD), part 7.

[51] Where a maintained school converts to an academy, at the point of transfer the existing terms and conditions of teachers and support staff are protected under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements. The STPCD will, therefore, remain relevant to any teachers whose contract has not been renegotiated.

obligations under employment law and take into account the ACAS Code of Practice.

106. Academy trusts are responsible for establishing their own staff procedures and need to take account of the relevant legislation and guidance.

6.5.10 Referring cases to the NCTL and DBS

107. The Secretary of State is responsible for the regulation of the teaching profession. The NCTL operate the arrangements on behalf of the Secretary of State. Guidance is available on GOV.UK.

108. The regulatory arrangements cover teachers in all schools in England and only deal with cases of serious misconduct. Less serious cases of misconduct, and all cases of incompetence, should be dealt with at a local level. Employers, including an employment or supply agency, must consider whether to refer a teacher who has been dismissed for serious misconduct, or would have been dismissed had they not resigned.

109. Members of the public, other regulators and the police are also able to refer cases of misconduct. NCTL teacher services holds a list of teachers who have been prohibited from working in schools in England.

110. Employers must refer to the DBS anyone who has harmed or poses a risk of harm to a child and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals is provided by the DBS.

6.5.11 Trade unions and disputes with staff

111. Employers must recognise those trades unions with which they have a voluntary recognition agreement or where statutory recognition has been recognised by the Central Arbitration Committee (CAC). In foundation and voluntary-aided schools, the board as employer will recognise such unions; for academy schools it will be the trust; and for community and voluntary-controlled schools it will be the LA.

112. Trade union recognition and the continuation of consultation and bargaining rights are protected under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) (2006). This means that for staff transferring from an existing school to an academy trust, any trade union recognition agreements applying to transferring staff will also transfer, as will any collective

agreements in force at the time of transfer. The process for trade union recognition is set out in the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A). Further information about ACAS and the advice it provides on trade union recognition is on the ACAS website.

113. Guidance on handling strike action in schools has been published on GOV.UK.

6.5.12 Employment tribunals

114. Employment tribunals hear complaints lodged against employers on the grounds that they have discriminated against individuals or failed to respect their rights under employment law. Tribunals can order an employee to be re-engaged or reinstated, and they can award compensation. Guidance on the role of employment tribunals is on the GOV.UK and ACAS websites.

6.5.13 Teachers' Pension Scheme (TPS)

115. The TPS is an occupational, public service pension scheme for teachers governed by regulations[52]. The department has overall responsibility for the TPS whilst the day-to-day administration is undertaken by Capita Teachers' Pensions.

116. Full information regarding the TPS and the level and range of benefits available, including advice on ill health retirement and retired teachers and re-employment, is on the TP website, which presents information from the perspective of both the member and the employer. Employers have a crucial role in the successful administration of the TPS. Details of the full range of employer duties are on the TP Employer Hub.

6.5.14 The Local Government Pension Scheme (LGPS)

117. The LGPS is one of the largest public sector pension schemes in the UK. It is a nationwide pension scheme for people working in local government or working for other types of employer participating in the scheme. The LGPS in England and Wales is administered locally through 90 local pension funds.

118. Maintained school staff will be members of either the TPS or the LGPS. The LA is the administrator in the case of the LGPS and collects and pays employer and employee contributions for both schemes. The LA also submits an annual return of service for the TPS. These are 'employer' responsibilities.

[52] The Teachers' Pensions Regulations 2010 and The Teachers' Pension Scheme Regulations 2014.

119. An academy trust that has entered into academy arrangements is a scheme employer in the LGPS and is listed in paragraph 20 of Part 1 of Schedule 2 to the LGPS (Administration) Regulations 2013. This means that the non-teaching staff employed by academy trusts are automatically eligible for membership of the LGPS and existing members in a maintained school retain eligibility when a school becomes an academy. The change in legal status, when a former maintained school is replaced by an academy, means that the academy trust becomes an LGPS employing authority in its own right.

6.6 Finance

120. This section explains the financial responsibilities of boards:

- information about financial requirements for academies can be found in section 6.6.1;
- information on the financial accountability arrangements for maintained schools in section 6.6.2;
- sections 6.6.3 onwards cover topics that apply to both maintained schools and academies.

121. The department has also published a range of information about school and college funding and finance.

122. Skilled school business managers (SBMs) have a big impact on the effective financial management of schools. They save executive leaders' and teachers' time and help to ensure that resources are deployed effectively. The National Association of School Business Management (NASBM) has a range of information and resources available on its website.

6.6.1 Financial accountability for academies

123. It is a requirement of all academy trusts' funding agreements to follow the AFH, which sets out duties in relation to governance and financial oversight, alongside a structure of delegated authorities. Trustees must understand the AFH in detail, and be aware of the Charity Commission's guidance 'The essential trustee: what you need to know, what you need to do (CC3)' and 'Internal financial controls for charities (CC8)'. Academies and their auditors must also read the Academies accounts direction, when preparing and auditing annual reports and financial statements. The department has published a range of information to help open academies comply with their funding agreement and understand their funding and payments.

124. Academy Trustees have responsibility to ensure their trust's assets and funds are used only in accordance with legislation, their articles of association and funding agreement and the AFH. Trustees have wide discretion over their use of funds, and are responsible for the proper stewardship of those funds by exercising reasonable discretion and ensuring value for money, regularity and propriety on all transactions and in all decision-making. DfE and independent auditors will look at academies to gain assurance over the regularity and propriety of spending. The Accountability system statement explains the system of accountability for academies in detail.

125. An academy trust has contractual requirements through its funding agreement which distinguish its financial management arrangements from those of maintained schools, meaning that it:

- must appoint a senior executive leader (SEL) (who may be known as the principal in a single academy trust, or CEO in a MAT, or equivalent) as the accounting officer (AO) for the trust:
    - the SEL must be the head of the line management executive chain and be held accountable by the board of Trustees for the performance of the whole trust;
    - the SEL role must not rotate and must not be misinterpreted as a requirement for a 'lead school';
    - the appointment of SEL as AO does not remove the responsibility of the board of Trustees for the proper conduct and financial operation of the trust;
    - the AO will carry an overriding and personal responsibility for the proper stewardship of public funds and securing value for money VFM), regularity and propriety, by carrying out the AO duties outlined in the AFH, including completing and signing a statement on regularity, propriety and compliance each year that must be included in the trust's annual report and submitted to EFA at the same time as the annual accounts;
- must appoint a chief financial officer (CFO) to act as the trust's finance director, business manager or equivalent;
- is responsible, through their board of Trustees and AO, for all financial transactions within delegated authority limits set out in the AFH;
- must establish a control framework and establish processes to provide assurance over the suitability of, and compliance with, its financial systems and internal controls; this includes the establishment of an audit committee or a committee which fulfils the function of an audit committee (depending

on trust income level, as set out in the AFH) to provide assurance over the suitability of, and compliance with, financial systems and operational controls – guidance is available on GOV.UK;

- must, because academies are publicly funded bodies and part of central government, participate in annual accounts consolidation exercises as communicated by DFE;
- must approve a balanced budget each financial year;
- must refer potentially novel and contentious transactions to EFA for explicit prior authorisation;
- must maintain a register of interests, publishing as a minimum on their websites, the relevant business and pecuniary interests of Members, Trustees, individuals on any LGBs and the AO;
- must appoint a registered statutory auditor and prepare annual financial statements in line with EFA's Academies accounts direction;
- must ensure that they have adequate insurance cover in compliance with their legal obligations or have opted into the academies risk protection arrangement (RPA). Boards should inform their insurer or the RPA scheme promptly of any potential risk. The AFH provides further information on risk management and the associated requirements – maintained schools may also find these principles helpful.
- can be subject to a published Financial Notice to Improve where weaknesses in governance or financial management are identified.

126. A letter outlining key responsibilities of financial management and governance may be sent by the Chief Executive and AO of EFA, to all AOs at the start of each academic year.

6.6.2 Financial accountability for maintained schools

127. LAs have to account for expenditure by maintained schools. They must publish these accounts and have them audited by external bodies. For this reason, each LA has to put in place a system of financial controls that apply to maintained schools in its locality. Boards of foundation schools, voluntary-aided (VA) and voluntary-controlled (VC) schools are also Charity Trustees and must comply with charity law, in addition to any requirements placed upon them by their LA. They may also have to work with a separate foundation that holds the land and buildings on trust for educational or religious purposes.

128. LA systems of financial accountability for schools are based on the principles of regularity, propriety and value for money. Guidance on managing public money

is available on GOV.UK. Each LA has an officer appointed by law (the 'section 151' officer) to make sure that its financial affairs are properly managed. This includes making sure that schools act within the agreed local financial framework, and that the authority has proper oversight of the funds it distributes to schools. LAs must report on their use of education grants to the department.

129. The Accountability system statement explains the system of accountability for maintained schools in detail.

6.6.3 School Funding

130. Funding is allocated at school level, based primarily on pupil numbers but including additional funding for, for example, deprivation, high needs and an area cost adjustment as appropriate. Boards that govern more than one school are able to pool their funding, MATs must do so in accordance with the AFH.

The Dedicated Schools Grant (DSG)

131. Funding for maintained schools is delegated to the LA through the DSG. LAs are required to pass on the majority of the money directly to schools and are only allowed to retain funding centrally under certain circumstances. Most of the DSG is currently distributed to maintained schools using locally determined formulae. Despite changes requiring LAs to use much simpler formulae, there is still significant variation in how local authorities allocate funding to schools. As a result, the government is consulting on proposals to introduce a national funding formula, whereby the great majority of every schools' budget would be determined according to a single, national formula, with far less local discretion. Funding is also available for pupils with high needs in special schools or mainstream school, based on the needs of the pupil.

Academies General Annual Grant

132. Academies receive their funding direct from the EFA. The EFA calculates the amount of funding the school would have received had it been a maintained school in the LA and allocates the same amount, with the addition of a grant to cover those items an academy has to cover itself and which a LA would have paid for in a maintained setting. This ensures that maintained schools and academies are treated similarly in terms of their funding.

16 to 19 funding

133. Funding for 16 to 19 year olds is allocated by the EFA through separate arrangements. There is a national funding formula which applies to all institutions providing 16 to 19 education, which is based on the numbers of

students enrolled in the previous academic year along with a number of formula factors. The base rate of funding is £4,000 per full time student and the funding formula includes additional uplifts to fund support for disadvantaged young people (including those with special educational needs and difficulties), to reflect more expensive programmes, and to reflect more expensive areas of the country.

The pupil premium

134. The pupil premium is a separate funding stream for academies and maintained schools. It is to be used solely for the educational benefit of children eligible and registered for free school meals (FSM) at any time during the last six years, or those who have been in continuous public care for six months. The purpose of the pupil premium is to narrow attainment gaps between those children and their peers. Boards should ensure that pupil premium funding is being spent on improving attainment for eligible pupils.

135. Under the pupil premium, schools receive £1320 for each primary pupils, £935 for secondary pupils, and £1900 per looked after child[53]. Service pupil premium payments of £300 are also made for children whose parents recently left the armed forces or who died in service, to address the emotional and social well-being of these pupils.

136. Maintained schools must publish their strategy for the school's use of the pupil premium on their websites. Details of the specific information maintained schools need to publish can be found in the department's guidance.

137. Academies should read their funding agreement to identify what they need to publish on their websites. The department recommends that all academy trusts publish details of their pupil premium strategy and spending.

138. The Teaching Schools Council has published templates to support schools in presenting their pupil premium strategies. Use of the templates is voluntary.

The year 7 literacy and numeracy catch-up premium

139. All schools with year 7 pupils receive the literacy and numeracy catch-up premium. The literacy and numeracy catch-up premium gives schools additional funding to support year 7 pupils who did not achieve the expected standard in reading or maths at the end of key stage 2. As for the pupil

[53] Looked after children will attract funding from the first day of care, and eligibility will include those adopted from care or leaving care under a special guardianship order or residency order.

premium, the board should ensure that year 7 catch-up premium funding is being spent on improving attainment for eligible pupils.

The PE and sport premium

140. The PE and sport premium is designed to help primary schools improve the quality of the PE and sport activities they offer their pupils. The Ofsted inspection criteria specifically states that, in making their judgement on the effectiveness of leadership and management in schools, inspectors will consider '*how effectively leaders use the primary PE and sport premium and measure its impact on outcomes for pupils, and how effectively boards hold them to account for this*'. Schools are required to publish on their websites the amount of PE and sport premium received; a full breakdown of how it has been spent (or will be spent); what impact the school has seen on pupils' PE and sport participation and attainment and how the improvements will be sustainable in the future. Schools should also consider how their use of the premium is giving pupils the opportunity to develop a healthy, active lifestyle.

6.6.4 Schools forums

141. Each LA must establish a schools forum[54]. It advises the LA on the operation of the local schools' budget. The forum also has limited powers to make decisions about central expenditure by the LA from the school's budget.

142. The schools forum[55] consists of members elected by the headteachers and boards of maintained schools, academies and pupil referral units (PRUs). In addition, there are other non-schools' members to represent other relevant interests such as private, voluntary and independent early education providers and the local 14-19 partnership. LAs must also consider whether Diocesan authorities should be represented. Whilst the membership of the forum is for local decision, both boards and executive leaders can expect to be involved in electing members to the forum.

6.6.5 Charging for school activities

143. Boards and LAs cannot charge for admission to a state funded school or for the provision of education, subject to the limited exceptions referred to in the Charging for school activities guidance and supporting legislation[56]. Schools may also invite voluntary contributions for some activities, if they make clear

[54] The School Standards and Framework Act 1998, s 47A.

[55] The Schools Forums (England) Regulations 2012 set out the required membership for Forums.

[56] Education Act 1996, s 449 - 462.

that the contributions are voluntary and that the child's participation in the activity is not dependent on whether or not the parent contributes. No charge can be made unless the board or LA has drawn up a charging and remissions policy, which must be made available to parents on request.

144. Academies are required through their funding agreement to comply with the law on charging for school activities.

6.6.6 School minibuses

145. Schools may only charge for transport in their minibuses if they hold a permit issued under section 19 of the Transport Act 1985. In some cases, the permit exempts the school from Public Service Vehicle (PSV) operator and driver licensing requirements. A permit is not required if no charge is made in cash or kind. Schools should apply to their LA for a permit for each minibus they operate individually.

146. Any charges made may be used to recover some or all of the costs of running the vehicle, including loss of value. The school may not make a profit, even if it is intended to go towards the school's other running costs or charitable purposes. Further information is available from LAs or the regional Traffic Commissioners. Statutory guidance on 'Home to school travel and transport' is available on GOV.UK.

6.6.7 School companies

147. An academy trust's articles of association set out the powers that it may exercise to further its charitable object. These include the power to establish or support any charitable companies or trusts formed for the trust's object and to set up subsidiary companies to carry on any trade or business to raise funds for the trust.

148. Boards of maintained schools may also form school companies to undertake certain specified activities[57] (these are different from academy school companies). They must have the consent of their LA to do so. This can be refused only on certain specified grounds relating to the school's performance or financial management. Each company will have a supervising local authority to make sure that the company is run on a sound financial footing.

149. A school company can be formed by one board or in conjunction with other boards and/or 'prescribed' third parties for example an academy or a further or higher education college. This allows boards to enter into contracts as a group

[57] Education Act 2002, s 11 - 13.

and to pool resources without being part of a formal structural collaboration such as a MAT or federation. School companies can be used to purchase goods and services collectively, to provide services or facilities to other schools, or to carry out functions that a LA is able to contract out.

150. Boards are able to follow a well-established procedure for forming a company[58] and have considerable flexibility in how the company is run. Where a company is formed, the board remains responsible for the running of the school: a school and a company are separate legal entities. It follows that if the company gets into financial trouble, there will be no risk to the school's assets or the employment of the school's staff. Teachers will not be expected to transfer to the company.

151. School companies can make a profit. The articles of the company must state whether profits may be distributed to its members in line with the procedures set out in the articles and/or to further the aims of the company.

6.7 Safeguarding and pupil welfare

152. Section 175 of the Education Act 2002, and regulations under section 157 relating to safeguarding pupils in independent schools, place a duty on the boards of maintained schools and academy trusts to have arrangements in place to ensure that they:

- carry out their functions with a view to safeguarding and promoting the welfare of children; and
- have regard to the statutory guidance issued by the Secretary of State in considering what arrangements they need to make for the purpose of that section.

153. The statutory guidance, KCSIE, places requirements on all boards. Boards must ensure their schools have effective safeguarding policies and procedures in place that take into account local risks, any statutory guidance issued by the Secretary of State, any LA guidance and locally agreed inter-agency procedures.

[58] The School Companies Regulations 2002; The School Companies (Private Finance Initiative Companies) Regulations 2002; The School Companies (Amendment) Regulations 2003 and The School Companies (Amendment) Regulations 2014

154. Educational settings have a central role to play in the early identification of any welfare concerns about a child, additional needs they might have and indicators of possible abuse, neglect or other wider safeguarding concerns.

155. To be effective, all schools should work in a multi-agency way with other organisations, share and receive information about individual children in order to protect them from harm. As such all schools should have regard to the statutory guidance set out in Working together to safeguard children 2015.

156. If the school needs further safeguarding advice, advice on designing policies or on what to include in them, or safeguarding training they should contact their local safeguarding children's boards. This is in addition to having regard to KCSIE.

157. KCSIE and Working together to safeguard children both set out that an individual on the board should take leadership responsibility for the organisation's wider safeguarding arrangements, which include the Prevent duty. However, it is also helpful if everyone on the board has training about safeguarding, to make sure they have the knowledge and information needed to perform their functions and understand their responsibilities.

158. Boards should also make sure that a senior member of the school's leadership team is designated to take lead responsibility for dealing with safeguarding issues; providing advice and support to other staff; liaising with the LA; and working with other agencies. Full details are available in Annex B of KCSIE.

159. The UK Council for Child Internet Safety (UKCCIS) Education Group has developed guidance to help boards support their school leaders to keep children safe online. This is guidance only and should be read alongside KCSIE.

6.7.1 Allegations of abuse made against other children

160. Boards and staff should recognise that children are capable of abusing their peers and ensure their child protection policy includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated and dealt with. The policy should reflect the different forms peer on peer abuse can take, make clear that abuse is abuse and should never be tolerated or passed off as "banter" or "part of growing up". It should be clear as to how victims of peer on peer abuse will be supported.

161. Peer on peer abuse can manifest itself in many ways. Boards should ensure sexting and the organisation's approach to it is reflected in the child protection policy. The department provides searching screening and confiscation advice

for schools. The UKCCIS Education Group has published sexting advice for schools and colleges.

162. Boards should ensure the child protection policy reflects the different gender issues that can be prevalent when dealing with peer on peer abuse. This could, for example, include girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence.

6.7.2 Allegations made against teachers and other staff

163. Part 4 of KCSIE sets out the procedures all schools must have in place for dealing with allegations.

164. Employers have a duty of care to their employees. Boards should make sure that the school provides effective support for anyone facing an allegation. They must also provide them with a named contact within school if they are suspended. Where an allegation is made, the case manager (as per Part 4 of KCSIE) should discuss the case with the Designated Officer (DO) immediately. This initial discussion allows both parties to consider the nature, content and context of the allegation and agree an appropriate course of action.

165. Schools should ensure that all staff understand, and their procedures make clear, that all allegations should be reported straight away, normally to the case manager. The procedures should also identify the person, often the chair, to whom reports should be made in the absence of the executive leader, or in cases where the executive leader themselves are the subject of the allegation or concern. Schools should make available to staff the contact details for the DO responsible for providing advice and monitoring cases.

166. Case managers are expected to work with the executive leader (unless the allegation concerns the executive leader) and DO to confirm the facts about individual cases. They are also expected to reach a joint decision on the way forward in each case. Chairs have a key role in deciding courses of action, including disciplinary action, in those cases where a criminal investigation may not be required. In cases where allegations have been found to be substantiated, the chair should work with the DO and executive leader to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

6.7.3 Safe recruitment procedures

167. A key aspect of safeguarding is the vetting of applicants and prospective volunteers working with children to ensure they are not unsuitable. Guidance about these requirements is set out in KCSIE.

168. The statutory guidance 'Disqualification under the Childcare Act 2006' provides information to help schools and local authorities to understand their responsibilities under the Childcare Act 2006 where staff are working in childcare provision in schools.

169. The NSPCC run online safeguarding training to help organisations recruit staff or volunteers in schools, academies or colleges. Further details are available on the NSPCC website. There is a charge for this service.

6.7.4 The Prevent duty

170. From 1 July 2015 all schools are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015, in the exercise of their functions, to have "*due regard to the need to prevent people from being drawn into terrorism*". This duty is known as the Prevent duty.

171. Schools must have regard to the Prevent duty statutory guidance. To accompany the statutory guidance, the Department has produced guidance on the duty for schools and childcare providers.

172. The government has launched the Educate Against Hate website to give parents, teachers and school leaders practical advice on protecting children from extremism. The website includes resources to assist teachers to build pupil's critical thinking skills and resilience to extremist ideologies.

173. If you are concerned that a child might be at risk of extremism, or if you have any other concern about extremism in a school please contact our helpline on counter.extremism@education.gov.uk or by calling 020 7340 7264.

6.8 Pupil wellbeing

6.8.1 Promoting the general wellbeing of pupils

174. The Education and Inspections Act 2006 places a duty on boards of maintained schools to promote wellbeing. 'Wellbeing' is defined in the Children Act 2004 as:

- physical and mental health and emotional wellbeing;

- protection from harm and neglect;
- education, training and recreation;
- the contribution children make to society; and
- social and economic wellbeing.

175. Section 38 of that Act explains which issues boards need to consider reassuring themselves that pupils are adequately being cared for and protected from harm while in school.

176. The guidance 'Mental health and behaviour in schools' addresses how schools could identify and support pupils whose behaviour suggests they may have unmet mental health needs.

6.8.2 Pupil voice

177. The term "pupil voice" refers to ways of listening to the views of pupils and/or involving them in decision-making. The expressions "learner voice" or "consulting pupils" may also be used.

178. The government believes that schools should consider the views of pupils, but it should be up to schools to determine the most effective method to do this.

179. Schools should be aware of the general principles of the United Nations Conventions on the Rights of the Child (UNCRC) - articles 2, 3, 6 and, in particular, article 12 which states the following:

    - Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
    - For this purpose, the child, in particular, shall be provided the opportunity to be heard either directly in any judicial and administrative proceedings affecting the child, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

180. The UNCRC has not been incorporated into national law, so there is no statutory duty to comply with it. However, the government has reiterated its commitment to pay 'due regard' to the Convention when new policy is made and legislation proposed. Schools are strongly encouraged to pay due regard to the Convention.

6.8.3 Behaviour and discipline

181. An academy trust must make sure that a written policy is drawn up and carried out that promotes good behaviour among pupils and defines the sanctions to be adopted where pupils misbehave[59].

182. Maintained school boards must make sure that their school has policies designed to promote good behaviour and discipline among pupils. These policies must include the school's approach to the use of reasonable force to control or restrain pupils. Guidance on reasonable force for headteachers, staff and boards has been published on GOV.UK. Maintained schools should not have a 'no contact' policy.

183. The board must also make, and periodically review, a written statement of principles to help the executive leader determine the measures that make up the school's behaviour policy. This duty cannot be delegated. The board must consult the executive leader, other appropriate members of staff, parents and all registered pupils before making or changing this statement of principles[60]. It must also publish the statement on a website[61]. Information on these responsibilities and statutory guidance to which the board must have regard is given in 'Behaviour and discipline in schools: guidance for boards' issued by the Secretary of State.

6.8.4 Directing pupils off-site to improve their behaviour

184. The legislation for directing a pupil off-site does not apply to academies. However, an academy may direct a pupil off-site under general powers in their Articles of Association.

185. A maintained school board may send pupils to provision outside school premises that is aimed at improving their behaviour ('directing off-site[62]')[63]. It should make sure that the pupil continues to receive a good education whilst addressing the needs that require intervention. The board may direct a pupil off-site without the parent's consent but should engage with parents, where possible, in the process. There are specific requirements in relation to notifying parents and reviewing the placement.

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[59] The Education (Independent School Standards) Regulations 2014.

[60] Education and Inspections Act 2006, s 88.

[61] The School Information (England) Regulations 2008 as amended by the School Information (England) (Amendment) Regulations 2012.

[62] This power is routinely delegated to the headteacher.

[63] Education Act 2002, s 29A.

186. Further information on boards' powers and responsibilities and statutory guidance to which the board must have regard, is provided in 'Alternative Provision: A guide for local authorities, headteachers and boards of schools, Pupil Referral Units and other providers of alternative provision'.

6.8.5 Excluding pupils

187. An explanation of boards' legal duties in relation to exclusion, as well as statutory guidance on performing these duties, are provided in 'Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion'.

188. The board has key responsibilities in relation to reviewing the executive leader's exclusion decisions[64] and must arrange suitable full-time education for excluded pupils from the sixth school day of fixed-period exclusion[65].

189. Academy trusts are also responsible for arranging an independent review panel to consider permanent exclusions, where requested by parents. For maintained schools, this duty rests with the LA.

190. Boards have a wider role to hold executive leaders to account for the lawful use of exclusion. Exclusion must be for disciplinary reasons and all exclusions must be done in line with the legal requirements. Where a pupil is removed from the school premises without being excluded there needs to be a lawful basis for this decision, for example, under the powers of a maintained school to direct a pupil offsite to improve their behaviour.

6.8.6 School attendance

191. All boards must reassure themselves that the school keeps admission and attendance registers in accordance with regulations[66]. Guidance on school attendance has been published by the department. The board must make sure that the school provides information requested by the Secretary of State, including the termly absence data the department collects[67].

[64] Education Act 2002, s 51A and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

[65] Education and Inspections Act 2006, s 100.

[66] Education (Pupil Registration) (England) Regulations 2006.

[67] Education Act 1996, s 538.

192. Guidance on children missing education is available and all boards must be aware of the requirements placed on them by the statutory guidance KCSIE.

6.8.7 Parenting measures

193. All boards, executive leaders and LAs (where applicable) have powers to use parenting contracts and apply for parenting orders where a pupil's behaviour or attendance at school becomes problematic[68]. Guidance on parental responsibility measures for behaviour and attendance is available and boards, academy trusts, executive leaders and LAs must have regard to it when carrying out their duties.

6.8.8 The school day and school year

194. Academies set their own school day and term dates. The provisions on school sessions do not apply to them. The board will decide the length of the school day, including session times and breaks, taking into account the recommendation of the headteacher. School employers determine the term dates[69].

195. Maintained schools must open for at least 380 sessions (190 days) in a school year[70]. The school year must begin after July. If a school is prevented from meeting and it is not reasonably practicable for arrangements to be made for it to make up the lost session(s), it can be deemed to have been open for the required 380 sessions.

6.8.9 School food and milk

196. Boards must provide paid-for lunches for registered pupils, including nursery pupils who receive education both before and after lunch. This only applies where the parents request them and, in the case of paid-for lunches, where it would not be unreasonable to provide them. These meals must be free for pupils who receive, or whose parents receive, an entitling benefit – the unreasonable clause does not apply to free meals.

197. All maintained schools and academies that have a legal duty to provide a free school meal for children in reception, year 1 and year 2. Schools have been provided with substantial funding and support and there is guidance available on GOV.UK.

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[68] Anti-social Behaviour Act 2003, s 19 - 23 and Crime and Disorder Act 1998, s 8 - 9.

[69] Education Act 2002, s 32.

[70] Education (School Day and School Year) (England) Regulations 1999.

198. Maintained schools and academies that are required to meet the school food standards must make lower fat milk or lactose reduced milk available for drinking at least once a day during school hours. Milk must be provided free of charge to pupils eligible for FSM. Schools may offer milk as many times as they wish, however it must be free to infant and benefits-based FSM pupils when it is offered as part of their school meal and free to benefits-based FSM pupils at all other times[71]. Guidance on the standards for planning and providing food in schools is available. The advice outlines the requirements to provide food to registered pupils. It also includes information on the school food plan, the provision of milk and the free fruit and vegetables scheme.

6.8.10 School uniform

199. In all schools, boards decide whether there should be a school uniform and other rules relating to pupils' appearance and, if so, what they should be. Guidance on school uniform and related policies is available.

6.8.11 Pupil health and safety

200. The main legislation covering this area is the Health and Safety at Work etc. Act 1974 and regulations made under that Act. The employer is responsible for health and safety.

201. Information about the law on pupil health and safety is in guidance on Health and Safety for Schools. This advice summarises health and safety law relevant to schools and explains how it affects boards as well as local authorities, executive leaders and other school staff. It covers activities that take place on school premises as well as school trips. The advice applies to academies and maintained schools. Where the school is the employer, the board must make sure that the school has a policy on health and safety.

6.8.12 Pupils unable to attend school through ill health

202. The duty to provide suitable education for children of compulsory school age who cannot attend school due to illness or injury (alternative provision) rests with local authorities. All schools, including academies, have a key role in ensuring that children on their roll with medical needs also receive a good education. They should involve the relevant LA immediately when it is clear that a pupil's health will prevent them from attending school for 15 days or more.

[71] The Education (Nutritional Standards and Requirements for school Food) (England) Regulations 2007 (SI 2007/2359) as amended by the 2008 regulations (SI 2008/1800) and the 2011 regulations (SI 2011/1190).

6.8.13 Supporting pupils in school with additional health needs

203. Some pupils have additional health needs and may require medicines, adaptations or support to keep well. Boards must oversee the development of policies that cover their own circumstances. Having an additional health needs policy (or including information in health and safety and/or SEND policies) helps ensure consistent arrangements are in place. Where the school is the employer the board will be directly responsible for the policy. For other schools, the LA will usually delegate the responsibility. The policy should address emergency procedures, training, supervision, record keeping, including storage and disposal. It should also set up a named staff member to coordinate health care needs and to link with parents.

6.8.14 First aid

204. Where they are the employer, boards have overall responsibility for first aid under the Health and Safety (First Aid) Regulations 1981. The regulations set out first aid provision in the work place, and require employers to provide adequate and appropriate equipment, facilities and qualified first aid personnel. It is recommended that schools treat pupils as if they were employees for the purposes of first aid and provide first aid materials and expertise as appropriate, based on a first aid needs assessment. The LA may delegate this responsibility where it is the employer. Where schools have early years provision at least one person who has a current paediatric first aid certificate must be on the premises and available at all times when children are present, and must accompany children on outings. Providers should take into account the number of children, staff and layout of premises to ensure that a paediatric first aider is able to respond to emergencies quickly.

6.8.15 School security

205. In community, voluntary-controlled and community special schools, the responsibility to make the school secure ultimately rests with the LA as employer. However, it may delegate these duties to the schools. With all other maintained schools, as well as academies, responsibility rests with the school.

206. All schools have a common law power to bar troublesome people from the school premises. Boards of foundation, voluntary-aided and foundation special schools also have a power under section 547 of the Education Act 1996 to authorise someone to remove from school premises any intruder causing a disturbance or nuisance. In community and voluntary-controlled schools, the LA exercises this power unless it is delegated to the school. This power of removal also extends to academies. Guidance on this power is on GOV.UK.

207. Schools using automated biometric recognition systems should be aware of their legal duties under the Protection of Freedoms Act 2012. Guidance about these duties is on GOV.UK.

6.8.16 Fire safety

208. Boards of all schools must reassure themselves that annual risk assessments are carried out to make sure that the fire precautions needed in the school are in place.

6.8.17 Playground supervision

209. The number of adults who should be in charge of pupils during lunch and other breaks should be determined locally by the school, having assessed risks and making sure that competent supervisors are available.

6.8.18 Promoting community cohesion

210. There is a duty for schools to promote community cohesion under the Education and Inspections Act 2006. The board decides how to fulfil this duty in the light of their local circumstances.

6.9 Admissions

6.9.1 School admissions

211. The purpose of the School Admissions Code is to ensure that all school places for maintained schools (excluding maintained special schools[72]) and Academies are allocated and offered in an open and fair way. The Code has the force of law, and where the words 'must' or 'must not' are used, these represent a mandatory requirement.

212. The School Admissions Code is the statutory guidance that schools must follow when carrying out duties relating to school admissions. The Code applies to admissions to all maintained schools in England, and academies (including free schools, studio schools and UTCs) are required by their funding agreements to comply with the Code and the law relating to admissions. The Code should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England. Boards, local authorities, Schools Adjudicators and admission appeal panels must act in

[72] A maintained special school is a school maintained by the local authority, specially designed to make special educational provision for pupils with special educational needs.

accordance with the Codes. This Handbook is a summary reference but is not a substitute for the full Codes.

213. Admission authorities are responsible for setting fair and transparent admission arrangements; making admission decisions and arranging admission appeals in accordance with the Codes. Admission authorities decide which children are admitted in the event that the school is oversubscribed by applying the admissions criteria they have set and published. For community and VC schools, the LA is the admission authority; for all other schools it is the board[73]. Boards of VA schools, foundation schools or academies, therefore, should understand their roles and responsibilities in relation to admissions.

6.9.2 Admissions arrangements

214. Admission authorities must set admission arrangements annually, notify their LA and publish the arrangements on their website in accordance with the paragraph 1.47 of the School Admissions Code. When changes to the admission arrangements are proposed, admission authorities must consult. If no changes are made to the admission arrangements, they must still be consulted on at least once every 7 years. Consultation must last for 6 weeks and take place between 1 October and 31 January Admission arrangements must be determined (agreed as final) by 28 February each year even where the arrangements have not changed from the previous year. Local authorities must publish on their website by 1 May, details of where the set arrangements for all schools can be found.

215. Admission authorities for schools with a sixth form must ensure they have determined and published admission arrangements for entry into the sixth form, if they intend to admit external applicants.

216. Admission authorities must, as part of setting their admission arrangements, set a clear published admission number (PAN), which states the number of applicants they will admit where enough applications are received. A board of a community or VC school can object to the Adjudicator if they disagree with their PAN (which will be set by the LA as admission authority).

217. Admission authorities cannot refuse a child a place if the school is undersubscribed (fewer applications than the PAN). The only exception is where the child has been permanently excluded from two or more schools within the past two years or, in the case of selective schools, where the child has not met the required academic standard. Regardless of faith, a child must

[73] A local authority can delegate admissions to the boards of community and voluntary-controlled schools.

be offered a place in a school with a religious designation if they apply to the school and it is undersubscribed.

218. Admission authorities cannot introduce new arrangements to select all or part of their intake based on high academic ability.

219. The infant class size limit is 30 pupils per teacher. Additional children may be admitted under limited exceptional circumstances, which are set out in the Code.

220. Admission authorities for oversubscribed schools must keep a waiting list for at least the first term in the normal year(s) of admission. They must order the waiting list and give priority for places solely according to their published oversubscription criteria, regardless of when an application was made or how long the child's name has been on the list.

221. A place in a nursery class does not guarantee admission to the reception class. Parents must make a separate application for any transfer from nursery to primary school.

222. Any person or body can make an objection to the Schools Adjudicator about the admission arrangements of any academy or maintained school. The objection must be made by 15 May in the year in which the admission arrangements are determined. Further information on how to make an objection is available on the Office of the Schools Adjudicator website.

Admission of pupils with SEN: duties of Admission Authorities (including boards)

223. The School Admissions Code [74] makes clear that all children and young people whose statement of SEN or EHC plan names the school, must be admitted. The admission of pupils with SEN but without statements or EHC plans should be handled in the same way as for all other pupils. Admission authorities must ensure that their arrangements will not disadvantage unfairly, or discriminate against a child with a disability or special educational needs.

Admission to special schools for pupils with SEN

224. The board of maintained special schools, academy special schools, non-maintained special schools and institutions approved by the Secretary of State

[74] The Codes are supported by the School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, and the School Admissions (Appeal Arrangements) (England) Regulations 2012.

to be named in an EHC plan have the same duty to admit as maintained schools (see above). Children or young people without statements or EHC plans can be admitted to special schools in specific circumstances – including for the purposes of assessment or following a change of circumstances[75] (see paragraphs 1.29 and 1.30 of the SEND Code of Practice 0-25, January 2015).

Admission of looked after children

225. Admission authorities are required, with some limited exceptions, to give priority to looked after children (those adopted from care under the Adoption and Children Act 2002 and those who left care under a 'Special Guardianship Order' or 'Residence Order') and all previously looked after children (children who were looked after but ceased to be so because they were adopted) - in their oversubscription criteria[76]. The practical effect of this is that in a school's published admission arrangements, the first and highest oversubscription criterion must be looked after children and previously looked after children (see paragraph 1.7 of the Admissions Code). Provisions also apply to schools with a religious character and grammar schools (paragraphs 1.37 and 1.19 of the Admissions Code).

226. The law[77] gives a LA that looks after a child the right to direct the admission authority of any maintained school to give them a place. This applies even where the school is currently full, or is in another LA area (see paragraph 3.19 of the School Admission Code).

227. Where a LA considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The LA and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the LA can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Schools Adjudicator in reaching a decision[78].

6.9.3 Admission appeals

228. Admissions appeal panels are independent panels set up by admissions authorities in line with the School Admission Appeals Code. They hear appeals

[75] Children and Families Act 2014, s 33

[76] The School Admissions (School Admissions and Co-ordination of Admission Arrangements) (England) Regulations 2012.

[77] School Standards and Framework Act 1998, s 97A.

[78] School Standards and Framework Act 1998, s 25(3A).

against admission decisions. The Appeals Code provides details on appeal procedures and outlines a parent's or child's right of appeal. Where a panel finds in favour of the parent or child, the decision is binding on the school.

6.10 School premises

6.10.1 Ownership of land and buildings

229. Boards should know who owns the land and buildings from which their school operates. School land is most commonly owned freehold by the LA but may be owned by a charitable trust, or by the governing body or academy trust itself., Leasehold or other usage interests are possible and there may be several parcels of land with different ownership arrangements that together constitute the school site. This is especially true of church land.

230. Boards who are considering academy conversion should be aware of the need to consider transfer of land and buildings, in particular the need to engage Trustees where appropriate.

231. In the majority of schools set up through private finance initiatives (PFI), the construction of the buildings is funded by a private sector contractor and their funders. The buildings are then operated and maintained by that private sector contractor for an agreed period, typically 25 years. The PFI contract will set out the maintenance programme. These contracts will remain in force even if the LA transfers its interest in the school land to the board, if the school converts to academy status. At the end of the contract term, responsibility for the buildings will revert to the board.

6.10.2 Disposal and protection of publicly funded school land

232. Under Schedule 1 of the Academies Act 2010, the prior consent of the Secretary of State for Education is required to dispose of any land – whether or not it is playing field land which may also require separate consent under Section 77 of the School Standards and Framework Act 1998. Guidance on where consent is needed for any disposal (which will include granting leases) is set out in the Academy property transactions: advice and forms. Special protection is given to playing field land as set out in the Playing fields and school land: selling or change of use advice.

6.10.3 Closure of a foundation or voluntary school

233. The board, foundation body or Trustees must[79] apply to the Secretary of State when a foundation or voluntary school is to be closed. The Secretary of State will consider making a legal decision ('direction') about what should happen to that land, which was bought or improved at public expense.

6.10.4 Funding for capital investment

School Condition Allocations

234. School Condition Allocations are provided to local authorities and schools to support them in maintaining the condition of the school estate. Funding is allocated on a purely formulaic basis for LAs, including community and VC schools, non-maintained special schools and sixth-form colleges. The formula uses pupil number data taken from the Annual School Census, and adds an element related to building condition in the area. Guidance on School condition allocations and devolved formula capital (DFC) allocations for 2015 to 2018 is available.

235. For academies, allocations for condition needs are made using either the Condition Improvement Fund (CIF) or direct formulaic School Condition Allocations to MATs. The CIF budget is administered by EFA and accessed through a bidding process.

236. Maintenance funding for VA maintained schools is allocated on the same basis as School Condition Allocations, and made available via the 'Locally Co-ordinated Voluntary-aided Programme' (LCVAP). The LA, in discussion with the voluntary sector, agrees which projects from their maintenance allocation should be prioritised for funding. EFA administers LCVAP payments.

Basic Need Capital

237. 'Basic need' supports the capital requirement for providing additional pupil places both in new or expanded maintained schools, and academies. Basic need funding is allocated on a purely formulaic basis using data from the Annual Schools Capacity Survey. It is made available to local authorities in the first instance and it is for each LA to decide how basic need allocations should be prioritised at local level. The LA officer can supply further information on the planned use of basic need funding with responsibility for pupil place planning.

[79] School Standards and Framework Act 1998, Part 2 Schedule 22.

Devolved Formula Capital

238. Devolved Formula Capital (DFC) is capital funding that is allocated, via local authorities and the LCVAP route, on a purely formulaic basis and is made available to schools for their own use, in line with departmental guidance. DFC is based on the Annual Schools Census data set, collected in January. Local authorities should pass on the level of DFC, as calculated for each school by the department, to their schools. DFC is normally used for smaller capital purchases, including information and communication technology.

239. DFC is calculated for all maintained mainstream primary and secondary schools, special schools, pupil referral units, academies, community technical colleges and non-maintained special schools. Independent schools and nursery (direct grant) schools do not receive DFC.

240. Details of the school capital funding allocations: 2015 to 2018 available to local authorities and schools are on GOV.UK. The arrangements for VA schools are explained in the Blue Book guidance on capital funding for VA schools in England.

241. Information on capital funding, including advice on academies and VA schools, is available from: enquiries.EFACAPITAL@education.gov.uk

Developments at schools

242. The Building Regulations 2010, School Premises Regulations 2012 (for maintained schools) and Part 5 of the Education (Independent School Standards) (England) Regulations 2014 (for academies) set standards for the design and construction of buildings in England and Wales. Information on these building regulations and associated guidance is on GOV.UK. Their prime purpose is to ensure the safety and health of people in or around buildings, but they also cover energy conservation and accessibility, health, safety, and welfare, acoustics, lighting, water supplies, and outdoor space. They cover the construction of new schools and many alterations of, and improvements to, existing school buildings. As with other building types, developments at schools are bound by normal planning controls.

Arrangements for funding premises-related work at VA schools

243. Responsibility for capital work to VA school premises is shared between the board and the LA. The standard rate of grant support to VA school boards from us is 90 per cent. Local authorities are able to help boards with their 10 per cent contributions, subject to their own spending priorities and budget availability.

244. There are special arrangements for the proceeds of sale of school land in voluntary schools, which can be found at School land and property: protection, transfer and disposal on GOV.UK.

6.11 Control and community use of school premises

6.11.1 Day-to-day control of school premises

245. Academy trusts are responsible for the day-to-day running of the school land and buildings and health and safety of the pupils. Guidance on when consent to dispose of or acquire land and grant to take on leases and joint use agreements is set out in the AFH and in more detail in the Academy property transactions: advice and forms.

246. All maintained school boards control the occupation and use of premises during and outside school hours. This means that boards have control over what happens in school buildings and grounds. They are also responsible for deciding how school facilities are used. There are limited exceptions to this, such as:

- in a school where a trust deed transfers control to someone other than the board;
- where a Transfer of Control Agreement (TofCA) has been made (see below);
- where the LA issues directions80 on how school premises should be used, e.g. regular booking for youth or community groups; or
- where the school is needed for local or general elections.

6.11.2 Use of premises for extended activities and community services

247. Schools can accommodate extended and community services. Examples include after-school clubs, adult education, out-of-school childcare (including breakfast clubs and holiday care), and sport and youth clubs. Some schools offer or rent out their facilities to voluntary organisations. Joint use good practice principles on structuring these arrangements are included in the Academy property transactions: advice and forms. Schools can also find case

[80] Directions should be reasonable and not interfere too much with the board's control. For example, the local authority should not require premises to be made available to it if this would mean the board breaking a booking agreement.

studies and resources to maximise the use of their facilities through Sport England's 'Use our School' guidance.

248. These arrangements can benefit schools, their pupils and parents, and their local communities. Schools offering extended services may benefit from improved behaviour and attendance. These arrangements can also enable schools to make the best use of their facilities, which may otherwise be underused before and after the school day and in school holidays.

249. Boards may not use their delegated budget shares for anything other than the purposes of the school. The term 'purposes of the school' would normally be interpreted as including all activities that bring an educational benefit to pupils at the school. The term also includes spending on pupils registered at other maintained schools and providing community facilities for charitable services[81] .

250. Boards can charge for the provision of extended and community services[82].

251. An academy trust's articles of association set out the powers that the trust may exercise in pursuit of its charitable object. The current model articles allow the academy trust 'to provide educational facilities and services to students of all ages and the wider community for the public benefit'.

252. Academies should also consult their funding agreement. The current model funding agreement says that the academy 'will be at the heart of its community, promoting community cohesion and sharing facilities with other schools and the wider community'. The funding agreement will set out how the grant available from the Secretary of State can be used.

253. The 'Wraparound and holiday childcare: responding to requests' guidance aims to help schools understand how to respond to requests from parents and childcare providers about wraparound and holiday childcare.

6.11.3 Transfer of control agreements

254. Boards can enter into a Transfer of Control Agreement (TofCA) as a way of sharing control of the school premises with another body, or transferring control to it. The other body, known as the 'controlling body', will continue to occupy and use the premises during the times specified in the agreement. Transferring control of the premises to local community groups, sports associations and service providers can allow school facilities to be used without needing ongoing management or administrative time from the school staff. The board of a

[81] Education Act 2002, s 27.

[82] Education Act 2002, s 27(3).

community school must obtain the LA's consent before entering into a TofCA that transfers control during school hours.

255. It may not be necessary for a school to enter into a TofCA to enable another organisation to use their premises. Alternative options for a school include retaining overall control of the premises while subletting use of part of their premises to another organisation or entering into a Service Level Agreement with another organisation.

6.11.4 Provision of childcare and other community services

256. Many schools and academies offer comprehensive programmes of before and after school and holiday care, and other activities, throughout the year. These programmes support pupils and parents, place the schools and academies at the hearts of their communities, and can generate profit that can be reinvested to improve services.

257. There are three possible arrangements that would allow an academy to operate a nursery on their premises:

- direct provision of a nursery by the academy trust as a charitable activity within the academy's objects;
- provision of a nursery through a wholly-owned subsidiary company of the academy trust;
- the academy trust contracts out nursery provision to an independent provider (which may or may not be a charity; and in which a Trustee may have an interest).

258. In deciding what, if any, extended activities to offer and in making decisions on the form any such activities should take, boards should:

- make sure that extended activities or services benefit the public (or in an academy's case, comply with its charitable objects) and that any profits made are reinvested in the service or in the school;
- make sure extended activities or services do not conflict with their statutory duties, in particular their duty to promote high educational achievement in the school;
- make sure that any childcare for children provided by the school and any other childcare provided is registered where necessary or appropriate with Ofsted.

259. Maintained schools may change the age range of their school, by following the prescribed alteration process to set up early years provision (in which case the

children would be pupils of the school) or they may choose to set-up early years provision for the benefit of people who live or work in the locality using their community powers (in which case the children would not be pupils of the school). Legislation no longer requires the board to consult the LA, school staff, parents etc., but a school should do this as a matter of course. In addition, schools are no longer required to have regard to guidance issued by the Secretary of State or the LA when setting up community services.

260. Academy trusts may change the age range of the academy by following the significant change process and may choose to run extended services and provide childcare, as well as run nurseries and children's centres. This may require a change to their Articles of Association. Academy trusts are advised to contact the EFA who will advise.

6.11.5 The 'charitable purpose' requirement

261. The board of a maintained school has the power to provide, or enter into contracts to provide any facilities or services that will further any 'charitable purpose' for the benefit of pupils at its school, families of pupils or people who live and work in the local community[83]. This power is in addition to boards' powers and responsibilities on the control and community use of school premises.

262. 'Charitable purposes'[84] may cover such services and activities as:

- childcare (including before and after school and during the holidays);
- adult and family learning;
- health and social services; and
- parenting support and other facilities of benefit to the local community. Examples include access to information and communication technology (ICT), or sports facilities.

263. This is not an exhaustive list and a wide range of services will be covered within the definition of charitable purposes. Any profits that a school may make from providing such services must be reinvested in the service or in the school.

264. Since all academy trusts are charities, their charitable object (or objects) is (are) set out in its Articles of Association, together with the powers that the academy trust can exercise in pursuit of its charitable object(s).

[83] Education Act 2002, s 27.

[84] The Charities Act 2011.

6.11.6 Restrictions on extended activities in maintained schools

265. A maintained school board cannot engage in any activity that might interfere with its duty to promote high standards of educational achievement at the school[85]. The board's use of the power set out in Section 27 of the Education Act 2002, is also subject to any limits or restrictions contained in the school's instrument of government or in its trust deed (if it has one) and to any local directions issued by the LA regarding the control of school premises.

266. Before carrying out any plans to provide facilities or services using the power in section 27 of the Education Act 2002, the maintained school board must consult with the LA, school staff, and parents of its school's registered pupils. The board can also consult some or all of the registered pupils, where the board considers this appropriate in view of their age and understanding and where the exercise of the power would affect those pupils, and anyone else that the board consider appropriate.

6.11.7 Ofsted registration and inspection for childcare facilities

267. Boards should be aware that schools do not have to register childcare provision for children over two separately with Ofsted, where:

- at least one of the children is a registered pupil at the school;
- it is provided as part of the school's activities; and
- delivered directly by an employee of the school.

268. Where a school engages childcare providers who are not required to be registered by Ofsted, it is advised to work only with providers who are registered on the voluntary part of the Ofsted Childcare Register.

6.12 Conversion to academy status

269. Boards play a pivotal role in deciding whether conversion to academy status is right for their school. The board must pass a resolution confirming its desire to convert to academy status before the school can make a formal application to start the conversion process. Those who appoint any Foundation Governors must also give their consent before the board can apply.

270. Maintained school boards considering conversion to academy status must consult people that they think appropriate. Schools with a religious designation

[85] School Standards and Framework Act 1998, s 38

must also consult their Diocesan board or relevant religious authority and must secure that body's consent before submitting an application.

271. Schools can consult in a number of ways such as via a website, newsletters and face-to-face meetings or discussions. It is important that people being consulted are given all relevant information about what is proposed and have a fair chance to respond. There is no set time for carrying out the consultation, although it is useful to have discussions early in the process. The consultation process must be completed before a funding agreement is signed with the Secretary of State.

272. The board must be able to confirm that a consultation has taken place, when it was carried out and that the views obtained were properly considered. Schools do not have to provide documentary evidence of this as part of the academy conversion process but will need to make sure it is available on request.

273. Under equalities legislation, public bodies must have 'due regard' to the need to eliminate discrimination, promote equality of opportunity and foster good relations when carrying out their duties. Boards should consider whether they have met the requirements under the Equality Act 2010 or whether any further action needs to be taken in relation to their conversion to academy status.

274. When a school converts to an academy, TUPE legislation entitles staff to transfer under the same employment terms and conditions. The current employer (the LA in community and voluntary-controlled (VC) schools and the board in foundation and voluntary-aided schools) has a statutory obligation to inform their employees' representatives (i.e. trade union or elected representatives) that:

    - the transfer is to take place;
    - the date of the transfer and the reasons for it;
    - the legal economic and social implications of the transfer; and
    - whether the current employer, or as the new employer, the academy trust, expects to make changes connected to the transfer that will affect the employees' terms and conditions of employment and, if so, what those changes will be.

275. It is also good practice to provide this information to the employees themselves at an early stage in the process. Employers should consider seeking legal advice to make sure that they can identify the potential implications for employees of the transfer.

276. Where an employer (current or new) decides that changes are to be made to employees' terms and conditions of employment, it is important to make sure that the process for introducing those changes complies with employment law. This will usually involve consultation both with employees' representatives and with the affected employees.

277. A collection of documents that schools converting to an academy will need as they go through the conversion process is available on GOV.UK. The NCTL's Academies online resource will help schools considering a move to academy status. Free membership is required to access the resource.

278. EFA has published Top Tips for boards on the path to becoming an academy.

6.13 School organisational changes

279. Proposers[86] may propose to make changes to the characteristics of a school through the school organisation 'prescribed alterations' process (for maintained schools) or significant change process (for academies). Examples are:

- a change of age range;
- physical expansion of premises (including onto a satellite site);
- a change of school type (for maintained schools);
- transfer of site or discontinuance of a split site;
- co-educational to single sex or vice versa; or
- changes to SEND etc.

280. Through the opening and closing a maintained school process and significant change process for academies proposers may also propose additional changes, such as:

- closing a school (including to facilitate a merger or amalgamation of schools); or
- to add, change or remove religious character.

281. The processes that boards and LAs need to follow for making prescribed alterations or open or closing a maintained are set out in statutory guidance[87] .

[86] LAs and boards for maintained schools and academy trusts for academies

[87] The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and the School Organisation

282. The process for academy trusts to make a significant change to an open academy is also set out in guidance and will require the submission of a fast track application or full business case (depending upon the type of change and Ofsted rating of the school) to the RSC, who makes decisions on behalf of the Secretary of State.

Closure of a voluntary or foundation school

283. The board of a foundation, VA or VC school may close their school by giving two years' notice. This must follow the process set out in the opening and closing maintained schools and section 30 of the School Standards and Framework Act 1998.

Change of category to foundation

284. It is possible for a community, VA or VC school to change category to become a foundation school and for a community special to become a foundation special school. The process also allows for the addition or removal of a foundation (trust) and/or foundation majority on the board, by following the statutory process as set out in the Making 'prescribed alterations' to maintained schools guidance[88].

285. The board of a foundation school may remove the Trust or alter the school's instrument of government so that the Trust no longer appoints the majority of the board. This would apply where they believe it to be in the best interests of the school. It applies only to foundation schools that have been established, or have acquired their Trust, under the Education and Inspections Act 2006. This is a statutory process[89]. When a Trust is removed, the school becomes a 'foundation school without a foundation'.

Right of appeal by a board

286. The board of a foundation, foundation special, VA or VC school can appeal to the schools' adjudicator if they disagree with the LA's decision on any 'prescribed alteration' or closure proposals for its school. Any request for referral must be made within four weeks of the LA's decision.

(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

[88] The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, Schedule 1.

[89] Schedule 1, of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

6.14 Information sharing

287. This section details the roles and responsibilities of boards, headteachers, local authorities and other educational establishments in giving information to each other, parents/carers, pupils and the Secretary of State for Education.

288. Any reference to parents in this section includes all adults with parental responsibility. It also acknowledges the rights, duties, powers, responsibilities and authority that parents have by law.

6.14.1 Information from the board to the Secretary of State

Information from academy trusts to the EFA

289. Academy trusts must provide EFA, or its agents, with the information required in order to exercise its responsibilities, and to meet funding requirements. This information must be of sufficient quality to meet the purposes for which it has been requested. The trust must provide the information when and how EFA and its agents request it. EFA will consider the impact on academy trust business and staff workload in the deadlines it specifies for the provision of information.

290. On occasion, EFA will require urgent information from the trust, usually as a result of requests to EFA to fulfil its duties to provide information to the Secretary of State and account to parliament. EFA will act reasonably in its requests for information and will have regard to the costs and timescales of providing the information, and where appropriate to its confidentiality. In requesting information, EFA will also consider information previously supplied by the trust to EFA or other stakeholders with whom EFA is realistically able to share information. EFA may also request information that the trust gathers to meet its own needs.

291. In the event that the trust does not return the information EFA requires by the specified deadline, or that the information is not of an acceptable quality, EFA may carry out whatever investigations it deems necessary to collect the information, where appropriate in consultation with the trust. EFA may deduct, as necessary, all or part of the cost of the investigations from EFA's recurrent funding of the trust.

292. The trust must notify EFA of:

- the vacating or filling of the positions of chair of Trustees, accounting officer and chief financial officer, including direct contact details; and
- the appointment of all Members and Trustees within 14 days of that change.

Information to the Standards and Testing Agency (STA)

293. At the end of key stage 2, national curriculum tests must be returned to the STA for marking, and teacher assessment outcomes must also be submitted to the STA.

Edubase

294. Edubase is the department's register of educational establishments in England and Wales. It contains vital information about academies, maintained schools and further and higher education colleges, used by the department and many key partners to update systems, contact schools, perform analysis and inform policy decisions, some of which might carry funding implications.

295. All boards are required to provide information to the Secretary of State about people involved in governance via Edubase. Edubase is also the approved process for schools to inform the Secretary of State of their intention to join or leave a federation and for changes made through the prescribed alteration process.

296. For those reasons, it is essential that all schools ensure their details are up to date on the Edubase website. For further information on how schools can login and update their details please refer to the Edubase FAQs.

Secure Access

297. The secure access portal allows registered users access to the department's systems. Access to systems is granted on a user-by-user basis and only those systems that a user has permission to access will be displayed.

298. The board must reassure itself that mandatory data collections and statistical returns requested by the Secretary of State are given to the relevant timescales and security standards.

299. The board of an academy must also refer to its funding agreement and articles of association for details of information to be given to the Secretary of State.

Performance Tables and RAISEonline

300. Information from the school performance tables and RAISEonline provide a valuable tool to help boards monitor and compare school performance. The board must reassure itself that its school takes part in performance tables data checking exercises, run during September each year, to either confirm data accuracy or provide changes when required. The department informs headteachers in advance of when each checking exercise will start and when the checking website will become available.

6.14.2 Information from the board to the LA

301. The board of a maintained school must give the LA any relevant information or reports in connection with the discharge of the board's functions that the LA may need.

302. Boards should ensure that their schools submit results from the Early Years Foundation Stage (EYFSP), the Year 1 phonics screening check, and the end of key stage 1 teacher assessment to the LA.

303. Boards of all schools must ensure that the local authority is provided with relevant information about its pupils in the final year of compulsory education and, where relevant, attending the school's sixth-form90. The local authority must also be notified as soon as possible when a pupil unexpectedly stops attending school.

304. Boards of all schools, including community and foundation special schools and academies must on request, provide certain information[91] to parents of pupils or prospective pupils, to local authorities and to primary care trusts, including:

- basic information about the school's SEND provision;
- information about the school's policies for the assessment and provision for all pupils with SEND; and
- information about school staffing policies and relationships with external partners.

305. The board must publish the information in a single document and make copies available free of charge to parents, the LA and the primary care trust. The LA may publish the information referred to above if the board agrees. Where there is an agreement, the board must supply the LA with the information, which must be published without alteration. Further information is available in the 'SEND Code of Practice'.

6.14.3 Annual reports to parents

306. Before the end of the summer term of each school year, headteachers of maintained schools are responsible for preparing and providing parents of all children in the reception year and above with a written report on their child's

[90] Education and Skills Act 2008, s.72

[91] Education (Special Educational Needs) (Information) (England) Regulations 1999.

achievements. The information to be included in the annual report to parents is set out in legislation[92].

6.14.4 Information from the board to parents

School prospectus and publishing school information online

307. Boards of maintained schools are required to publish on a website the information specified in the School Information Regulations[93]. These regulations were amended[94] to remove the requirement for maintained schools to publish an annual prospectus. Schools keep the freedom to choose whether they wish to continue marketing themselves through a prospectus and/or publish on a website additional information they feel is necessary to meet the needs of parents and the wider community.

308. Maintained school boards will need to reassure themselves that the school continues to meet any legislative requirements in developing specific policies and communicating them to parents. The department publishes advice on statutory policies for schools.

309. All boards should publish on their school website up-to-date details of their governance arrangements in a readily accessible form[95]. Further details are in section 5.6.

310. Schools must publish whole-school results from key stages 2 and 4[96]. The department also publishes national analyses of the results.

311. Academies must comply, by their funding agreements, with the relevant sections of independent schools standards prescribed under section 157 of the Education Act 2002.

312. The current model funding agreement requires academies to publish the same information on their website as maintained schools. Any academy should refer to its funding agreement for specific requirements.

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[92] Education (Pupil Information) (England) Regulations 2005, Schedule 1 (and the 2008 amendments to the Regulations).

[93] The School Information (England) Regulations 2008.

[94] The School Information (England) (Amendment) Regulations 2012.

[95] Readily accessible means that the information should be on a webpage without the need to download or open a separate document.

[96] The School Information (England) Regulations 2008 as amended by the School Information (England) (Amendment) Regulations 2012.

313. Further information on what maintained schools must publish online is available on GOV.UK.

314. Further information on what academies, free schools and colleges should publish online is available on GOV.UK.

The Home-School Agreement

315. All boards of maintained schools and academies should reassure themselves that a written home-school agreement is in place[97].

Pupils' information

316. The board of a maintained school should reassure itself that its school[98]:

- keeps pupils' curricular and educational records;
- provides access to these records to parents;
- reports at least annually on their pupils' progress and educational achievements;
- provides a report to school leavers; and
- makes sure that the pupils' educational records and common transfer file (CTF) is transferred securely. [99]

317. The statutory duties described in the Pupil Information Regulations, such as those to provide parents with access to their child's educational records, do not apply to mainstream academies.

318. The Data Protection Act (DPA) 1998 gives all pupils, regardless of age, the right of access to their own educational records held at school or by the LA. In certain circumstances, a parent, on behalf of their child, may make requests for this information. The DPA's subject access rights only give parents the right to see personal information about their child when the child is unable to act on their own behalf, or gives their consent.

319. An academy's funding agreement itself does not place any requirements on academy trusts about providing information to parents for individual pupils. Academy trusts must meet the Education (Independent School Standards) Regulations 2014 (SI 2014/3283). Paragraph 32(1) (f) in Part 6 of

[97] School Standards and Framework Act 1998, s 110 - 111.

[98] The Education (Pupil Information) (England) Regulations 2005.

[99] For example, by using the department's Secure Access system as pupils change schools.

Schedule 1 requires them to issue an annual written report of a pupil's progress and attainment in the main subject areas.

320. The provision in the Pupil Information Regulations for the secure transfer of educational records applies to all schools throughout the United Kingdom. This includes transfers from maintained schools to academies and independent schools. However, the Pupil Information Regulations and the need to transfer educational records and CTF do not apply where a child changes schools between academies or from an academy to a maintained school.

Retention of pupil educational records

321. All schools are directly responsible under the DPA for the collation, retention, storage and security of all information they produce and hold. This includes educational records, headteacher's reports and any other personal information of individuals - pupils, staff and parents. As such, many schools should consult their legal advisers and develop a data retention policy in accordance with the DPA.

6.14.5 Data Protection Act (DPA) 1998

322. Schools have direct responsibility for ensuring that they comply with the DPA and handle personal data in line with it.

323. The DPA places certain statutory obligations on schools. These include:

- notifying the Information Commissioner's Office (ICO) of the school's register entry (name and address of the data controller and a general description of how personal information is processed);
- providing a statement or 'privacy notice' to individuals, such as pupils and parents, whose personal data is being processed or held; and
- responding to requests for personal data or 'subject access requests' within 40 calendar days.

324. Schools should also consider:

- obtaining their own data protection and/or legal advice;
- formulating their own data protection or data handling policies;
- ensuring that staff understand and follow policy when handling personal data.

325. The department has published advice on Cloud software services and the Data Protection Act.

326. Data protection advice for schools is on the ICO website.

6.14.6 Freedom of Information Act 2000

327. The board is responsible for making sure that the school complies with the Freedom of Information Act 2000 (FOIA). It should also reassure itself that the school has in place a Freedom of Information (FOI) publication scheme. The legal presumption of openness makes it more important that a school decides its policies and conducts its day-to-day operations in a way that stands up to public scrutiny.

328. As requests for information can be directed to the school through anyone who works there, the board should make certain that all members of staff are aware of the FOIA and how requests for information are handled by the school. Boards may choose to charge a fee, which must be calculated according to the FOI and Data Protection (Appropriate Limits and Fees) Regulations 2004. The ICO publishes guidance on its website.

329. Schools are under a duty to provide advice and assistance to anyone requesting information and must respond to the enquiry promptly, and in any event, within 20 working days of receipt (not including school holidays[100]).

6.15 Complaints

330. The boards of all schools have a duty to consider complaints about the school and any community facilities or services that it provides[101].

331. Following recent amendments to the School Information (England) Regulations 2008, from 1 September 2016, all local-authority-maintained schools must publish their complaints procedures online.

332. Academies must make available on request a procedure for dealing with complaints. The expectation is that this should be published online. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2014. In accordance with the Part 7 of the regulations, the standard about the manner in which complaints are handled is met if the proprietor provides that correspondence, statements and records relating to individual complaints are kept confidential

[100] The Freedom of Information (Time for Compliance with Request) Regulations 2004, 2009 and 2010 exclude days that are not school days from the 20 working day period.

[101] Education Act 2002, s 29. For academies and independent schools - Education (Independent School Standards) Regulations 2014.

except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

333. An individual can complain to the Secretary of State for Education if they believe that a local authority maintained school board is acting 'unreasonably', or is failing to carry out its statutory duties properly[102]. EFA handle complaints about academies on behalf of the Secretary of State.

334. If requested to do so, a LA maintained school board must provide the department with any specific information relevant to the department's consideration of a complaint[103].

335. Guidance on making a complaint about a school gives detailed information about the role of the Secretary of State and EFA in the complaints process. Guidance to help LA maintained schools and academy trusts draw up a complaints procedure is available.

336. By law, and in certain circumstances, Ofsted is able to investigate complaints by parents about their child's school to decide whether to use its inspection powers. It has powers to obtain information to facilitate an investigation. Boards may find it useful to familiarise themselves with Ofsted's guidance to parents.

337. If requested to do so, the board must provide Ofsted with any specific information and any other information that the school considers relevant to the investigation of a complaint.

338. Should Ofsted consider it appropriate for the purpose of an investigation that they meet with parents, then the board (or in the case of a school which does not have a delegated budget, the LA) must co-operate with Ofsted in arranging the meeting. This includes allowing a meeting to take place on the school premises, fixing a date for the meeting and notifying parents and the LA of the meeting. A representative of the board and the LA may also attend the meeting.

339. If Ofsted prepares a report of an investigation, that report must be passed to the board (or in the case of a school without a delegated budget, the LA). The body must then send a copy of the Ofsted report to all registered parents.

6.16 Whistleblowing

340. All organisations should have appropriate procedures in place for whistleblowing. The board need to ensure that staff and everyone serving on

[102] Education Act 1996, s 496 - 497.
[103] Education Act 1996, s 538

the board alike are aware of to whom they can report their concerns, and the way in which such concerns will be managed.

341. The whistleblowing charity, Public Concern at Work (PCAW), provides support for organisations confidential independent advice to employees about wrongdoing in the workplace. You can contact PCAW at:

    Tel: 020 7404 6609
    Email: services@pcaw.co.uk
    UK advice line: whistle@pcaw.org.uk

342. The whistleblowing page on GOV.UK provides further information on the areas for which whistleblowing arrangements should cover.

7. Evaluation

1. This section is about the importance of regular evaluation by both the board and objective third parties of the effectiveness of governance and the performance of schools. It concludes this handbook with a summary of the support available to boards to help them improve their effectiveness.

7.1 Developing the board's effectiveness

2. Boards should regularly evaluate their own effectiveness. As explained in guidance for maintained schools, the chair has a particular responsibility for ensuring the effective functioning of the board. Good chairs lead by example and ask for regular feedback from their board to improve their own effectiveness and have an annual conversation with each person to discuss the impact of their contribution to the work of the board. The NGA has launched the NGA Chair of Governors' 360 Appraisal service which provides an analysis of the chair's current performance, and aims to offer comprehensive information regarding areas of strength, as well as areas where improvement may be required (there is a charge for this service).

3. Boards should carry out regular audits of the skills they possess in the light of the skills and competences they need, taking account of the department's Competency framework for governance, and actively seek to address any gaps they identify – through either recruitment or training as discussed further below. They should also reflect regularly on whether they have the right overall balance of people and skills, and consider the benefits that might result from restructuring the board's constitution and membership. 'A possible road map for governing board reconstitution' aims to help boards with the practicalities of how to approach the process of reconstitution.

4. Academy trusts producing audited accounts for the first time, for example newly converted academies, must set out in the governance statement published within the annual accounts, details of what they have done in their first year to review and develop their governance structure and the composition of the board of Trustees. Established trusts should also include in their annual accounts an assessment of the trust's governance, including a review of the composition of the board in terms of skills, effectiveness, leadership and impact.

5. There is a range of tools available that suggest suitable questions to help with self-evaluation. The All-Party Parliamentary Group on Education Governance and Leadership has produced 'Twenty key questions for a board to ask itself'

and Twenty-one questions for MAT Boards. The EEF DIY evaluation guide introduces principles of evaluation and provides advice on designing and carrying out small-scale evaluations in schools.

7.2 External reviews of governance

6. An objective independent external review of the effectiveness of the board can be a more powerful diagnostic tool than a self-evaluation. This is particularly important before the board undertakes any significant change – such as conversion to academy status or before a MAT grows significantly. Guidance on commissioning and conducting an external review has been published by the NCTL.

7. Where governance is judged by Ofsted to be ineffective, inspectors will include an external review of governance in their recommendations. This will help the school to identify how this aspect of leadership and management may be improved.

8. It is crucial that a board takes this recommendation for an external review as a wake-up call and moves promptly and decisively to commission a high quality independent review and act upon its plan of SMART[104] actions to improve its effectiveness. To inform the focus of the external review, boards should use their attendance at the end of inspection feedback meeting to make sure they understand the reason(s) the external review of governance was recommended and the specific weaknesses inspectors have identified.

9. It is for the board to decide how the external review will take place, and to commission and pay for it, having regard to the advice published by the NCTL on the form and nature of such reviews. It is essential that boards recognise that an external review of governance should be independent and objective, and not conducted by a "friend" of the board. NCTL, many local authorities, and governance support organisations are able to signpost boards to a growing choice of potential providers that may be commissioned to undertake the review. Such reviews aim to be developmental and do not represent a further inspection.

10. The impact of the external review will be assessed and reported on by inspectors conducting subsequent monitoring visits and the next section 5 inspection. If the board has not undertaken a review by the time of the next section 8 or section 5 inspections, or is not acting on its findings, inspectors may take account of this when evaluating the progress made by the school and

[104] Specific, measurable, achievable, realistic, timed.

the school's overall effectiveness. In some cases, this may lead to a school being judged to be inadequate.

11. Schools causing concern guidance advises LAs to take note of all recommendations made to maintained schools for an external review. This is because the recommendation could potentially signal that there has been a failure of governance that is prejudicing standards, which could in turn warrant the use of a LA warning notice to improve.

12. Boards do not need to wait for an Ofsted inspection recommendation to seek a review and can arrange an external review of governance at any time to improve the effectiveness of the work of the board.

7.3 Inspections

13. Ofsted has published the criteria that inspectors will use to judge the effectiveness of a school's governance[105].

14. In every inspection report, inspectors will comment on the quality of governance as part of their overall judgement on the quality of the school's leadership and management. These criteria are consistent with the core functions of all boards, and take into consideration the board's role in holding the leadership and management of the school to account.

15. These criteria include a strong focus on how boards use data to challenge and hold the headteacher to account, and how they evaluate their own impact and develop their own skills, and will help ensure that good governance gets the praise it deserves. They will also help inspectors identify when a school's governance is not good enough.

16. As part of the inspection process, Ofsted considers responses to its online survey Parent view. The views of parents help inspectors form a picture of how a school is performing and Parent view can provide valuable information on how well the school engages with parents. Boards can access the toolkit Ofsted has developed for schools.

17. The on-site inspection concludes with a final feedback meeting with the school. During this meeting, the lead inspector will ensure that the headteacher and boards are clear about the provisional grades awarded for each key judgement; sufficient detail must be given by the lead inspector to enable all attendees to understand how judgements have been reached and for the board to play a part in beginning to plan how to tackle any areas for improvement. The board

[105] The School Inspection Handbook, August 2016.

should ensure that the chair and as many of those serving on the board as possible, or appropriate, should be able to attend this meeting.

7.3.1 Section 5 inspections and short inspections

18. Standard school inspections of maintained schools and academies are carried out under section 5 of the Education Act 2005. Details of the inspection process and criteria are set out in Ofsted's Inspections content, School inspection handbook and Inspecting safeguarding in early years education and skills from September 2015.

19. The School inspection handbook includes information about the timing of inspections, notification, engagement with boards and the criteria for looking at a board's effectiveness. If governance is assessed to be ineffective, inspectors will recommend an external review of governance.

20. When a school is notified of a section 5 inspection, the board must take reasonable steps to notify parents of registered pupils and other prescribed persons[106] of the inspection.

21. When it receives the report, the board[107], must arrange for:

- the parents of all pupils to be sent a copy of it within five working days;
- the report to be made available to any member of the public who wishes to see it, at such times and places as may be reasonable; and
- copies of the report to be provided to anyone who asks.

7.3.2 Section 48 inspections

22. The board of a voluntary or foundation school or academy that has been designated as having a religious character is responsible for making sure that the content of the school's act of collective worship, and any denominational religious education provided for pupils, is inspected approximately every five years[108] (a 'section 48 inspection'). These aspects of the school's provision will not be included in the section 5 inspection arranged by Ofsted. The board may also arrange for the section 48 inspection to cover the spiritual, moral, social and cultural development of pupils at the school. The contractual arrangements for the carrying out of section 48 inspections, including fees, are a matter for the board. When choosing an inspector for the section 48 inspection, the board

[106] The Education (School Inspection) (England) Regulations 2005, paragraph 4

[107] The Education Act 2005, s 14 and 16

[108] Education Act 2005, s 48. This applies to academies via clauses in their funding agreement.

(or in the case of a voluntary-controlled school, the Foundation Governors) must consult one of the following bodies shown in the table below.

School designation	Consultation body
Church of England or Roman Catholic	The appropriate diocesan authority
Jewish	Jewish Studies Education Inspection Service
Methodist	Education Secretary to the Methodist Church
Muslim	Association of Muslim Schools
Sikh	Network of Sikh Organisations
Seventh-day Adventist	Education Department of the British Union Conference of Seventh-day Adventists

23. A grant is available towards the cost of the section 48 inspection. The process for claiming the grant is managed by the individual faith groups. An inspection report must be prepared within 15 working days of the end of the inspection. Under section 49, the board must publish this in the same way as for section 5 inspections.

24. The School Information Regulations[109] require boards of maintained schools to publish specified information on a website. This includes publishing details of where and how parents may access the most recent report about the school published by Ofsted, for example, by a link to the school's report on the Ofsted website. The board should also consider translating the report into other languages where appropriate.

7.4 Schools causing concern

Maintained schools

25. A maintained school that is causing concern is one that is 'eligible for intervention'[110] or one where the local authority and/or the RSC (on behalf of the Secretary of State) have other serious concerns which need to be addressed.

[109] The School Information (England) (Amendment) Regulations 2012.

[110] Within the meaning of Part 4 of the Education and Inspections Act 2006

26. A maintained school will be eligible for intervention if it is judged inadequate by Ofsted, falls within the coasting definition or fails to comply with a warning notice. LAs and RSCs may give warning notices to schools where they have concerns about unacceptable performance (including results below floor standards), a breakdown in leadership and governance or the safety of pupils or staff. The Schools causing concern guidance sets out the LA and RSC role in relation to warning notices and schools eligible for intervention.

27. For Governance concerns the guidance states that an RSC or LA should consider issuing a warning notice to a maintained school where the governing body is failing to deliver on one or more of the three strategic roles for governance set out in section1.1 of this document, and this is resulting in a serious breakdown in the way the schools is managed or governed or it is likely to adversely affect standards of pupil performance.

28. The RSC or LA may judge that the governance of a maintained school that is eligible for intervention, on whatever grounds, needs improvement. If the maintained school (and/or the appropriate authority, on its behalf) is unable or unwilling to bring about changes in governance itself, the LA or RSC will exercise their powers to appoint additional governors, or to replace the governing body by appointing an IEB. The RSC may also consider whether an academy order should be made. These processes are also set out in the Schools causing concern guidance.

Academies

29. The Education and Adoption Act 2016 introduced new consistent provisions for action to be taken in academies that have been judged inadequate by Ofsted or have fallen within the coasting definition. To reflect this, the 'Schools causing concern' guidance now also describes how RSCs will make decisions and the process they will follow when academies are judged inadequate or fall within the coasting definition. Any further arrangements for addressing concerns in academies will be set out in each academy's funding agreement.

30. The RSC is able to terminate the funding agreement of an academy that has been judged inadequate. This is a power rather than a duty, meaning the RSC may decide not to terminate, for example, where a change of sponsor would prevent the consolidation of improvements in a school. RSCs also have the powers to terminate the funding agreement of an academy that has fallen within the coasting definition. However, we expect this to happen only in a small minority of cases.

31. Arrangements for academies to be issued with a warning notice where they have not been judged inadequate by Ofsted and have not met the coasting

definition, but are otherwise causing concern, are set out in the individual academy's funding agreement. Such warning notices can usually be given on the same grounds as those for maintained schools, that is unacceptable performance (including results below floor standards), a breakdown in leadership and governance or the safety of pupils or staff. More detail can be found out in the Schools Causing Concern guidance or the academy's funding agreement.

7.4.1 Coasting Schools

32. The Education and Adoption Act 2016 allows the Secretary of State to identify, support and take action in coasting schools for the first time. The definition of a coasting primary school or secondary school is based on published performance data over three years and focuses on the progress pupils make at the school. Once a school has fallen within the coasting definition RSCs, acting on behalf of the Secretary of State, will engage the school to consider its wider context, and decide whether additional support is needed.

33. An RSC may decide a school is supporting pupils well, or has a sufficient plan and the capacity to improve, and therefore no further support is required. Where they consider additional support is needed, for example from a National Leader of Education (NLE) or a high performing local school, the RSC will work with the school to arrange this.

34. In some cases, following discussions with the school, the RSC may consider that a more formal approach is required. For maintained schools, they may use the Secretary of State's power to require the school to accept additional support or to change the membership of its governing body. For academies, they may issue the academy trust with a warning notice setting out the improvement action required. The department expects that only in a small minority of cases will RSCs use the Secretary of State's powers to direct a coasting maintained school to become an academy or to move a coasting academy to a new trust.

35. The process for schools falling within the coasting definition is described in more detail in the Schools Causing Concern guidance.

36. When a school has been notified by an RSC that it has fallen within the definition of coasting, the governing body must inform parents of this. They should also keep parents informed about further developments, including what action will be taken to improve the performance of the school.

7.5 Support to be effective

7.5.1 Support from DfE and the NCTL

37. The department funds free support to help boards recruit to address their skills gaps:

    - Academy Ambassadors recruits senior business leaders to serve on the boards of MATs; and
    - Inspiring Governance enables schools and colleges to search and identify online people from the world of work with relevant skills and experience who are willing to offer support in a variety of ways, including joining a board.

38. The department publishes a termly 'Timeline for schools' containing information which will assist schools and sixth form colleges plan and implement changes during the academic year.

39. GovernorLine is a national helpline funded by the department to offer free, confidential and independent advice, information and support to school boards, clerks and individuals involved directly in the governance of schools and MATs in England. GovernorLine can be contact free of charge on 0800 151 2410 between 9am and 8pm Monday to Friday (excluding bank holidays). Alternatively questions and queries can be emailed at any time to governorline@entrust-ed.co.uk for a full reply within 2 working days. Further details are on the Entrust website or on the GovernorLine Facebook page.

40. The NCTL has developed a Chairs of governors' leadership development programme for chairs, vice-chairs and aspiring chairs and a clerks training programme which are both delivered through eight licensed providers. Scholarships are available to support participants to access the programme until the end of June 2017.

41. The NCTL organises expert peer-mentoring support to chairs through the National Leaders of Governance (NLGs) programme.

42. The NCTL has also developed free training workshops for boards on five key policy priorities – 'Joining or Forming a Multi-Academy Trust', Disadvantaged Pupils – What governors need to know and do: focused on Pupil Premium, Understanding RAISEonline, Performance related pay and Financial efficiency. Further details are available on the NCTL website.

7.5.2 Other training and support

43. Support and training for boards is also available from:

- National Governors' Association (NGA) – a membership organisation for school boards in England from both maintained schools and academies;
- The NGA's Chair of Governors' 360 Appraisal service provides an analysis of the chair's current performance, and aims to offer information regarding areas of strength, as well as areas where improvement may be required (there is a charge for this service).
- Freedom and Autonomy for Schools - National Association (FASNA) – represents the interests of self-governing schools to government, the National Employers' Organisation for School Teachers (NEOST), unions and other groups;
- Information for School and College Governors (ISCG) – A free advice service for boards and clerks;
- GEL (Governor e-learning) is a provider of online training for school boards. Users are able to access over 40 learning modules with supporting resources, and monthly hot topics and a policy watch service (there is a charge for this);
- Modern Governor is a provider of online training for school boards offering a number of e-learning modules;
- The Key for School Governors - a membership service that provides guidance on school governance;
- SGOSS Governors for Schools – a recruitment organisation for individuals with specific transferable business and management skills to fill boards' skills gaps.
- LAs who provide guidance through their own governance support services;
- Other commercial governance support organisations; and
- Peer-to-peer support online - there are growing opportunities to share experiences with each other online through groups such as UKGovChat which aims to enable those serving on boards to share good practice, and support and challenge each other.

7.5.3 Other resources

44. Other resources boards may find useful include:

- The NGA has developed an induction resource entitled Welcome to Governance for both LA maintained schools and academies;

- Freedom and Autonomy for Schools - National Association (FASNA) has published guides on effective governance and effective financial management;
- The NGA has published the APPG's Twenty-one Questions for Multi-academy Trusts - Key questions a MAT board should ask itself.
- The New Schools Network's academy resource hub provides advice and resources on expansion as well as jobs, suppliers and events.
- Guidance on the crucial role of the chair, developed jointly with the NGA, is available on the NCTL website. The NGA have also developed the Chair's Handbook, a guide for chairs and aspiring chairs and Welcome to a Multi Academy Trust for new MAT Trustees (there is a charge for these publication);
- The NGA has developed a skills audit and matrix for boards, structured around the core functions of the board to help them identify skills and knowledge they need to deliver their functions effectively;
- The NGA and the Wellcome Trust have jointly developed a Framework for Governance provides guidance on how boards can evaluate their own practice, set the strategic direction for their school and monitor progress against this.
- The NGA Model Code of Conduct helps boards draft their own code of conduct, one which sets out the purpose of the board and describes the appropriate relationship between individuals, the whole board and the leadership team of the school;
- The National Co-ordinators of Governor Services' (NCOGs) resource Succession Breeds Success: How to Grow Leaders in your Board offers guidance on how boards can ensure continuity of leadership;
- Education Endowment Foundation (EEF) - an independent grant-making charity dedicated to breaking the link between family income and educational achievement;
- Three independent reports on eliminating unnecessary teacher workload contain principles for practice in the areas of marking, planning and data management. They also contain recommendations for school leaders and boards. Whilst addressing mainly operational matters, boards should be aware of these reports and act on the recommendations due to the link between workload and recruitment and retention as a strategic issue.

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