

CORONAVIRUS (COVID-19): INFORMATION FOR GOVERNING BOARDS

NGA has made its [GOLDline advice service](#), provided to GOLD governing board members, available to all governing boards that have questions relating to governing during the COVID-19 period. You can contact GOLDline by emailing gold@nga.org.uk or by calling 0121 237 3782. NGA GOLD members are asked to make a request through the usual route.

The role of governing boards in the safe re-opening of schools

The government has announced that **from** the week commencing 1 June 2020 **at the earliest**, it will be asking:

- primary schools to welcome back children in Nursery, Reception, year 1 and year 6, alongside priority groups (i.e. vulnerable pupils and the children of key workers);
- secondary schools, sixth form and further education colleges to offer some face-to-face support to supplement the remote education of year 10 and year 12 students who are due to take key exams next year (alongside the full-time provision they are offering to priority groups), and
- nurseries and other early years providers, including childminders, to begin welcoming back all children.

The government will review the latest science on 28 May, and if the evidence does not support the request at this time, it will be delayed.

The DfE has published [guidance](#) on how it believes schools can begin to open safely for more pupils that includes the implementation of a range of [protective measures](#).

The final decision on whether to invite pupils back will rest with schools and academy trusts. This is an operational decision taken by school leaders, which should take into account the DfE guidance, applying it to the school's individual context. The governing board as a corporate entity remains accountable and responsible for all decisions made and school leaders operate within the autonomy, powers and functions delegated to them by the board.

We appreciate that governing boards are concerned about personal liability in relation to their responsibilities towards staff, especially where the governing board is the legal employer of staff such as trustees in academy trusts and governing boards of voluntary aided schools. Working with the parameters set by the government guidance and other authorities (local authorities, public health advice etc.) will serve to protect school leaders and governing boards. It should also be noted that the governing board has collective responsibility for health and safety, rather than individual responsibility. It would be very rare for individual governors to be personally liable for health and safety issues.

Risk assessments

The headteacher or, as appropriate, the senior executive leader, will need to undertake a full risk assessment before making a decision, and it is wise for them to bring that assessment to their governing board. Chairs and vice chairs can be used as a sounding board while the risk assessments are being prepared and when risk assessments are amended.

It is advisable to call an extraordinary governing board meeting, held virtually, to examine the documented risk assessment.

Governing boards, while trusting their professional leaders to carry out that assessment, should test its robustness. The assessment will need to be kept under review.

Advice for governing boards on testing the robustness of their headteacher/CEO's risk assessment

Governing boards should expect school leaders to provide them with their documented risk assessment on re-opening. There is no set format for this, but the board will need to see a document which includes enough detail for the board to be able to test its robustness and be assured that:

- it is based on a credible framework – *the DfE has published its own [checklist](#) which could be a useful starting point for schools to build on. Local Authorities (LAs) and trusts are likely to publish their own versions of these too.*
- it takes into account relevant advice given by local health and safety teams including the LA or trust.
- it takes into account feedback obtained through the engagement and wider discussion with parents and staff (and union representatives) about opening safely for more pupils.
- it aligns with the school's plan to increase the number of pupils gradually and methodically – *it may not be possible for all the year groups identified by the government to be back in school from 1 June.*
- it makes informed assumptions about the take-up of places – *it is prudent for school leaders in the first instance to plan for a high take-up of places, even if parents and carers indicate that initial take-up is likely to be low.*
- it has considered the remote education which may or may not be able to continue for other children.
- it considers the specific needs of vulnerable and disadvantaged pupils.

Having considered the general robustness of the risk assessment, the governing board and the headteacher/CEO should then be well placed to have an informed discussion in the context of their school about their approach to opening in line with the DfE guidance on protective measures in education and childcare settings. These can be summarised as:

- **The measures that can be implemented in the school to minimise contact and mixing of pupils and staff** – such as organising classes in small groups of 15 or less, maintaining space between seats and desks where possible, using the timetable and selection of classroom or other learning environment to reduce movement around the school or building (staggering the school day), parents' drop-off and pick-up protocols, and avoiding staff working with more than one group of pupils wherever possible.
- **The procedures that the school is able to put in place to ensure good hygiene practices** – such as sufficient handwashing facilities, availability of hand sanitisers provided in classrooms and other learning environments, clearly communicated hygiene protocols and the support for children and staff to implement them.
- **The procedures that the school is able to put in place to ensure adequate and regular cleaning** – how they comply with COVID-19: cleaning of non-healthcare settings [guidance](#), surfaces being cleaned more regularly than normal and communication with contractors and suppliers that will need to prepare to support the school's plan to increase the number of pupils.
- **The measures that the school is able to take that minimise the risk of contact with anyone with COVID-19 symptoms** – such as communicating with children, parents, carers and any visitors, such as suppliers, not to enter the school if they are displaying any symptoms and ensuring that transport providers do not work if they or a member of their household are displaying any symptoms of coronavirus.
- **Additional measures put in place** – to protect staff and pupils, including those with underlying health issues, BAME staff, and those who are shielding.
- **Work with other school-based provision as necessary** – (e.g. nursery SEN unit) to ensure policies are aligned where they need to be.

This should lead to the governing board and the headteacher/CEO discussing the headteacher/CEO's overall assessment of the following:

- risks that the school can mitigate for by putting in place adequate controls and following the guidance;

- risks that the school can partially mitigate for by taking certain actions and/or adjusting its plan to increase the number of pupils;
- risks that the school is unable to mitigate for because their circumstances prevent it from following the guidance or implementing adequate controls, and
- the resulting decision about inviting pupils back from 1 June and whether and in what way this can be achieved by the school.

It is unlikely that schools will bring back all the pupils the government has indicated it would like to see back in school on 1 June. If, after carrying out a suitable risk assessment, school leaders and governing boards determine that it will not be safe to admit any more pupils, they should inform their LA of that decision.

Supporting the decision-making process

A genuinely collaborative process and full discussion should give the governing board the confidence to support their headteacher/CEO's decision and be an advocate for the position taken. There is a role for governing boards in constructing, with their senior leaders, confident communications which fit with their school's values and ethos, putting the welfare of pupils at the heart of decision-making.

Keeping it under review

The risk from COVID-19 is not going to disappear for a long time; we need to learn to live with a certain amount of risk, while minimising it as much as we possibly can. Reviewing the risk assessment will not be a one-off exercise, but a continuing discussion between senior leaders and their board.

[Further guidance](#) on the role of governing boards in the safe re-opening of schools is available on the NGA website.

Addendum (26 May)

The Department for Education has published [guidance for secondary schools](#) about the return of year 10 and 12 students in June. The guidance states that schools are able to have 25 percent of the year 10 and year 12 cohort (for schools with sixth forms) in school at any one time. This includes vulnerable children and children of critical workers in those year groups, who are still encouraged to attend full-time. The 25 percent is 'in addition' to vulnerable pupils and key worker children in other year groups ages who are already allowed to attend. However, remote education will continue to be the predominant form of education delivery for these year groups and that this should be of 'high quality'.

The planning guide for primary schools was [updated](#) on the 25 May.

COVID-19: Previous information briefings for governing boards

The following information briefings along with guidance on business continuity and holding virtual meetings are available on the [COVID-19 resources page](#) of the NGA website.

- Information briefing 1: 12.3.2020 – Your school's response to COVID-19
- Information briefing 2: 18.3.2020 – School closures due to COVID-19
- Information briefing 3: 19.3.2020 – Immediate priorities for governing boards
- Information briefing 4: 2.4.2020 – Safeguarding information for governing boards
- Information briefing 5: 30.4.2020 – Supporting schools to deal with bereavement
- Information briefing 6: 14.5.2020 – Guidance on carrying out the staffing functions