

# Devon Association of Governors

## Issues raised at Area Meetings Autumn 2007

This report is a summary of points raised by governors at the Area Meetings held earlier this term in the following Local Learning Communities: Clyst Vale, Crediton & Exeter : Culm Valley & Tiverton : Barnstaple, Bideford, Braunton, Ilfracombe & Torrington : Axe Valley, Exmouth, Honiton, Ottery-St-Mary & Sidmouth. These meetings were attended by governors, clerks and headteachers from many schools in these areas. Discussion focused initially on the termly 'Checklist' of current issues sent to all Devon schools at the beginning of each term and also available on the Devon Governor Services web site: [www.devon.gov.uk/governors](http://www.devon.gov.uk/governors). Further discussion embraced other issues of current concern raised by those present. The sections

- in normal type indicate points from the Checklist or made by me at the meetings
- in italics indicate comments made by governors at the meetings
- in bold indicate the questions with responses in red (where received) from LA officers, NGA and others to the points raised.

**This is a very detailed report which will almost certainly have items of immediate relevance to your school / GB. It offers answers to questions that may have been concerning your GB as well as providing an insight in to what fellow governors are thinking about topics of current concern. Please share this report with your GB, in particular committee chairs. There are also cross-references to the Devon Governor and a parallel document sent to GBs of all schools in February which covered further aspects of some of these issues.**

As a general observation this round of meetings seemed to be less contentious and to generate fewer questions than previous ones. Is this a genuine turning point on a road to a period of greater calm ... or a false dawn?!

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List of main topics:

Performance Management / SIPs	School Profile
Gender and Disability Equality Duty	CRB Checks
Safer Recruitment Online Training	FMSiS
Exeter's Unitary Bid	Federation
Extended Schools	School Admissions
Guide to the Law	Litigation
Other topics	

### **1. Performance Management**

There are 3 separate, related issues.

GBs should have agreed the new Performance Management policy for staff, reflecting the new regulations as of the beginning of September 2007. There is a model policy available on the **Governor Support** website:

[www.devon.gov.uk/governors](http://www.devon.gov.uk/governors). The performance review of teaching staff should have been completed by the end of October. This is the responsibility of the Head, monitored by the GB.

The Performance Management of the Head Teacher needs to be completed by the end of December. Primary and special school GBs must recruit the services of an external adviser prior to School Improvement Partners coming on board during 2008. Primary Advisers within Devon Education Services ( DES ) offer this support as a purchased service.

School Improvement Partners ( SIPs ) will be in place for primary and special schools in 2008.

*Governor comment*

- *the overwhelming majority of secondary schools gave very positive feedback about the role played by the SIPs with comments such as ' a great school improvement partner ' , ' a good experience – our SIP was well briefed and wide ranging in his observations ' , ' very supportive and easy to talk to '*
- *SIPs fulfilled a variety of roles in giving coherent support to the school combining issues such as the Annual Review Visit, the SEF, the School Profile and PM for the head teacher*
- *one school said its SIP was an OfSTED inspector who ' initially followed the OfSTED mould and appeared to think only OfSTED-speak ... but was now becoming more flexible and useful! '*
- *most governors had been fully involved with their SIP although one GB had as yet had no contact*
- *one governor reported that Roger Fetherston ( DES ) had told him governors must feed back comments on SIPs to DES*

## Governor questions

1. Are SIPs for primary and special schools going to be in place for 2008 - please?!!

**Roger Fetherston ( Head of DES ):** For primary and special schools they will be in place for April 08. Recruitment is going well and there will be induction next term for the new teams. David Chaplin has been leading on an excellent recruitment and preparation process for Primary SIPs, rated good with outstanding features by the Regional SIPs Co-ordinator from the National Strategies who meets with us at least termly.

2. Are very small schools going to get a SIP who is familiar with such schools or people from large schools who know little about small schools?

**RF:** All SIPs are accredited to work with the full range of schools. However we will do our best to match the background of SIPs to the needs and contexts of schools. When SIPs are allocated to schools there will be details of their experience. Schools will have the option of requesting an alternative SIP if they consider the SIP allocated is unable to fulfil the national SIP brief. We will provide guidance about the reasons why a school might consider a SIP unable to fulfil the role in a particular school. If we recognise the difficulty that the school has with the original allocation we will allocate a different SIP. There is no negative preference available to schools for the second SIP allocated.

**NB** Further feedback on this topic can be found in the Spring Meetings document on the DAG website.

## 2. School Profile

This should have been completed on the website ([school.profile@dcsf.gsi.gov.uk](mailto:school.profile@dcsf.gsi.gov.uk)) for the year ending July 2006.

The School Profile Team, DCSF, comments: " NB, this is **not** correct – see answer to question 1. "

Details of all schools ( including ones in locality ) can be found at <http://schoolsfinder.direct.gov.uk/> .

### Governor comment

- *there were a number of schools that had not yet completed their profile for the year in question : the reason for this seemed to lie with the initial introduction of the profile in the summer term 2006 when schools were completing a profile for the year ending 12 months previously. This had led many to leave completion until the summer term or later*
- *the Profile provoked lots of discussion and a fair bit of criticism. Governors were very sceptical about this exercise, feeling there were other, and better, ways to find out about schools and that the exercise had little relevance. Governors disliked the fact that it deals with retrospective information and fails to offer the chance to speak about the future. Governors need to be looking ahead and not back – i.e. ' this is what we have achieved, now this is what are aims are '*
- *one school had set up an 'alternative ' parents evening because parents and governors missed having one*
- *there is a parents' website, [www.parentcentre.go.uk](http://www.parentcentre.go.uk) , that has a direct link to the School Profile*
- *it is important to check each time that the DCSF input is accurate!!*

### Governor questions

1. Is it possible to access and complete the 2005/06 profile now we are into the new school year?

**DCSF:** " No!!! This question does not reflect the fact that towards the beginning of this academic year a new ' rolling ' School Profile was introduced. This means that the Profile is no longer a locked document and schools / governors can update it at any time that they wish. Current reporting will be for the year 2006/07, but more recent updates for the year 2007/08 can be added. Schools may want to do so to highlight a particular achievement or to correct an error. Schools will be alerted by e-mail when the validated statistical data for the academic year ending in July has been posted on their Profile. As there is a considerable delay between a school's receipt of Key Stage results and the ending of the final validation process schools can enter their own provisional results if they so wish until such time as the validated results are available.

In all of this it is important to remember that the legal requirement remains that schools complete and publish a profile once a year. It is up to the individual school / GB if they wish to do more. "

2. Is there a limit to the time it is available after it is written?

**DCSF:** " At the top of the Profile is a date to indicate when it was last updated. This date now changes each time the school makes an alteration to its Profile with the result that any reader can know whether the information is up-to-date or not. "

3. Who is the Profile aimed at?

**DCSF:** " Principally existing parents, although prospective parents may also be interested. Remember that the Profile replaces the original Annual Report to Parents. It can, however, be more flexible than that document. Schools could consider informing parents in their newsletter whenever the Profile has been updated. "

4. Is there any indication of how many parents actually look at it? How can schools tell who and how many are actually accessing the information?  
DCSF: “ We have commissioned an independent evaluation from Parents Involved in Children’s Education ( PICE ) on the value parents place on the Profile. The initial report is expected in early December with the full feedback from the report published in the new year. We have also just introduced a hit counter at the bottom of the Profile for each school ... though that will not tell you whether the person who has accessed it is a parent or not! “
5. Is there any way of projecting / writing about the future?  
DCSF: “ That is not the primary function of this document as the profile is designed to let parents know the current situation of the school. “
6. Why can’t everything be condensed down in to one task – profile, prospectus etc.?  
DCSF: “ When it comes to information about a school, there are a number of different target audiences – existing parents, prospective parents, the local authority, OfSTED etc. We do not believe it is possible to envisage one single document that would meet those varying needs. “
7. Do the new Admissions’ advisors use profiles to advise parents?  
DCSF: “ We cannot give a definitive answer but feel it would be highly unlikely that Admissions’ Advisers would see the Profile as a key document “
8. Does Ofsted look at past profiles and come to schools with preconceived ideas?  
DCSF: “ There are no longer any past profiles. In any case, OfSTED is primarily interested in the SEF. If, however, a SEF was poorly produced and the school had failed to update its Profile within the previous 12-month period this might be seen as further evidence of weak practice. “  
DCSF final comment: “ All the recent changes indicated above are the result of direct feedback from schools and governors so that the Profile can best suit schools’ needs. If any governor has any problems with any matters relating to the Profile they can contact the National Support Line at: [school.profile@dcsf.gsi.gov.uk](mailto:school.profile@dcsf.gsi.gov.uk) or 0845 6009506. Guidance and a FAQ section can also be found both on the School Profile website and at [www.teachernet.gov.uk](http://www.teachernet.gov.uk) “

### **3. Gender and Disability Equality Duty**

Guidance is available from the Equal Opportunities Commission at [www.eoc.org.uk/default.aspx?page=20177](http://www.eoc.org.uk/default.aspx?page=20177) . Chapter 7 relates to the role of GBs. Primaries and special schools need to have a Disability Equality scheme in place by the end of December. Advice is to encompass the requirements within a single ‘equality plan’ to include disability, gender, race and age. Talk to your link HR officer for advice.

#### *Governor comment*

- *a pity that these requests have come piecemeal rather than as a single approach*  
**Jo Hooper ( Corporate Equality Officer, DCC ):** The EOC and DRC ( now united in the Equality and Human Rights Commission ) have both produced guidance for schools on meeting their Gender and Disability equality duties. Although large organisations with equality officers may be able to cope with a single equality scheme approach, I don’t think this is a sensible way forward for small schools who really need to ‘get their heads around’ what each of the duties mean - as there are differences as well as common elements. The duties have come in a staged approach. Where schools considered the disability duty when it came out they should be in a good enough position to complete that area of work and then move on to gender, and then the new community cohesion requirement.
- *a number of governors felt more guidance was required*
- *model policies are really helpful on issues such as this although schools need to consider content for its relevance to their own school. DCSF say schools should be doing their own because circumstances will be different in each school.*
- *one primary school had difficulty persuading disabled people to become involved in drawing up the policy*

#### **Governor questions**

1. **Who checks these policies from a legal point of view so that the wording is correct?**  
JH: Schools are more likely to have legal action taken against them for having no scheme, or doing nothing.
2. **How much should governors be involved in the detail of this?**  
JH: Schools ( ie Heads, governors ) need to take the time to review the guidance and go on the training courses that we offer. Burying their heads in the sand and saying ‘ we need a model policy to adopt ’ is not the way to deal with this requirement. The disability equality duty specifically requires schools to involve people ( all stakeholders - governors, staff, pupils etc ) in developing its disability equality scheme, which can be a separate document, part of a single equality scheme, or part of the school improvement plan ( whatever fits the school ). Different schools will need to take different actions - some may have more physical access issues to address than others for example. DCC have developed Template documents for the schemes, but cannot produce anything more than a template.

The guidance that is available is sufficient for getting started. By working with the guidance and going on the training, governors will be able to develop a compliant scheme. It's not rocket science, it just takes a bit of time and awareness raising and perhaps for one person ( such as a governor ) to become the 'expert' for the school and help the school develop its scheme. SENCOs have a good grasp of disability issues relating to pupils and can be useful for the working group ... but they should not be expected to lead on this because it's an overall management/governance issue, and about meeting needs of parents, staff and governors, not just pupils.

At Starcross Primary ( where I am a governor ) we have set up a working group to carry out the consultation and develop the 'scheme' for disability ( this will form part of the improvement plan ). We've developed a survey and consultation information sheet. When we have completed our disability work and updated our Improvement plan, we will then look at the other duties.

**3. Is the Accessibility Policy 2005 the most recent model?**

**JH: Accessibility Policy does not cover duties. Access is just one small part of the disability equality duty. Relationships with accessibility policies are included in the guidance.**

**4. Would it be useful if schools shared access to policies?**

**This is something that DAG could consider facilitating as it reviews its work.**

**5. Could there be a one-stop shop for model policies for governors and a regular reminder of which policies should be in place and where to find them?**

**It was pointed out that the CD of the Guide to the Law gives an updated list of policies for the 'average' school and that Devon Governor Support also details this in the Effective Governing Body Folder Alice McShane ( Governor Support ): Some further details and useful websites can be found in this term's Devon Governor ( page 13 ).**

#### **4. CRB Checks**

Mandatory enhanced CRB checks for all prospective governors will be required from next year.

*Governor comment*

- *some governors felt this whole issue was a sad reflection on the society we now live in, that children were far more at risk out of school and in the home and that there was a developing paranoia about this fuelled by an over-zealous media*
- *others pointed out that the checks are really only valid on the day they are done and that it is simply impossible to develop a watertight system*

**Governor questions**

**1. Why do governors need to have an enhanced check?**

**Maria Chakraborty ( Recruitment Manager, DCC ): Ahead of the new Independent Safeguarding Authority ( originally called Vetting & Barring ) Scheme, the Secretary of State for Education and Skills announced in June 2006 that regulations would be tightened and new guidance introduced to clarify responsibilities for safer recruitment. The guidance document ' Safeguarding Children and Safer Recruitment in Education ' has been produced which came into force in January 2007 and is a consolidated version of earlier guidance material. In this document it specifically states that ' in line with other volunteers, governors in positions that include regular work in the presence of children, or who care for, train, supervise or are in sole charge of children should be asked to obtain an Enhanced Disclosure from the Criminal Records Bureau. In addition, any governor giving cause for concern should also be asked to obtain an Enhanced Disclosure '.**

**2. What is meant by ' prospective ' ... surely not all those considering becoming governors?**

**MC: ' Prospective ' will incorporate all those who make a formal application to become a Governor.**

**3. For existing governors do the checks have to be done now or on re-appointment?**

**MC: There does not appear to be any national guidance available on this currently, suggesting this would be a local level decision. DCC policy is being updated and will incorporate a review of this.**

**Jane Lucas ( Governor Support ): Existing governors who have never had a CRB check are likely to be first in line.**

**4. How often should they be re-done?**

**MC: The existing policy does not currently require re-checking although this is under review, and an updated policy is likely to be published in the new year.**

**JL: It is likely that the frequency will be in line with appointment and re-appointment.**

**5. What is the Vetting and Barring Board that has been mentioned?**

**MC: The new Independent Safeguarding Authority ( ISA ) Scheme is being introduced in Autumn 2008 and is supported by the Safeguarding Vulnerable Groups Act 2006. The scheme is aimed to reform current vetting and barring practices and will provide the following key improvements:**

- **Integration of lists - there will be a single list of those barred from working with children and a separate but aligned list of those barred from working with vulnerable adults.**

- These will supersede the current POCA list, POVA list, list 99 and the existing system of Disqualification Orders.
- Pre-employment vetting - the scheme will ensure those who are known to present harm to children and/or vulnerable adults are prevented from entering the workplace.
- Independent and consistent decision making - An Independent Barring Board ( IBB ) will be set up to make all decisions on individuals.
- Introduction of continuous updating - relevant information of those on the scheme will be made available to the IBB and if necessary the Board will re-consider the original decision not to bar.
- Any employee or volunteer wishing to work with children or vulnerable adults will be required to register on the scheme and if accepted by the IBB they will be issued with a registration number.
- Otherwise if they are deemed unsuitable their name will be included onto the barred list. There is a fee to register but this has to be paid only once on application and future on-line checking is free.

The criminal records bureau will provide the administrative support for the scheme and will be responsible for the updating of information. Further information can be obtained from

[www.everychildmatters.gov.uk/vettingandbarring](http://www.everychildmatters.gov.uk/vettingandbarring)

6. Is there any truth that a new charge of £40 per person for enhanced checks, including for volunteers, will be coming in?

MC: There has been no communication from CRB that the charge for an enhanced check the price will rise to £40. It has been confirmed that prices will not rise from the current £36 in 2007/2008. Similarly there has been no communication that there will be any change from volunteers being free of charge.

JL: At this stage there is no stated intention to charge for CRB checks for volunteers but there may well be a charge for membership of the ISA ( a one-off charge, but no figures decided on yet ). CRB checks will be portable under the new scheme, so if a governor has had one for a different area of work etc, they will not need another one. At appointment a governor will have to join the ISA ( if not already a member ) and at reappointment, a governor's status will be checked with the ISA to ensure that they are still a member. A lot of this is still not finalised or clear, including whether or not prospective governors will need to be checked from day one. It is a massive programme and will roll out only as fast as the administrative processes can manage it.

Alice McShane: There is an article in this term's Devon Governor on page 6 which explores how this new scheme will affect governors.

## **5. Safer Recruitment online training**

GBs need to ensure that at least one member of the GB involved with interviewing for new staff has completed this. It is due to become mandatory. Headteachers also need to complete this training. There is no charge. Headteachers need to complete the registration on behalf of the governor, this will be processed by NCSL within 3 -4 days, the log-in details are sent through the post. Heads can register governors at:

[www.ncsl.org.uk/managing\\_your\\_school/saferrecruitment/howtoapply.cfm#governor](http://www.ncsl.org.uk/managing_your_school/saferrecruitment/howtoapply.cfm#governor)


Governor comment

- many GBs had not yet met this requirement because of the initial difficulties of registering
- many questioned why only one governor should be involved
- one governor who had undertaken it commented that much was common sense, that it had taken her about 5 hours to do the training in her own time and at her own pace and that she had done well in the test ... but not as well as her HT!!
- a number commented that they had accessed a shorter version and recommended that all governors involved in interviews should be encouraged to do this

### **Governor questions**

 **When will this become mandatory?**

Helen Dickson ( School's Personnel Team Manager, DCC ): It has only been suggested that it will become mandatory, and we are currently unaware as to when this may happen.

 **Can there be clarity as to how many should undertake the full training? Can it be more than one per GB? Should all other governors look at the short version? Should the trained governor ' cascade ' information to other governors involved in interviews?**

HD: The full training ( the five hour version ) needs to be undertaken by the Headteacher and one Governor. The shortened version can be accessed by all governors and we would encourage as many governors as possible to do it. Yes, the trained Governor can cascade but also encourage governors to do training as well.

 **Does it need to be a governor who is involved in interviewing who has to undertake this online training?**

HD: Ideally at least one governor should have undertaken the training if they are involved in interviewing.

📄 Where can the ' short version ' be found?

HD: [http://www.ncsl.org.uk/managing\\_your\\_school/safer-recruitment/howtoapply.cfm#governor](http://www.ncsl.org.uk/managing_your_school/safer-recruitment/howtoapply.cfm#governor) - see 'Public training materials'

## 6. FMSiS for primary/special school governors

There will be further training next term. The national deadline for the implementation of FMSiS in these schools is 2010 but Devon wishes to proceed as quickly as possible and has set a challenging self-imposed target of all primary schools being able to meet the requirements by March 2008. With this in mind Devon Audit is sending out a Toolkit form to be returned by the end of November which would indicate school's current position. Finance governors need to give this urgent attention and be prepared to complete the ' matrix of competency '.

**David Curnow ( Senior Audit Manager, Devon Audit Services ):** The Schools Forum agreed that Devon's proposal that all schools should AIM to meet the FMSiS for March 2008 was a good idea and gave schools the best opportunity to succeed. National targets require 40% of schools in each authority to achieve it this year. Delaying starting will only make achievement more difficult. Schools needing longer than 31<sup>st</sup> March 2008 will be able to have longer. However it is hoped that schools will be equitable where those that can meet the FMSiS sooner will do so. This will allow more time and effort to be focused by us to support those schools that need help after 31st March 2008. Ofsted has already started to include a question in the schools SEF asking of progress against the FMSiS.

### Governor comment

- a fair number of governors from secondary schools as well as those who attended training sessions felt that, once understood, this requirement did not impose huge new burdens on schools and governors : one said that it demonstrates good governance and asks no more than a good organisation should be doing anyway **DC: Good!**
- there was a substantial minority, however, who felt daunted by the task, and a number who felt the training sessions had been rushed and far too ' jargon-led '

**DC:** That is unfortunate as we tried to give assurance that schools are meeting most of the requirements already. Most of the satisfaction surveys said it was well pitched and very helpful. More training is being rolled out to Headteachers and administrators. Model answers have been provided by audit to all for this statutory requirement from DCSF.

- some felt that all governors needed to become aware of their financial responsibilities but others that chairs and heads are being asked to sign papers that are really in an auditor's domain

**DC:** The Statement of Internal Control is part of FMSiS and does not ask any more of the governors ( with the exception of a risk assessment ) than is expected of them already in their responsibilities.

- some felt that governors are amateurs and that it is unreasonable for them to have to complete the matrix whereas others suggested that governors should expect to pick up roles and responsibilities

**DC:** We expressed our concerns to DCSF as part of the consultation about this. Please see this as a training opportunity to enable governors to meet their ambitions as a governor.

- governor minutes are vital evidence – don't underestimate the time it takes to put the papers together for this process

**DC:** Agreed, but some schools have said that evidence gathering took just a few afternoons.

- although all secondary schools should have FMSiS in place a significant number in Devon are still not ' up to speed '

**DC:** Schools Forum have agreed a reminder and chasing process for this.

- a representative from a federated school pointed out that finance governors have to go through the process for each school within the federation

**DC:** This is not exactly correct and will depend on the structure. Much of the FMSiS is about leadership and governance, so with one governing body and a collective staff structure, there is only need for one assessment. Additionally all schools should already be working to the standards, so there should be little difference between one school and another.

### Governor questions

#### 1. Will schools which need assistance have to pay extra for help?

**DC:** Free training has been offered to Governors, Headteachers and Administrators. Further free training is about to be offered via LLCs to Administrators. Model answers have been provided free to all schools together with a guide on the way forwards to meet the standard. This guidance and advice is available on Devon Audit Services Website for any school to access. Update information is also provided via the Audit Bulletin and the Finance Need to Know. Any further assistance will have to be procured from Audit or sought from the schools buy-in to Finance and Support Officer Services.

#### 2. Do all governors have to complete the matrix or just governors on the Finance Committee?

**DC:** No. The competencies matrix is expected to be completed by the CoG, Chair of Finance and a nominated Finance Governor as a minimum and not restricted to Finance Committee Governors.

Schools are expected to consider which governors need to complete it. Clearly if the Premises Committee have delegated responsibilities with financial implications there is an argument that they should complete it too.

3. Are schools informed as soon as they have achieved the required FMSiS level?

DC: Yes, schools will know they have achieved it from their self assessment and will be assured they have met it when they receive their external assessment e.g. by Devon Audit Services.

4. What happens if schools feel unable to return the document by the end of November?

DC: All schools are encouraged to return the draft assessment by the 30th Nov. This should take no longer than 1 – 2 hours. Schools do not have to pull evidence together at this stage to be able to return this draft assessment. Collecting evidence can take place after this. The “Key Timelines” document provided to all schools does provide for a school which feels it will have difficulty in meeting the FMSiS through self assessment to inform Devon Audit Services by the 30th November on that document

5. Will future training be available in North Devon?

DC: Yes, it has been already and more will be on offer as mentioned above via the LLCs. We would seek any support we could get to help encourage support for these sessions as the take-up from schools at some events to date has been low.

Final general comment from DC: I do empathise with governors about their concerns over the requirements of the FMSiS. This is a Standard that is mandatory and set by DCSF not Devon Audit Services. Our training has tried to allay governors and other fears but I guess one cannot meet everyone's concerns. I hope my responses are helpful. If governors have requests or ideas to help improve understanding and achievement of the FMSiS I will be very grateful to receive them at [david.curnow@devon.gov.uk](mailto:david.curnow@devon.gov.uk)

## 7. Exeter's unitary bid- latest update from DCC

In very brief summary form:

- The relevant received Royal Assent on October 30.
- The Secretary of State, Hazel Blears, has yet to make a final decision on Exeter's unitary proposal
- There should be a decision by the end of November / early December.
- Following this the Government must lay implementation orders for the new unitaries in Parliament. These are subject to Parliamentary challenge and debate. This will probably happen in December.
- On October 1 Exeter City Council provided the Government with their resubmission
- Following an invitation from Communities and Local Government (CLG) DCC submitted a detailed 34-page analysis of Exeter's response on October 23.
  - DCC has had 6 meetings of the Shadow Joint Implementation Team with the City Council.
  - DCC has lodged an application for judicial review with the High Court.
  - DCC is continuing to meet with MPs and Peers who have an interest in this issue

Please find the full details on the attached sheet. This is, of course, the perspective from DCC : there is no obvious link with Exeter on education issues at the moment.

Governor comment

- the majority of governors expressed concerns about the financial implications for their schools if Exeter's bid is successful
- at the Exeter area meeting there were some strong governor voices in favour of unitary status
- some felt that past experience from Torbay and Plymouth showed good people and services would be lost along the way : Devon's experience with Torbay and, to a lesser extent, Plymouth suggested that unitaries tend to choose to go their own way until the hard realities of budgets hit them by which time the established services have been reduced
- Exeter needs to talk to schools about the services from Devon that they really value

Governor questions

1. Who will pay the cost if DCC seeks a Judicial Review?

PD: If the County Council won its case the judge will quash the decision and refer it back to the Government and the applicant, DCC, will almost certainly have its costs paid for by the defendants, CLG. Should the County Council lose its case it will almost certainly have to pay the Government's costs ( probably about £20,000 ) and the matter may end there. However, the County Council could seek and obtain leave to appeal and in which case the matter can be heard by the Court of Appeal – as is the case with Shrewsbury & Atcham -- and, ultimately, by the Lords.

2. Governors from Children's Centres asked at what point they would be likely to get information from a shadow CYPS if the bid is successful? Will there be people in Exeter who know about these things? When can we expect to have these shadow people in place?

**PD: This is a question for ECC to answer. From a DCC perspective it would appear that there is unlikely to be clarity on this in the near future. Even if the unitary proposal does go ahead it is unlikely that ECC will have a CYPS Director in place for some time and as far as we know City Council does not have specific expertise in this area. Up to now the City Council has been using consultants.**

**3. To what extent were staff who will be affected consulted?**

**PD: There was no specific consultation by CLG with affected staff. CLG conducted a low-key consultation with stakeholders and partners which included a general invitation to anyone to respond, commenting either on a specific proposal affecting their area, or more generally.**

**4. What impact is it anticipated that Unitary status would have on those services where the funding is still centrally retained or negotiated outside the formula for mainstream schools?**

**PD: We estimate that a unitary Exeter would be allocated around 23% of the schools budget not directly delegated to schools. The budget disaggregation was based on 2006-07 data, which worked out at £6.7m. This is higher than the % of delegated schools budget attributable to Exeter (14%), due to the level of SEN provision in Exeter. The 23% figure represents gross provision in the city, some of which will be for children resident outside Exeter, which would have to be paid for by a residual County Council. Dismantling unified countywide structures risks serious impairment to the planning, commissioning and delivery of children's services vital to delivering the Every Child Matters agenda. We believe that the loss of economies of scale and the dissipation of expertise in high performing teams e.g. Admissions, will affect both authorities operationally and there is a threat to specialist support services, particularly for children with special needs.**

**5. While an independent Exeter might eventually buy in some services from Devon, what thought is being given to the identification and retention of key staff and services in the period of transition?**

**PD: No final decision yet and we have no clarity from ECC on shared services at this time.**

## **8. Federation**

HT recruitment and succession planning ties in with an increasing amount of interest in Federation. The figures relating to the number of applications for HT posts during this last year has been generally very low ( this is a national trend ). Debate is needed about options for leadership of schools. This could include federation, management partnership etc. Devon is leading the way in all of this with a number of NCSL funded projects and has an agreed federation protocol and support materials following a piece of work led by Sue Clarke.

The NGA/NCSL Conferences on Succession Planning during last term proved very successful. Governors had the opportunity to learn more about the issues surrounding recruiting headteachers in the future and to explore ways of meeting the challenge ahead. It is proposed to gather together the issues raised and the solutions discussed into a publication which will be available in the autumn.

### **Governor comment**

- *a very enthusiastic governor at one meeting had gone to the federation presentation a sceptic but come away a convert as had two other governors she had taken with her : she felt this was a fantastic opportunity for schools and that to opt for federation now would allow schools to do it by their own rules before central government begins to exercise pressure : schools need to understand this is not a predatory threat : neither is it a money saving exercise as it is cost neutral and has many benefits : she felt governors should take back this positive view, have a very thorough look at federation and, above all, go to the briefings!*
- *at another meeting a representative from the West Exmoor federation of 3 small schools outlined their arrangements : there is one executive, non-teaching HT, a head of teaching and learning in each school and a single governing body with 6 governors from each school meeting in each school in rotation : each school has kept administrative staff and currently teaching staff, though this will change with natural wastage as staff retire : with time staff will be expected to work / share skills around all three schools. The representative felt it already was and, in the future, would be a much better service for all schools with expertise spread around. The governing body is currently very happy - however, the community response has been mixed*
- *a HT at one of the meetings had relocated from his previous school in an urban authority because he did not see federation as viable in the school he left : he had sensed lowered morale and point-scoring comparisons between the two schools involved*

### **Governor questions**

**1. Why not address the shortage of HTs instead of moving towards federations?**

**Sue Clarke ( Strategic Lead for Achievement through Collaboration, DCC ): " Concerns around the recruitment of headteachers might move some schools towards exploring federation but it certainly wouldn't be the only reason why schools would or should consider federation. Governors looking at formal partnership arrangements ( and options will include federation ) should first and foremost consider the benefits and opportunities such arrangements would bring for students and staff.**

Securing strong and sustainable leadership in schools is a national priority and one that Devon actively promotes through its leadership programmes and the headteacher appointment processes. A leadership succession planning project is currently underway with Devon County Council working in partnership with the National College of School Leadership, school clusters and both the Anglican and Catholic Diocese. This pilot project has supported the development of school based training programmes for teachers whose leadership potential and talent has been identified. The pilot has concentrated on developing leadership programmes through partnerships of schools which have included a federation, the Pathfinder Trust schools, a cluster of small rural primary schools and faith school leaders.

Governors are instrumental to the development of our next generation of school leaders. Governors might wish to consider how their schools, individually and in partnership with others, promote succession planning through active talent spotting and by prioritising training opportunities. Active succession planning is a responsibility we all share as it is our collective investment for our children's future.

**2. Is it right that administrative heads are valued more highly than heads of teaching and learning?**

**SC: Staffing structures within federations or other formalised partnership arrangements are decided by the governors following consultation with professional associations. Staffing structures for federations ( like all schools ) should be constructed so that they promote both high quality learning and teaching and the efficient running of the schools concerned. The resulting structures will be decided by governors to maximise outcomes for children.**

Just one footnote to add for those governors interested in all things federation! CATS ( Consortium of All Through Schooling ) is a national advisory and networking organisation that works closely with schools and the DCSF Innovation Unit. They have been very interested in Devon's work on federations and as a result we are contacted on a weekly basis by schools and Local Authorities across the UK asking for copies of our publications and materials. Governors might be interested in the work of CATS [www.standards.dfes.gov.uk/federation/whatarefederations/1798605/?version=1](http://www.standards.dfes.gov.uk/federation/whatarefederations/1798605/?version=1)

## **9. Community Cohesion / Extended Schools / Extended Services**

There is a new duty from 1 September for schools to promote 'community cohesion', i.e. working towards a society in which there is a common vision and sense of belonging by all communities, and in which similar life opportunities are available to all. More guidance at: [www.teachernet.gov.uk/wholeschool/Communitycohesion](http://www.teachernet.gov.uk/wholeschool/Communitycohesion) OfSTED will be reporting on the contribution made by all schools to community cohesion.

In many ways linked to this schools should have received booklets from the DCSF and NGA about Extended Services ( formerly Extended Schools ) and should look out for Devon's Prospectus for Extended Services which is being developed by a team led by Philippa Court

*Governor comment*

- *some governors were unclear about these terms – it was suggested that they referred to schools reaching out in to the community in other ways such as morning clubs, after school clubs and making cohesive provision for community extension of Every Child Matters : there was also a suggestion that the decline of the role played by churches was leading to schools performing a similar role*
- *some felt the policy is more pertinent to urban areas than rural ones and that there is a problem in this if there is no real requirement for it in rural areas*
- *some schools reported in detail problems sorting out after school provision, in particular difficulties with companies who, in spite of initial promises, have let them down with the result that agreed arrangements fell apart*
- *others felt that too many obstacles and too much ' red tape ' were put in the way*
- *it was felt there is a real danger if extended schools money goes through the school funds*
- *one secondary school had been congratulated for its extended school provision*
- *these discussions also led to questions and advice on linking with other providers ( e.g. health services ) where there were clearly different experiences in different areas. One special school reported it was successfully working with Social Services but not with health professionals. Another governor commented that at the Children's Trust organisations were all working well together, but that this is taking a while to filter down through the system. It was suggested that schools tell School Improvement Partners of problems they are encountering with other agencies and that officers at county level need to be aware of log-jams.*

**Governor questions**

 **What help is available and how can governors access it?**

**Sue Turner ( Childcare Development Manager, Early Years and Childcare Service, CYPS ): We provide local support and advice through the Early Years and Childcare Service District Co-ordinators who are based in each of the districts across Devon. They can help governors with a range of advice on**

identifying the need for childcare, funding streams, advice on staffing issues, information provision. Fuller details of the services we provide can be found in the Extended Services Prospectus which went out to schools before half term. The three main contacts which you will find in the prospectus are:  
Nikki Phillips, Senior District Co-ordinator for Exeter, East and Mid Devon, 01392 385380  
Melissa Filby, Senior District Co-ordinator for North Devon and Torridge, 01271 388901  
Sue Bolt, Senior District Co-ordinator for South Hams, Teignbridge and West Devon, 01392 384926

📄👆 **How can small rural schools be helped to provide these services?**

**ST:** As above, District Co-ordinators will be able to help small rural schools to identify if there is a need for childcare services. The Early Years and Childcare Service are currently undertaking a sufficiency assessment of childcare across Devon which will help to inform this decision. For small rural schools where sustainability is an issue the key to extended services is that the school is not required to provide the service itself, but can provide access to childcare with safe transport. This should be based on the identification of need through consulting with parents, children and the local community. Access to childcare can be provided through linking with private or voluntary providers, such as childminders or pre-schools providing out of school care.

During 2006-07 a pilot School-childcare Link Scheme was run in East Devon linking schools to their local childcare providers. This scheme has been evaluated and recommendations have been made for improvements. It is hoped to roll out an improved scheme across the rest of Devon in the near future, enabling schools to make that linkage more easily.

**Alice McShane:** Some further updates on Community Cohesion can be found in the Devon Governor this term – especially regarding the Schools Linking Network ( this aims to help schools to fulfil the duty ). There are also some helpful websites.

## **10. School Admissions**

There is currently a vacancy for a parent governor on the Local Admissions Forum which meets once a term to review the operation within Devon of the new admissions' procedures. Any parent interested should contact David Tall.

*Governor comment*

- *examples were given of instances where pupils in nurseries did not get a place in that school's reception class because parents failed to understand the new system*

**Lisa Boon ( Schools Access Services Manager, DCC ):** There have been instances, relatively few in number, where parents/carers have failed to apply for a school place within the required timescales and this has led to some children being allocated places at non-preferred or non-designated schools. The primary co-ordinated admissions arrangements were introduced for admissions in September 2006/January 2007 although a pilot was undertaken in Exeter a year prior to that. In realising the scale of huge cultural shift the admissions team have invested significant time and effort in trying to raise awareness - for example we send information to nurseries and pre-schools regarding the process, we have attended a series of Early Years provider talks to try and raise awareness of the change, we have advised Headteachers and Governors of the changes on numerous occasions through attendance at area meetings and correspondence, and we have attended many school administrator events to explain the process and what it means in terms of 'in school' process and advice to parents.

Alongside this we have also collected from schools their 'notes of interest' lists and have written direct to all families identified through that process to ensure they are aware of the need to make an application and the support available if needed. I understand that in a few cases things haven't quite gone according to plan and that has been particularly distressing for the individual families involved.

Can I suggest that should schools encounter parents who are struggling with the admissions process in any way that they ( the parents ) are encouraged to contact the admissions team who can provide advice and support on what needs to happen. I would be very glad to receive any suggestions on ways to try and reach these few families for future admissions rounds in order to ensure that we avoid these difficulties as far as possible - please let me know if you have any ideas.

**Governor questions**

- 1. Can steps be taken to ensure that primary schools are aware of the allocation of pupils to their school before letters are sent to parents?**

**LB:** The primary co-ordinated scheme does build in to the timetable that schools will find out their allocation in advance of parents receiving written notifications. For the most recent admissions round we aimed, within the primary scheme to advise schools on 26th March 2007, with parents' letters/emails being posted / sent on 30th March. Unfortunately we did not manage this this year for every school - some notifications did not go out to schools until 28th March. I realise this is a tight window and am happy to revisit the timescales if that would be helpful?

It may be possible to advise schools of allocations at the end of March, with parental notifications being made in mid-April for example, allowing a longer period for schools to digest the allocation lists. Unfortunately it is not realistic to bring the primary process any earlier given the demands of the secondary transfer process which you will know peaks at the beginning of March. Any change to the scheme in this sense will need to be supported by the Local Admissions Forum and then consulted on with schools as part of the formal consultation on admission arrangements which will happen early in the spring term for 2009/10.

2. Can the current age priority for children on the waiting list for a place in an oversubscribed school be reconsidered?

**LB: Yes we have already decided to revisit the age tie-breaker with a view to removing it from 2009/10 onwards. I intend to recommend this to LAF as part of the admission arrangements for 2009/10.**

## **11. Finding and Keeping Effective School Governors**

There is a new folder, booklet and CDROM produced by Governor Support in association with DAG and sent to all schools that have bought in to Governor Support. It is a comprehensive guide to the recruitment and retention of governors, together with model recruitment literature on the CD for schools to personalise.

*Governor comment*

➤ *this material received a very positive response from all who had seen it, particularly the CD with its highly practical information - all GBs were urged to give it high priority*

**Jane Lucas ( Governor Support ): We are delighted by the positive response to Finding and Keeping Effective Governors and would love to hear from governing bodies who have used it and found it to have made a difference to their current practice ( and indeed their vacancy data! ). The importance of headteacher recruitment and induction is recognised by the authority and other colleagues are looking at this, in particular at developing induction for headteachers.-**

➤ *some governors also commented on areas where they had difficulties recruiting governors ... this varied considerably depending on the location and size of school*

➤ *it was felt that schools should avoid seeking to fill too many community / LA vacancies with parent governors, thereby giving an imbalance to the GB*

**Governor questions**

1. Could a similar publication be produced on how to recruit HTs? A CD would be more useful than the current package.

2. How do GBs deal with ineffective governors?

**IG recommending adopting the Code of Practice for Governing Bodies ( to be found in the Effective Governing Body folder ) and referring back to it in the event of an individual governor transgressing.**

**JL: Being an ineffective governor can mean anything from being uncommitted and uninvolved to being uncooperative and obstructive. Different tactics would be needed for different situations, although adopting a code of practice is a good place to start. The reasons would need to be analysed before an appropriate course of action decided upon. Some governors are ineffective because they don't understand their role and don't know how to get involved. Induction and a review of how individual governors contribute can help with this. Those who are more obstructive probably need a more direct approach by the chair to help them understand how governance works. ( Phone Governor Support for more ideas! )**

## **12. Guide to the Law**

All governors should have received this on CDROM. This replaces the previous paper version which should be destroyed. However, if you have paper versions of the Statutory Instruments you will need to retain them, as they are not on the CD. The intention is that there will be two updates per year now that it is relatively simple to re-issue the complete Guide. The CD has other documents as well as the GttL and has been formatted so that you can click on the menu to select the item you want. Don't be daunted by the new method of working, it's really a lot easier to use than the paper version because of the search facilities.

*Governor comment*

➤ *generally welcomed, though it was pointed out that, at a time when schools were being urged to be inclusive, actions such as this excludes governors who are not computer literate*

**Governor questions**

1. Is it possible to have a single paper copy of the Guide available in schools for those who do not use a computer?

**Jane Lucas ( Governor Support ): Unfortunately if you want a paper copy you will have to print one out. DCSF will not supply them.**

2. Could the correct number of CDs be sent to each school as some schools had too many and some too few? Alternatively, could a local arrangement be set up for passing the surplus CDS to those schools with a shortfall?

**JL: I think probably the logistics for the DCSF's distribution to mail out the correct number to each school in the country would be impossible, but see what they say. They will supply additional ones if you request them. The issue of the local arrangement is interesting. It is difficult to see this as something Governor Support could manage though, especially with two updated versions per year planned. Keeping on top of it could be a full time job!**

**David Tall: I am happy to act as the conduit for the too few / too many issue.**

### **13. Core Values and Aspirations for Devon's Local Learning Communities**

A letter from the LA circulated at the beginning of term referred to a recent meeting with chairs of LLCs where it was agreed that the draft Core Values and Aspirations document be formally adopted. These principles now form the basis for an ongoing commitment and shared understanding between schools and the LA about the purpose and role of LLCs. The Core Values will provide a cornerstone from which we can together continue to build successful partnerships for learning.

*Governor comment*

- *many governors would welcome the opportunity to work through and support developing activities in Local Learning Communities*

#### **Governor questions**

1. **Where is the governor input? Please can governors be involved?!**

**Debbie Clapshaw: Governor Support has been involved in the LLC meetings to discuss and shape the core expectations and the role of governors has featured in many of the discussions, as has the recognition that LLCs are also a great vehicle for taking forward cluster training for governors for example. DAG has formally requested involvement and it is likely that DAG's AGM will feature a workshop on this theme in the spring term. In the meantime be assured that there has been governor input and this should be reflected in the final agreed documentation.**

### **14. Litigation**

*Governor comment*

- *examples were given of cases where the school / LA were being recommended to reach a settlement on financial accident claims from parents which the GB had considered unreasonable : there was concern about the implications of the apparent success of such claims might give to others*
- *a number of governors quoted Bristol's example where a decision by the LA to challenge all claims had resulted in an almost total decline in such claims*

#### **Governor questions**

1. **Can / should anything be done to address this issue?**

**David Doble ( Insurance Manager, DCC ): DCC's view is very clear. With regard to all claims ( and not just those involving pupils ) if the loss, damage or injury has been caused by negligence on the part of DCC ( i.e. we are legally liable ) we will settle the claim on the best terms. If, however, there was no negligence on the part of DCC, the claim will be vigorously defended.**

**Unfortunately, people these days are becoming increasingly reluctant to believe that there is any such thing as an accident and if they have suffered a loss or injury they feel that someone must be to blame and that they should, therefore, receive compensation. This approach does not, however, alter DCC's approach or, in deed, the law!**

### **15. Other issues**

#### **a) Exclusions**

**Ernie Lloyd ( AEO, Exclusions & Alternative Provision ): From 1st September, 2007 for all fixed period exclusions amounting to more than 5 days the school must provide permanent education for the young person off-site. It is vital that the model letters are used because these letters advise parents of their responsibility to supervise their children at home for the first five days of any exclusion. The LA is currently re-writing its Exclusion Website to take account of recent changes. In the meantime you can find guidance at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007/part2> The LA will be producing on the Website letters of exclusion tailored to Devon's requirements. For the time being use model letters provided on Teachernet Website for exclusions whether fixed period or permanent at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007/part7/> For further advice or support telephone Sue Meachan (South and West) 01392 383944 or David Archer (North and East) 01392 383940.**

## **b) Alternative Portfolio**

DAG was closely involved in the latest Alternative Portfolio kite-marking processes and looks forward to further participation in future schemes. David Tall holds a "bank" of names of Governors who wish to be involved in such matters, but there is always room for additional volunteers. Please contact him for details.

The whole question of providing services to schools is overseen by the Schools' Support Services Board ( SSSB ) on which DAG members play a significant role. Next April the portfolio of services to schools will arrive in schools in a new format with both ' in-house ' and alternative providers. The recent process of ' kite-marking ' providers to ensure that they meet strict Devon-wide criteria has shown

- the quality of current provision by in-house services
- that despite considerable initial interest only a fairly small number of alternative providers offered themselves for the kite-marking process ... and many of these did not meet Devon's requirements

## **c) Safety Issues**

The SSSB has also given careful consideration to very important communications soon to be sent to schools about trying to bring together / make tighter arrangements to comply with Construction and Design Management Regulations, Asbestos Risks, Legionella Risks + Fire Safety Management. This may sound very boring but has enormous implications for governors as well as for HTs and staff. The Health and Safety at Work Act 1974 makes employers responsible for managing health and safety. Recent amendments make us all more vulnerable and ultimately failure to manage health and safety could result in charges of Corporate Manslaughter. We are now required to provide a paper trail with those ultimately responsible for each aspect to be named and for the HT and the CoG to sign. The SSSB is trying to ensure that information from DCC is both clear and realistic. Governors will need to help in the response to this information as it is important for DCC to know schools are complying with legal requirements. This is sufficiently serious for the LA to consider £174,000 to be the estimated cost for the relevant training!!

## **d) DAG**

At a meeting last term DAG discussed the way ahead for the next 5 years. It has produced an Action Plan to support its determination to be an impact driven organisation in an effort to develop an increasingly professional approach without losing the wonderful ethos, characteristics and skills of an amateur / volunteer organisation. It has also developed Standing Orders and is reviewing its Constitution. The next Away Day will take place on November 24<sup>th</sup>. It would be good to have some additional non-Executive support for and at this event. Anybody interested contact David Tall. Refreshments and lunch will be provided and mileage @ 20p / mile can be considered. **Of particular interest are your views on communication from and to ordinary governors to DAG.**

## **e) Teaching Awards**

Now is the time to be thinking about nominations for next year's awards. This is a very positive process for all involved as those Devon staff nominated for the both regional and national finals will testify!! Details can be found at <http://www.teachingawards.com/nominations/> and nominations should be in preferably by the end of this term. Making a nomination is a unique opportunity to give teachers, teaching assistants, governors and schools the recognition they deserve. Nominating is a quick and easy process which only takes a few minutes. If you have any queries about making a nomination call 020 7776 2340 or e-mail [nominations@teachingawards.com](mailto:nominations@teachingawards.com).

## **f) Parent Governor Representatives - updated information since the meetings**

**DCC recently invited nominations for a ballot of eligible serving parent governors from among primary school and secondary/special school parent governors to serve on the relevant committee of the Council. Nominations were sought from among parent governors with a closing date of 15 October 2007 with a view to a ballot being held on 5 November 2007. However, only one eligible nomination was received for each sector – Mrs Liz Wilson of St Michael's CoE Primary School, Kingsteignton and Mr Richard Allen of St James' School, Exeter - which means that there will be no need for a ballot for the primary and secondary/special governor representatives. Mrs Wilson and Mr Allen are therefore appointed automatically for the period up to 31 July 2009. They will take their places on the CYPs Overview / Scrutiny Committee with immediate effect.**

## **g) Effective Governing Body folder**

Many positive comments were made about this document produced by the Devon Governor Support Team

## **h) Checklist**

The coloured version was not popular as it proved difficult to photocopy with clarity.

**i) DfES no more!**

We now have the DCSF - Department for Children, Schools and Families, and the DIUS - Department for Innovation, Universities and Skills. The DCSF is led by new Secretary of State Ed Balls, and the DIUS by Secretary of State John Denham. In the new DCSF, Jim Knight remains as Schools' Minister and Lord Adonis as Parliamentary Under-Secretary of State. The DAG Chairman has written to Ed Balls to welcome him to his new appointment and to highlight some concerns. Similarly he has written to Ben Bradshaw, the new Minister for SW Region. Rumour has it that staff members refer to the Department as the Department for Cushions (Curtains) and Soft Furnishings!!!

**j) Toxic Childhood – Sue Palmer**

Visit her website at <http://www.suepalmer.co.uk:80/toxic.php> Her book is a 'must read' recommendation to all governors from IG.

**k) CYPS: Mediation Service - updated information since the meetings**

**Introducing the Mediation Service, a new support service being offered by CYPS, on a pilot basis, to Headteachers and Governors who are managing conflict with parents. For further details go to:**

<http://www.devon.gov.uk/sc-oct0731038.pdf>