

Education and Skills Director's Report to Governors

SUMMER 2017

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***DEVELOPING THE
EFFECTIVENESS OF
YOUR GOVERNING
BODY***

For more information
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Summary

The proposed term dates for Community Schools for the 2018/19 school year, as suggested by the London Inter-Authority Admissions Group (LIAAG), can be found in Appendix 1. These will be set as Barnet's term dates if schools raise no major objections. If you have any issues with these dates that you would like to raise please email nick.burr@barnet.gov.uk by Friday 26 May 2017.

We have contacted our neighbouring local authorities to try to get a sense of what they are proposing, to ensure any term dates we propose will line up as much as possible. Brent, Enfield, Haringey and Harrow have indicated that they will also be consulting on the attached dates for 2018/19. Hertfordshire have already finalised their dates, which are the same as the attached with the exception of the autumn half term, which they have moved by one week. We have had no response from Camden. This would indicate that by accepting these dates our terms and holidays will align with our neighbours.

In a departure from previous practice, the LIAAG have also suggested dates for the following two academic years (up to 2020/21) as well as 2018/19. These are also included in Appendix 1. We would ask schools to have a look at these dates, as we propose to provisionally accept these, with final consultations taking place closer to the time. Again, please let us know if you think there are any potential issues with these dates.

This information applies to Community Schools only, as Voluntary Aided Schools and Academies set their own term dates.

Governors' Role

To note the above information. If you have any issues with these dates, to email nick.burr@barnet.gov.uk by Friday 26 May 2017

For information by

Governors of Community Schools

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Summary

A Competency Framework for Governance: the knowledge, skills and behaviours needed for effective governance in maintained schools, academies and multi-academy trusts was published by the DfE in January (www.gov.uk/government/publications/governance-handbook).

This non-statutory guidance is intended to help governing bodies and training providers by providing them with clear definitions of the knowledge, skills, and behaviours needed for effective governance.

The introduction lists ways in which governing bodies might use the guidance:

- informing how to carry out a skills audit;
- in individual performance review discussions, identifying training needs and/or developing a training and development programme;
- putting together a role specification and determining interview questions for recruiting to the board and/or in selecting or recruiting a chair;
- planning induction for people new to the board;
- supporting a review of the board's effectiveness and identifying strengths and areas for development;
- demonstrating the key characteristics and expectations of their role to others;
- ensuring the expected behaviours are included in the board's code of conduct.

At the heart of the framework are 16 competencies, which are grouped under six features of effective governance:

- Strategic leadership
- Accountability
- People
- Structures
- Compliance
- Evaluation.

Each of the competencies is described, followed by details of how they might be exhibited in governors' knowledge and in their skills and effective behaviours. These are further differentiated in how they can be seen in all governors and specifically in the chair.

The Chairs' and Vice-Chairs' Discussion Forum on Tuesday 20 June 2017 at 7 – 9pm will focus on discussion around how the framework can be used. The Forum will take place at BEST Hub, Lanacre Avenue, Grahame Park, Colindale NW9 5FN.

Governors' Role

To note the information

Chairs and Vice-Chairs are invited to attend the Discussion Forum on Tuesday 20 June 2017 at 7 – 9pm at BEST Hub, Lanacre Avenue, Grahame Park, Colindale NW9 5FN.

For information by Contact

All Governors

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Summary

The new Governance Handbook was published in January, together with the Competency Framework (see above). It has been substantially reorganised since the last edition as it is now arranged around the six features of effective governance developed in the framework. The actual content shows fewer changes, although those that have been made are significant.

The largest chapter by far in the new Handbook is the one on Compliance, which occupies one half of the whole. It incorporates most of the guidance that was previously given in separate chapters on ways of working, education, pupil wellbeing, staffing, admissions, control of school premises, school finance and information sharing. Most of the practical work of governors is given in this chapter, the others dealing with the principles of governance, the organisation of governance in the different kinds of school, and the skills required. Accountability now is given more prominence, with a separate chapter on it.

A list of content changes from the previous edition is given on pages 7 and 8 of the Handbook. These include a new section (4.3) on the role of the clerk, which further emphasises the importance of professional-quality clerking to the extent of calling the clerk the “governance professional”.

Recent changes in law and practice account for some of the other changes, such as procedures for dealing with coasting schools, DBS checks for governors, the roles in academies of trustees and members, and the duty on all schools to publish information about those involved in governance. In line with the government’s changed policy on parent governors, the chapter on the board’s key roles takes a positive line on their value (2.4), arguing for the importance of diversity on a board. At the same time it advises boards of schools designated with a religious character to be alert to the risk of becoming dominated by one particular mind-set or strand of opinion and suggests having some people on the board who have no close ties with the school, or who come from outside the faith or ethnic group of the majority of pupils, can help ensure that the board has sufficient internal challenge (2.3).

Updated guidance on multi-academy trusts sounds a cautious note on umbrella trusts (5.5), saying that no governance powers can be given to them as these can only reside with the individual academies or MATs.

The section on safeguarding states that not only should an individual governor take on responsibility for monitoring the school’s safeguarding arrangements, but that this should include the school’s Prevent duty (6.7).

The Handbook can be found on <http://www.gov.uk/government/publications/governance-handbook>.

Governors’ Role For information by Contact

To note the information

All Governors

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Summary

This briefing is about apprenticeships delivered by **the school as an employer**.

“...the government will introduce a levy on large UK employers to fund the new apprenticeships. This approach will reverse the long-term trend of employer underinvestment in training, which has seen the number of employees who attend a training course away from the workplace fall from 141,000 in 1995 to 18,000 in 2014.”

“The levy will support all post-16 apprenticeships in England. It will provide funding that each employer can use to meet their individual needs. The funding will be directly controlled by employers via the digital apprenticeships voucher, and firms that are committed to training will be able to get back more than they put in.”

Summer Budget, July 2015, HM Treasury

What the Levy is

The Apprenticeship Levy is a levy on UK employers to fund new apprenticeships from 6 April 2017 onwards. The levy will be paid by those who have annual pay bills of more than £3 million.

In England, control of apprenticeship funding will be put in the hands of employers through the Digital Apprenticeship Service. The levy will be charged at a rate of 0.5% of an employer’s pay bill. The levy will be payable through Pay As You Earn (PAYE) and will be payable alongside income tax and National Insurance. Each employer will receive an allowance of £15,000 to offset against their levy payment.

Employers who pay the levy will be able to access funding **for apprenticeship training and assessment** via a new Digital Apprenticeship Service.

This cannot be used for:

- Wages
- Statutory licences to practice
- Travel and subsidiary costs
- Management costs
- Traineeships
- Work experience programmes
- Costs in setting up an apprentice programme

Available funding can be used to meet the cost of apprenticeship training and assessment against an approved apprenticeship framework or standard. **This can be for both existing employees as well as new starters**. The training provider must be on the Register of Apprenticeship Training Providers. You can find out more about the register here: <https://www.gov.uk/government/collections/register-of-apprenticeship-training-providers>

This briefing summarises how the apprenticeship levy will typically work for schools. There are a variety of pay bill arrangements in the education sector so there is no single approach. **This briefing does not constitute tax advice**. Schools should read this alongside the full [published guidance](#) on calculating, paying and spending the levy and seek appropriate professional advice on their liability. Detailed guidance on paying the levy was published by HMRC in December 2016.

<https://www.gov.uk/guidance/pay-apprenticeship-levy>

Apprenticeships are now seen as the cornerstone of the skills system and provide opportunities for all sectors, including education, and at all levels, up to and beyond graduate level. They provide an opportunity for schools to improve the skills base of their employees. There are currently plans in progress to introduce a teaching, school business manager and a teaching assistant apprenticeship standard. The apprenticeship levy is seen as a way to boost economic productivity, while increasing the country's skills base and giving millions a step on the ladder of opportunity. Local authorities and schools are being encouraged to work together, using the levy to meet skills gaps and plan future workforce needs.

Who pays the levy?

1. Community schools (including voluntary controlled schools)

Local authorities will typically be responsible for paying the levy in community schools they maintain, where the local authority employs the staff and pays National Insurance contributions (NICs). Such staff will be counted as part of the local authority's payroll.

Some Local authorities intend to pass the cost of the levy on to schools however Barnet has decided not to recharge to schools during the first year of operation:

- **Barnet will pay the levy and not re-charge schools on the basis that schools will help the council to deliver its aspiration to support a large number of apprentices.**
- **Schools, individually or through partnerships of schools, would need to identify positions/roles for apprentices to fill and would need to pay them at or above the Barnet Living wage from their budgets and arrange to supervise them.**
- **The council will write to schools shortly with details of the support it will be able to offer with apprenticeship recruitment and access to training credits.**

2. Foundation and voluntary aided schools

Foundation and voluntary aided schools typically employ their own staff so the governing body as the employer is responsible for paying the levy.

3. Standalone academies

The Trusts (Governing Bodies) of standalone academies will typically be responsible for paying the levy where they are the employer responsible for paying Class 1 secondary NICs.

4. Academies that are part of multi-academy trusts

Multi-academy trusts (MATs) generally employ the staff in their academies, and will be responsible for paying the levy.

Schools that do not pay the levy

The government will pay 90% of the cost of apprenticeship training and assessment for:

- employers that have a pay bill of less than £3m and
- those that have used all the funds in their digital account.

The employer will be required to pay the remaining 10%.

Apprenticeship roles available

Apprenticeships are available in many job roles within schools, including teaching assistants, business administration, management, science and ICT technicians. Early work on developing a **Teacher apprenticeship** standard is also underway, led by a group of schools coordinated by the Teaching Schools Council. There is not yet a firm

timescale for the introduction of a teaching apprenticeship, but we expect more information to become available in the New Year. In addition a consortium of schools led by Hughenden Primary in Buckinghamshire, are developing a **Teaching Assistant apprenticeship** standard and assessment criteria. The aim is to have this in place by the end of 2017. You can find more information on apprenticeships available here: <https://www.gov.uk/topic/further-education-skills/apprenticeships>

Public Sector Duty

- There is a Public Sector Duty of 3 million apprenticeship starts, in order to expand the number of apprenticeships within the public sector. This is to improve the capacity and capability of the public sector, ensuring that it benefits from the same positive impacts as in the rest of the economy and to enable more people to achieve their potential.
- Local authorities and schools are encouraged to work together, using the levy to meet skills gaps and plan future workforce needs.
- The government has therefore proposed targets for public sector organisations, including publicly funded schools, to increase the number of apprentices they employ. Details of how this will work are being finalised. The government's response to the consultation will be published in due course. Further information can be found at: <https://www.gov.uk/government/consultations/public-sector-apprenticeship-targets>

What is expected of governors?

As a governing body you have three main areas for consideration:

1. Consider how to establish a programme of apprenticeship awareness for all students, parents and teachers.
2. Research your position with regards to the apprenticeship levy and calculate if you will be paying (or not).
3. Look at roles within your school and whether apprenticeships could support your future recruitment and retention needs either through up-skilling existing staff or recruiting new staff

Governors' Role

Further Information

The Department for Education has just produced further guidance on the apprenticeship reforms for school leaders and governing bodies. This can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/598603/Schools_guide_to_apprenticeship_reforms.pdf

The Amazing Apprenticeships site includes a wide range of resources for teachers and careers advisors

<http://amazingapprenticeships.com/>

All Governors

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Local Area Special Educational Needs and Disability (SEND) Review

Summary

In May 2016, Ofsted and the Care Quality Commission started a new type of joint inspection to hold local areas to account and champion the rights of children and young adults.

Under the Local area SEND inspection framework inspectors review how local areas fulfil their responsibilities to children and young people aged 0 to 25 who have special educational needs (SEN) and/or disabilities.

Background

Children and young people with SEN and/or disabilities often receive a variety of services. These could be provided by nurseries, schools or colleges, specialist therapists, and professionals in education, health and social care.

Under the Children and Families Act 2014, the government placed new duties on the local health, social and education services that provide for those with SEN and/or disabilities. The Special Educational Needs Code of Practice was updated to reflect these new duties.

In particular, the local area has to:

- publish an accessible 'local offer' detailing the support and services available in the area
- work with children/young people and parents/carers, to ensure SEN and/or disabilities are identified in a timely manner with *Barnet Clinical Commissioning Group*
- assess the needs of children and young people who may need an education, health and care (EHC) plan in discussion with them and their parents/carers
- work with all relevant agencies, children/young people and their parents/carers to produce an EHC plan
- provide children and young people with the support agreed in their EHC plan, and keep the plans under review.

Inspection teams

The inspection teams will include:

- one of Ofsted's Her Majesty's Inspectors with a SEN specialism
- a CQC specialist children's services inspector
- a specially recruited and trained SEN Ofsted Inspector, usually a serving practitioner in another local authority.

These inspectors have been fully trained for this type of inspection.

How will services and users be notified of an inspection?

Five working days before an inspection, Ofsted will inform the director of children's services from the local authority and the CQC will contact the chief executive(s) of the clinical commissioning group(s) to give notice of the inspection.

The local area will share details of meetings that the inspection team will hold with interested parties.

Staff and users of services and parents/carers are welcome to attend one of these meetings to share views about their experience of support for SEN and/or disabilities in the local area.

The inspection process

Over the course of the 5-day inspection, inspectors will meet managers and leaders from the area's education, health and social care services and look at young people's case files. They will review the support provided by the local area for some individual children and young people to better understand how well the local area meets its responsibilities overall. Inspectors will visit early years settings, schools, further education providers and specialist services. During these visits, they will also spend time speaking to children, young people and their parents or carers.

What do inspectors look for?

Inspectors will look for evidence of how children and young people with SEN and/ or disabilities are identified, how their needs are assessed and met, and how they are supported to progress to their next stage of education, transition to the world of work and wider preparation for adulthood.

The inspections take place in line with the inspection framework and handbook. The inspections are carried out under section 20 of the Children Act 2004. The inspectors will also look at the way in which local areas are complying with their duties under the Equality Act 2010.

What can't inspectors do?

Inspectors will not inspect individual education, social care or health services or providers. They will not make any judgements on the decisions made about providing support services or the quality of support for individual children or young adults. Inspectors will also not investigate complaints about the support received by individual children or young people or their families. They do not have the power to change or overrule decisions about assessment or support that have been made by agencies and service providers in the local area.

How will inspectors report the findings?

At the end of the inspection, all the evidence gathered will be evaluated by the inspection team. Ofsted and the CQC will write a joint inspection outcome letter. The letter will explain the main findings and make recommendations for improvement. It will also highlight any strengths that are identified by inspectors to help other services and areas develop and improve.

These letters will be published at: <https://www.gov.uk/government/publications/local-area-send-inspection-outcome-letters>

For reference:

Inspection-framework : <https://www.gov.uk/government/publications/local-area-send-inspection-framework>

Inspection-guidance-for-inspectors: <https://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors>

Code of practice:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

To note the information above

All Governors

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Governors' Role For information by Contact

Supreme Court Ruling: Regular Attendance and Term-time Holidays

Summary

The Supreme Court ruled on 6 April 2017 that regular attendance means attending 'according to the rules'. Please see the link to the full judgment below. It is recommended reading as it provides a historic overview of the law on school attendance as well as the rationale for the Court's decision.

You may well find paragraphs 40 and 41 particularly interesting in respect of the impact on the life of the school. They provide a valuable message to parents that the actions of a minority of parents have a wider impact on the school as a whole:

'40...this is the reason why the local authority have appealed and the Secretary of State has intervened in support, there are very good policy reasons why this interpretation simply will not do. It is not just that there is a clear statistical link between school attendance and educational achievement. It is more the disruptive effect of unauthorised absences. These disrupt the education of the individual child. Work missed has to be made up, requiring extra work by the teacher who has already covered and marked this subject matter with the other pupils. Having to make up for one pupil's absence may also disrupt the work of other pupils. Group learning will be diminished by the absence of individual members of the group. Most of all, if one pupil can be taken out whenever it suits the parent, then so can others. Different pupils may be taken out at different times, thus increasing the disruptive effect exponentially.

41. Finally, given the strictness of the previous law, Parliament is unlikely to have found it acceptable that parents could take their children out of school in blatant disregard of the school rules, either without having asked for permission at all or, having asked for it, been refused. This is not an approach to rule-keeping which any educational system can be expected to find acceptable. It is a slap in the face to those obedient parents who do keep the rules, whatever the cost or inconvenience to themselves.'

The practical effect of the decision is to make clear that there is no arbitrary figure of what constitutes regular attendance. Global measures such as school attendance targets do not provide a benchmark for individual pupils.

Schools should continue using the Fixed Penalty Notice (FPN) process as normal. The only changes schools will need to be aware of will be administrative changes in respect of processing, to be advised separately.

<https://www.supremecourt.uk/cases/uksc-2016-0155.html>

Governors' Role

Governors to note information

For information by Contact

All Governors

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Annual Conference for Governors and Headteachers

Summary

Governors are invited to attend Barnet's Annual Conference for Governors and Headteachers, on the theme: '**Achieving and Maintaining Outstanding Governance**' on: **Thursday 18 May 2017 at 1pm – 6.30pm**

at: **The BEST Hub, Lanacre Avenue, Grahame Park, Colindale NW9 5FN.**

There is no shortage of literature setting out the expectations of Governing bodies. This conference for maintained schools, stand-alone academies, free schools and MATs seeks to:

- explore how to achieve the key features of effective governance (DfE Governance Handbook 2017, Ofsted Evaluation schedule 2016, Ofsted Improving Governance 2016 and HMI Annual Report for 2015-16)
- attract and retain people with the necessary qualities and skills to our schools (A Competency Framework for Governance 2017)
- review and action plan to refine current practice to enable boards to work smarter not harder

Participants are asked to bring:

- the current version of their self-evaluation form and school improvement plan
- a recent report by the head to the board, minus any confidential notes
- the minutes of the meeting when it was presented

The programme will include input, group discussions and feedback.

Keynote speaker: Michele Robbins MBA

After a career in local government, Michele became an independent consultant and has since worked with the DfE and the National College for School Leadership and written/ contributed to a number of national training programmes and guidance for governors and headteachers. She has tutored and assessed on the NPQH programme and mentored and assessed the NPQICL, and has worked for The Schools and Academies Trust.

Besides leadership, management and governance, Michele has a particular interest in strategic planning, safeguarding and self-evaluation. Michele works for many LAs, schools and academy trusts undertaking external reviews of governance, safeguarding audits as well as devising and delivering training programmes and resource material for governing boards and staff.

Please register attendance by 8 May 2017 on:

http://cpd10g.cyberdrome.co.uk/pls/cpd1617/gen_cpd_pubview?p_cr_id=161720122&p_style_id=120

Cost per school (unlimited number of Governors per school): £90

Governors to note the information above

Governors' Role

All Governors

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Summary

The Governance Handbook 2017 states that “Boards should carry out regular audits of the skills they possess in the light of the skills and competences they need, taking account of the department’s Competency Framework for Governance”. The DfE suggests one way governing boards can use the competency framework is to inform how they carry out a skills audit.

The National Governors’ Association (NGA) has revised its skills audit template for governing bodies. The new version is structured around the six features of effective governance that are at the heart of the DfE’s Competency Framework for Governance.

There are two versions of the audit, for stand-alone schools and for trustees of multi academy trusts, both on the NGA’s website (www.nga.org.uk).

The NGA believes that Governing boards are best placed themselves to individually assess which areas outlined in the framework are most important for them, and so while the new skills audit is structured around the DfE’s six features of effective governance, it does not attempt to replicate all 200+ competencies, knowledge skills and behaviours included. Instead it combines the core aspects of the framework with the priceless experience and feedback of Governors to inform the skills, experiences and knowledge included.

In the 2016 NGA/Times Education Supplement survey, 83% of respondents said their governing board used a skills audit. 64% used it to identify training needs; 54% used it for recruitment; 64% used it to assign committee members; and 47% used it for succession planning.

NGA’s latest Skills Audit model can be used to help identify any knowledge, experience, skills and behaviours your governing board still needs to deliver their functions effectively. Governors to note the information above

Governors’ Role

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