National Governance Association
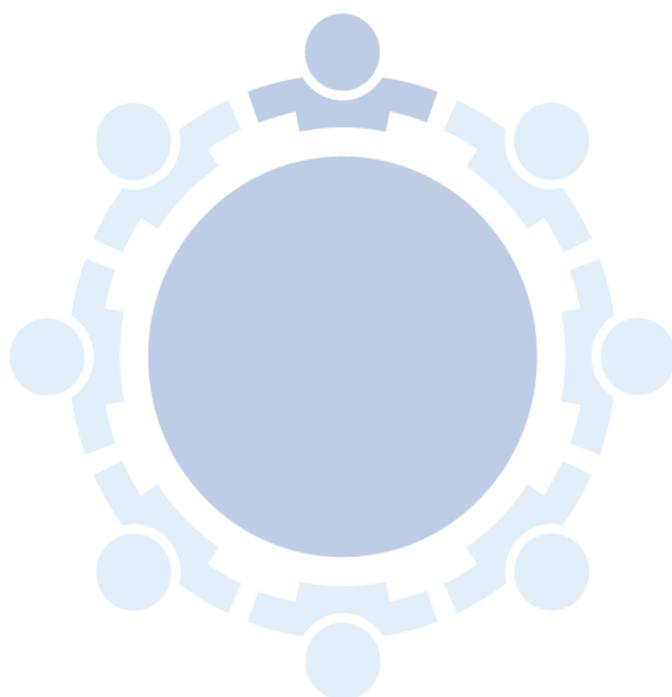
KNOWLEDGE CENTRE

COVID-19:
Continuity and recovery

Guidance for governing boards and clerks
September 2020

National Governance Association

The National Governance Association (NGA) is the membership organisation for governors, trustees and clerks of state schools in England.

We are an independent, not-for-profit charity that aims to improve the educational standards and wellbeing of young people by increasing the effectiveness of governing boards and promoting high standards. We are expert leaders in school and trust governance, providing information, advice and guidance, professional development and e-learning.

We represent the views of governors, trustees and clerks at a national level and work closely with, and lobby, UK government and educational bodies.

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Introduction

As schools welcome back all staff and pupils at the beginning of the autumn term, they will be getting used to new ways of operating in order to keep everyone safe. However, the priority for school leaders and their governing boards will remain as ever: providing the best possible education for all pupils. The COVID-19 pandemic will continue to have a lasting impact, particularly for pupils who are disadvantaged or vulnerable. Governing boards and school leaders will need time to assess the needs of pupils as they return to school so that they can make the right plans to support every pupil.

This guidance is relevant to all types of state school and academy trust in England. It covers:

- key considerations for monitoring the safe opening of schools
- a collaborative approach to evaluating the impact of COVID-19 and subsequent recovery planning
- virtual governance: tips to conduct successful virtual meetings and virtual monitoring
- resuming elections and other board business

Further information and support

Visit the NGA COVID-19 hub for further guidance and answers to frequently asked questions

NGA's GOLDline advice service

NGA's GOLDline advice service has provided an essential service to all governing boards with governance questions during the COVID-19 period. As of September, the service is once again available for NGA GOLD members only.

Our annual GOLD membership is £275 for boards and provides access to all our best practice resources and expert tailored advice. Sign up to help your board save time and develop professional governance.

> ### Reinstating local governance in multi academy trusts
> Some MATs suspended local governance arrangements during the pandemic in order to relieve operational pressures and provide a co-ordinated approach to decision making. NGA encourages these MATS to re-engage their local governance arrangements at the earliest opportunity from September. The connection that those governing at academy level have with their schools and communities will be of vital importance over the coming months.

Monitoring safe full school opening

Schools are welcoming back all pupils and staff at the beginning of the autumn term. The DfE have produced operational guidance to support all schools in achieving this. It is advisable for governors/trustees to read the DfE guidance in order to gain a sound understanding of the DfE's expectations to inform conversations with school leaders.

The operational plans for full school opening should already have been subject to a robust risk assessment carried out by school leaders, evaluated by the governing board and with due regard given to the published DfE guidance. Implementing operational plans is the responsibility of school leaders. However, the governing board should have a level of oversight and confidence that plans have been implemented successfully. This is important given the board's duty to promote the wellbeing of pupils, its responsibilities as the employers of staff and wider duties under health and safety legislation.

Whilst it is not possible to ensure a totally risk-free environment, governing boards should seek assurances on the following points when monitoring the safe return of pupils and staff to school:

- the implementation of control measures (e.g. hygiene and social distancing) - government guidance specifies the measures that must be in place, but schools will have considered how best to apply controls in their own setting
- that safeguarding remains highest priority, that safeguarding arrangements and procedures have been updated to reflect changes to day-to-day operations in the school/trust, that all staff have been briefed and have received relevant training
- contingency planning: in the event of a local outbreak, schools may need to close temporarily; flexible plans will need to be ready to manage closure (this might include remaining open for vulnerable children only)
- remote education provision: in a local lockdown scenario, these plans will need to be deployed immediately and align with in-school provision
- the school's approach to maintaining a broad and balanced curriculum, including support for those pupils who have SEND
- the school's re-engagement of pupils and securing regular attendance - the DfE have published a behavior and attendance checklist for school leaders to support full opening.
- how issues and concerns raised by staff, their representatives and wider stakeholders will continue to be sought and taken into account

Questions for governing boards to ask about full opening:
a. Are the control measures working effectively throughout the school/trust – how do we know?
b. Have control measures been adapted to account for presenting issues, public health advice, feedback etc.?
c. Are required staffing levels being maintained?
d. What are the contingency plans should it not be possible to maintain the required staffing levels?

e. Are specialist staff being deployed as expected to support vulnerable pupils?

f. What is the overall assessment of staff wellbeing?

g. How are staff being supported to manage any workload implications arising from full opening and the control measures?

h. Is the expectation of mandatory attendance being met - what is attendance data and feedback saying?

i. Are there areas where targeted support is required – how might the governing board play a supportive role in this?

j. Do communications need to be changed/finetuned to reinforce expectations and encourage full attendance?

k. Does the attendance data raise any safeguarding concerns – is external support being used effectively?

l. Are the school/trust contingency plans for dealing with a local outbreak up to date and in line with public health advice?

m. Are the school/trust plans for providing remote education considering the needs of all pupils?

n. Do the plans provide alternatives to on-line learning activities if required?

o. How does the school/trust intend to monitor pupil and family engagement with remote education activities?

p. Is monitoring sufficient to allow teachers to gauge how pupils are progressing through the curriculum?

q. How are the learning needs of pupils being assessed following lockdown?

r. What, if any, adjustments have been made to the curriculum?

s. Is the school/trust continuing to provide a broad and balanced curriculum?

t. Will pupils educated at home have the support they need to make good progress?

Developing a recovery plan for your school/trust

Governing boards and their school leaders will need time to assess the impact that COVID-19 lockdown/partial closure has had on their whole school community and to plan a way forward. This is likely to lead to a reframing of the strategic priorities for the school/trust, at least in the short term. We recommend that governing boards schedule a discussion with their school leaders at the earliest available opportunity.

The aim of the discussion should be for the board and school leaders to identify their priorities for the academic year, which stem from the immediate task of reinstating school routines and assessing the readiness of pupils to learn. Priorities that cover:

- the assessment of physical, mental health and wellbeing throughout the school
- the gradual assessment of learning needs
- the support needed for vulnerable and disadvantaged pupils
- building/maintaining powerful welfare and pastoral systems
- engaging wider support where necessary
- collaboration with parents, carers and the wider community
- the effective allocation of government catch-up funding

The discussion and subsequent recovery plan should not result in overhaul of the school/trust improvement plan or the governing board's strategic plan. These discussions will likely take place alongside or as part of the annual cycle of governance review, evaluation and planning activities.

Discussions should generate tangible objectives, milestones and success criteria which cover:

- what the school/trust needs to put in place to deal with issues created or exacerbated by COVID-19
- governance arrangements needed to support and monitor these activities
- any changes to ensure compliance with requirements
- maintaining the productivity, efficiency and effectiveness of the board

Questions for governing boards to ask about the recovery plan:

a. How are we defining the "recovery phase" – is this the next academic year?
b. What are our priority actions for the "recovery phase"?
c. How should we, as a board, monitor and evaluate this?
d. What level of reporting can we expect from senior leaders (that is reasonable and proportionate)?
e. What data can we expect to have available to triangulate with executive reports and other sources of evidence?
f. Should we approach our monitoring differently e.g. appoint different link governor/trustee roles?
g. Should we prioritise reviewing certain policies (e.g. pupil premium) and align them to the "recovery phase"?
h. Are there financial planning and resource implications that the governing board/finance committee need to consider?
i. Should the governing board hold shorter meetings on a more frequent basis during the "recovery phase"?
j. Should we maintain or adapt our existing committee structure during the recovery phase?
k. Have we accounted for statutory compliance and annual tasks that still need to be undertaken throughout the year?
l. Have we considered the board's own development needs during this period?

Reducing the impact of COVID-19 on disadvantaged pupils

Despite the best efforts of schools to provide continuity of education for all pupils during lockdown, there is no doubt that disadvantaged pupils and their families will have experienced greater challenges than most of their peers. These challenges will, in many cases, have restricted opportunities to engage in online learning as well as placing pressure on parents/carers to create a supportive learning environment within the confines of their home. This has been recognised by the government and, as a result, a £1 billion 'catch-up premium' funding package has been announced which aims to tackle the impact of lost teaching time.

As well as a systemic response and government funding, these complex issues require leadership and governance decision-making to support schools to close the attainment gap, and to provide access to the pastoral and mental health support needed by pupils who have suffered neglect, abuse, anxiety or bereavement during the pandemic.

The Education Endowment Foundation has published a guide to help schools spend their catch-up funding effectively, which includes other strategies alongside small group tuition.

Questions for governing boards to ask about disadvantaged pupils and the use of "catch-up" funding

a. What do we know about options for catch-up education for disadvantaged pupils – what research is available?
b. What can we do to support our pupils to re-socialise and re-establish positive learning habits?
c. What about the impact of COVID-19 on the mental health and wellbeing of our pupils?

d. How can we increase pupil attendance and parental engagement?
e. How do we optimise the situation for all pupils and their learning?
f. How do we support and develop our staff to close the disadvantaged gap?
g. What are the resource implications of focusing on new and/or different priorities – do we need to adjust our strategy for spending our Pupil Premium grant funding?

Virtual governance

Most governing boards now have some experience of conducting their business virtually and have seen how this can support good meeting attendance and promote more sustainable ways of working. There is a clear consensus that boards will keep those elements of virtual governance which have made meetings more efficient, discussions more focused, and saved travel times at the end of the working day. This will probably work best with committee meetings. However, two of NGA's eight elements of effective governance require some face-to-face interaction: building relationships based on trust and knowing the school or trust you govern. In time, many board meetings and strategic discussions with senior leaders will rightly go back to being in the same room, but with the opportunity for some who might otherwise have missed it to join remotely.

In this guidance, we focus on how boards can successfully conduct virtual meetings and virtual monitoring.

Virtual meetings

Governing boards should have approved their arrangements for participating and voting in virtual meetings using the provision within maintained school governance procedures regulations, academy articles of association and academy committee terms of reference.

A simple protocol or set of ground rules (agreed by the board and documented by the clerk/governance professional) should be in place to cover virtual meeting practices. The protocol could acknowledge existing policies relating to data protection, appropriate use of ICT and maintaining confidentiality etc.
An example protocol for virtual meetings is included as an appendix to this guidance.

Seven tips for successful virtual meetings

1. Find the best platform for your board
A conversation between the chair, head teacher/CEO and clerk will help identify what form of virtual meeting (conference call, video conference or online platform) is preferable for the governing board.

2. Provide clear instructions and offer support where necessary
The clerk/governance professional is best placed to distribute clear joining instructions for the meeting. Where needed, use expertise from the within school/trust or the board to help participants access the meeting.

Chairs and clerks should support governors/trustees who find electronic communication challenging; a phone call to discuss joining instructions can increase confidence and maintain inclusivity.

3.Test the system platform
If it's the first time the virtual meeting platform has been used by the board, a test will make sure everything works well in practice.

4.Pre-meeting preparation by the chair and clerk/governance professional
As usual, make time to discuss what's on the agenda, how much time is needed for each item, likely questions and required outcomes.

As is normal practice, the minutes of each meeting must be reviewed and confirmed to be an accurate record of the meeting and any decision making. Minutes could be 'signed' (approved) via email or using any available method of obtaining digital signatures.

5. Set the tone and explain the rules of engagement for the meeting
Make clear the importance of:

- joining on time
- signing a digital attendance sheet
- keeping to the agenda
- using your mute button to minimise background noise
- allowing additional time for participants to refer to documents
- encouraging everyone to use their webcams if possible – this helps keep everyone engaged

6. Pay attention to school data protection policies
- Normal GDPR duties remain
- Make sure everyone is clear about their responsibilities to comply with relevant policies and procedures

7. Evaluate and learn from experience
Take a note of what worked well, what could work better and apply this to future meetings.

Virtual Monitoring
Carrying out visits, meeting staff, pupils and other stakeholders is fundamental to governors and trustees knowing their school. However, it may prove difficult to arrange and manage whilst control measures are in place that restrict the number of people visiting the school site to a minimum. These logistical challenges can be overcome to an extent by school staff and governing boards working together to implement a virtual monitoring programme. This would incorporate, for example, on-line meetings between governors/trustees allocated specific areas of responsibility (e.g. safeguarding) and relevant members of staff in those areas. Whilst the monitoring is taking place virtually, the approach is the same as for carrying out visits in person. It should consider, amongst other things:

- linking monitoring to (the adapted) strategic priorities and key policies agreed by the governing board
- maintaining the protocol for visiting in person e.g. expectations of conduct, confidentiality etc
- reading the relevant background information and context relating to the monitoring discussion e.g. section of the strategic plan, any relevant performance data, policies and stakeholder information
- being clear that notes taken during a discussion are for feedback purposes and not for recording judgements
- asking questions as part of the conversation
- extending the professional courtesies and acknowledging the help and support provided by staff

Above all, a virtual monitoring programme should take into account the workload implications for staff who are likely to be engaged in it. This is particularly important as boards strive to get that balance right between support and challenge during the recovery phase.

NGA's Learning Link provides access to [bitesize e-learning](#) on governance monitoring: A tool to help drive improvement.

Reinstating HR and organisational processes

Partial school closures have disrupted a wide range of professional and organisational matters within schools and trusts, the majority of which will have been put on hold. These include but are not restricted to:

- performance management and appraisal
- committees that make pay decisions
- restructuring and/or redundancy processes
- disciplinary, capability and ill health procedures
- academy conversion procedures

When schools open fully in September, governing boards should give careful consideration to how these processes should resume to avoid further delay, at the same time as responding flexibly with care, due diligence and concern for the mental health and wellbeing of those working in schools. NGA advises governing boards to seek professional advice to ensure that processes are fair, legally compliant and reasonable in the context of other challenges presented by full opening.

Specifically, in relation to performance management and appraisal, governing boards should acknowledge the impact of COVID-19 school closures and limitations to on-site provision on the performance management objectives of teachers and leaders. It is likely that most objectives set for teachers and leaders will be adversely affected by the inability of teachers and leaders to work towards their objectives during a substantial part of the performance management cycle. DfE guidance states: "schools must ensure that teachers are not penalised during the appraisal process or in respect of any subsequent pay progression decisions as a result of partial school closures, where this has impacted on the ability of the teacher to meet fully their objectives".

Complaints and exclusions

Some complaints hearings and exclusion reviews were delayed whilst schools were partially closed. However, governing boards should now consider how to proceed with this activity, making steps to restart these processes as soon as practically possible in the autumn term. This may be face to face (if this is possible whilst adhering to social distancing guidelines) or using video conferencing.

Recruiting senior leaders

Some governing boards decided to delay the process of recruiting senior leaders during the period that schools were partially closed. These decisions need to be reviewed from September in the context of social distancing guidelines and considering the risk of further delay.

The recruitment selection process can be adapted to be conducted virtually if this is required. However, selection activities should not be chosen on the basis of suitability for video conferencing. We recommend that governing boards seek the advice of an HR and school improvement professional as appropriate.

Electing board members and managing membership

Schools should consider how to hold elections in the autumn term in order to avoid further delay. However, these will need to be carried out alongside implementing safety restrictions.

NGA's advice to governing boards is:

- where schools are able to hold staff governor/trustee elections, arrangements will need to be made to allow any isolating staff to vote (this could be via email or post)
- consider running elections for parent governors/trustees electronically (most likely via email); careful consideration will be needed in these cases to ensure the process is fair and secure

If schools are unable to carry out elections, they may:

- continue to function with vacancies until it is possible to hold governor/trustee elections and/or
- use governors/trustees whose terms have expired in an associate and/or advisory capacity

Governing boards can continue to identify and recruit new volunteers to the board. Active volunteers registered on Inspiring Governance have confirmed that they are still keen to connect with governing boards and are happy to be interviewed using video conference calls.

Appendix - Example virtual meeting protocol

The protocol that applies to governors/trustees using alternative arrangements to participate and vote in meetings

Where the governing board has approved and has in place alternative arrangements for governors/trustees to participate and vote in meetings (e.g. by telephone or video conference) and a governor/trustee wishes to use these alternative arrangements they should:

- restrict themselves to using the arrangements agreed by the governing board;
- inform the clerk to the governing board that this is their intention as soon as possible but no later than 72 hours before the meeting is due to take place (subject to the meeting being convened giving the normal notice period);
- communicate and co-operate with the clerk to the governing board, school or trust as necessary to ensure that the alternative arrangements can be put in place and work well for all concerned, and
- abide by the normal rules, procedures and code of conduct adopted by the governing board and give regard to the duty to maintain confidentiality.

The protocol that applies to the governing board when using alternative arrangements to hold their meetings

Where the governing board decides that a meeting should take place using alternative arrangements (e.g. by telephone or video conference) that have been previously agreed then following will apply:

- the usual (statutory) notice and arrangements for issuing papers except where the chair has exercised their right to waive the usual notice;
- all participants to receive clear instructions regarding how to access the meeting including where they can access support if they experience difficulty;
- all participants will note and follow any instructions given on how to manage their participation at the meeting. For example, confirming attendance, speaking through the chair of the meeting, voting on matters etc;
- the governing board will abide by their normal rules, procedures and code of conduct adopted by the governing board and give regard to the duty to maintain confidentiality;
- governors/trustees will contribute towards a safe and secure environment for the meeting by giving due regard to the school's policies relating to data protection and the appropriate use of ICT, and
- the minutes of the meeting will be taken by the clerk to the governing board and the meeting should not be recorded by any governor/trustee or the clerk without the approval of the governing board and for a specified purpose.