

## Autumn Term 2021 Governance Briefing Note

### ACTIONS REQUESTED:

Governors are asked to read this briefing note and to access relevant information and guidance via the e-links provided.

The Trust Board is the 'accountable body', but delegates significant responsibilities to LGBs in line with the Trust's Scheme of Delegations for governance. All governors must, therefore, review, understand, and operate within the requirement set out in the key documents signposted below (relative to their remit).

Please review the document individually and discuss any matters of specific relevance and interest at LGB and as relevant at any sub-committee meetings. If you have any queries, please do seek further advice – including from your Clerk (Governance Professional) or Chair.

### Key governor reference documents

- **DfE Governance Handbook (revised October 2020) and Competency Framework for Governance**  
These 2 documents contain guidance on the roles and duties of governing boards across schools in both the Academy Trust and LA Maintained school sectors - and on the skills, knowledge and behaviours governors need to be effective  
  
[Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- **ESFA Academy Trust Handbook (effective September 2021)**  
There are no major changes from the predecessor Education and Skills Funding Agency Academies (ESFA) Financial handbook 2020, but the new handbook now includes information about trusts' existing responsibilities across a wider range of areas – the ESFA intends that this Handbook becomes more of a one-stop-shop for trusts. The ESFA continues to require and promote the highest possible standards of financial management and governance across every trust, and the guidance within the Academy Trust Handbook reflects this

Most of what's 'new' to the Academy Trust Handbook isn't new for the trust - 2021 updates include:

2021 updates include:

- Renamed from the Academies Financial Handbook
- Trusts must be aware of the risk of cybercrime, put in place proportionate controls and get permission from the Education and Skills Funding Agency (ESFA) before paying any ransom demands

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- The ESFA can obtain information from third parties about a trust, where it has concerns about financial management and/or governance. Trust must give permission for this to the ESFA if it requests it
- From 1 March 2022, any newly appointed senior executive leader can only be a trustee if:
  - The Trust Members decide to appoint them as a trustee, and
  - The senior executive leader agrees, and
  - The trust's articles permit it
- No one from the senior leadership team can conduct internal scrutiny
- Trusts should re-tender their external audit contract at least every 5 years
- Where a trust's finance committee and audit and risk committee are separate, the chair cannot be the same person (the chair of trustees still cannot be the chair of the audit and risk committee)
- A trust board should review the scheme of delegation annually (and immediately where there has been a change in trust management or organisational structure)
- A trust board should have an objective independent external review of its effectiveness, ideally routinely
- A new name for the clerk – they are now the 'governance professional'
- A new name for the financial notice to improve (FNtI) – this is now called the notice to improve (NtI), to reflect that the ESFA can intervene in broader governance issues and not just financial concerns
- Trust leaders must get approval from the ESFA for severance payments where:
  - An exit package which includes a special severance payment is at or above £100,000, and/or
  - The employee earns over £150,000

[Academy Trust Handbook - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/academy-trust-handbook)

● **DfE Keeping Children Safe in Education (updated for September 2021)**

All governors must read the revised statutory guidance for schools and colleges effective from 1 September 2021 – specifically (but not exclusively) Part 2 The management of safeguarding: The responsibilities of governing bodies, proprietors, and management committees. Whilst the functions of the Governing Body rests with the Trust Board the Trust Scheme of Delegations for Governance places responsibilities on LGBs to monitor safeguarding at Academy level. It is essential that all governors review, understand and operate within the guidance provided in the updated Keeping Children Safe in Education document. Please review the document individually (available on [www.gov.uk](https://www.gov.uk)) and discuss any matters of specific relevance and interest at LGB and sub-committee meetings. If you have any queries, please do seek further advice – including via your LGB Chair, Academy Designated Safeguarding Lead and or Nicky Wise, Trust COO.

Please ensure that your personal Level 1 Safeguarding Training is up to date. The trust requirement is that each governor will complete Level 1 safeguarding training on appointed and re-appointed - and complete annual safeguarding update training in intervening years. Ofsted may request sight of evidence of governor safeguarding training. Your Clerk will arrange for the circulation of an e-link to safeguarding training / gathering of evidence where a governor has completed equivalent training elsewhere.

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/keeping-children-safe-in-education)

The NGA's [Governance of safeguarding guide](#) is a useful reference document as is the DfE document [advice for schools on sexual violence and sexual harassment between children](#).

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## Keep yourself updated.....

Have you subscribed?..... to receive .....

‘Correspondence related to Education and Education and Skills Funding Agency’

<https://www.gov.uk/government/collections/esfa-update>

.... and the DfE School Governance Update service ....

Updates provide ‘important news and communications’ from the DfE providing headlines and signposting to key documents – use the link to access the latest DfE Governance Update and to sign-up to the DfE mailing list for direct receipt of future updates.

<https://www.gov.uk/government/publications/school-governance-update>

We have trust-wide subscriptions to the following bodies which provide independent information, advice, guidance, and training:

The School Bus

The National Governance Association (NGA)

The NGA Learning Link

Reminder log in details available via your Clerk.

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## **What’s New and Upcoming in governance**

### **From the Trust**

All governors are asked to complete and return their Declarations and Commitments schedule (which was circulated this year with governor ‘confirmation of appointment’ letters) at the earliest opportunity. This is essential to enable schools and the trust to evidence compliance – including relative to an Ofsted Inspection.

The trust’s Scheme of Delegations for governance and LGB Terms of Reference are included in the Standard Agenda for LGB review in the Autumn Term.

LGBs are being encouraged to complete a wholesale review of their existing monitoring arrangements to ensure clear focus on the priorities of the school’s 2021/22 School Development Plan and to minimise additional workload requirement on school leaders in line with the continued challenges of school operations. Governors will no doubt welcome the opportunity to recommence school visits in Autumn term - as Link Governors or as part of a Governor Working Group - to secure what Ofsted refers to as ‘good knowledge of the school’. Generic Link Governor Remits and report-back proformas are currently being shared across the governance partnership and those LGBs with sub-committees are asked to establish clear terms of reference for these monitoring groups.

The trust’s 2021/22 Governor Training Programme has been published – offering bite-size, online, one-hour sessions covering both basic governance and topical matters (many requested by governors through the Spring Term Governor Survey) – provided by or through the central support team. Electronic session handouts are provided to help attendees feedback to their LGB.

## From the DfE / ESFA

### Priorities for Autumn Term 2021:

Consensus guidance for the start of the academic year 2021/22 (from key national bodies including the National Governors Association, The Key for School Governors etc) is for a return to a more traditional governance role including oversight through visits to secure what Ofsted refers to as 'good knowledge of the school' but with due regard to continuing to minimise additional leadership workload given the ongoing challenges of teaching and learning and general school operations. Guidance also encourages continued focus on mental health and wellbeing (pupil and staff) and on 'listening to the voice of stakeholders' (pupils, staff, parents and wider community)

[Department for Education \(DfE\) research](#) concludes that governing boards adapted well to operating in the challenging context of COVID-19 pandemic circumstances with many maintaining some of the changed governance practices – including virtual meetings - into the future.

School Dash and Hodder's [report, the effects of educational disruption on primary school attainment in summer 2021](#) evidences that KS1 (Y1 and Y2 pupils) had the largest drop in attainment as well as Y6 pupils showing noticeable shortfalls in maths and GPPS – and that the gap in average attainment for those eligible for pupil premium and their peers continues to grow.

### Key updates for Autumn 2021 are set out below.

#### DfE / ESFA General Updates:

ESFA Update (academies) 25 August 2021

- Latest information on coronavirus (COVID-19)
- Information: business rates consultation results published
- Information: high needs funding operational guide 2022/23
- Information: removing funding approval from qualifications with low or no ESFA funded enrolments
- Information: attendance expectations

[ESFA Update academies: 25 August 2021 - GOV.UK \(www.gov.uk\)](#)

#### DfE School Governance Update July 2021

Including

- A message of appreciation to governors from Baroness Berridge, Parliamentary Under Secretary of State for the School System
- National Leaders of Governance (NLG) reform – application round now open
- Academy Trust Handbook 2021 (previously known as Academies Financial Handbook)
- Updated DfE Model Article of Association
- Keeping Children Safe in Education updated for September 2021
- Consultation on proposed arrangements for exams 2022 now open
- Guidance on Trust partnerships
- Reminder: Trust Chair suitability check
- Early Career Framework Reforms

[Academy trusts: school governance update: July 2021 - GOV.UK \(www.gov.uk\)](#)

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## Ofsted Update:

Ofsted will restart routine inspections in September 2021 for all schools. Inspectors will consider the impact of COVID-19 alongside the usual procedures. The Inspection Handbook has been updated for September 2021

Summary of changes:

- Ofsted's transitional period will last until March 2022 at least
- COVID-19 adaptations in your school
- A new section on harmful sexual behaviour in the School Inspection Handbook (paragraphs 306 to 310)
- Extended inspection intervals of up to 6 terms for the first inspection following the pandemic
- Removal of the risk assessment process for the first inspection following the pandemic for formerly exempt schools
- New section on careers information, education, advice, and guidance (CIEAG) in the School Inspection Handbook (paragraphs 256 to 259)
- Section 8 inspection handbook changes
- Early Years Foundation Stage (EYFS) changes
- Ofsted will not use teacher-assessed grades from 2020 and 2021
- Inspectors will look at how your school uses tutors, if it has deployed them to support education recovery
- Ofsted will look at how your school supports staff teaching outside of their subject expertise
- References to early career teachers (ECTs) instead of newly qualified teachers (NQTs)

[Education inspection framework \(EIF\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/education-inspection-framework)

## Changes to Pupil Premium reporting requirements 2021/22

The revised DfE template requires a strategy statement and statements to evidence how the school's spending decisions are informed by research evidence including the Education Endowment Foundation (EEF).

The EEF Pupil Premium Guide remains a key document in this regard [Pupil Premium Guide | Education Endowment Foundation | EEF](#)

[Pupil premium: effective use and accountability - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/pupil-premium-effective-use-and-accountability)

## Reformed Early Years Foundation Stage Framework

The reformed EYFS framework come into effect in September 2021.

[Early years foundation stage \(EYFS\) statutory framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/early-years-foundation-stage-statutory-framework)

## Early Career Framework (ECF)

From 1 September 2021 the 2-year Early Career Teacher induction replaces the NQT programme.

[Early career framework reforms: overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/early-career-framework-reforms-overview)

## Coronavirus:

<https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/schools-covid-19-operational-guidance>

Latest updates summary:

- 26 August 2021: Remote education legal duty extended to 2021/22 academic year - schools must continue to provide remote learning for any pupils unable to attend due to self-isolation or restrictions on attendance
- 25 August 2021: New questions on the educational setting status form, and weekly reporting from October – incl. from 1 October 2021, schools will only need to report weekly instead of daily. The Department for Education (DfE) will keep this under review and may reinstate daily reporting if required
- 21 August 2021: The DfE announced that from September all state-funded education settings will receive portable CO2 monitors to help them identify where they need to improve ventilation. Schools are expected to receive at least partial allocations during the autumn term.

Trust Board and LGBs should continue to seek assurances from school leaders that risk assessments and relevant policies are up to date and effective.

[monitoring priorities for governing boards](#) is a useful guidance document from the NGA.

## For background information:

- School Admissions Code updated for September 2021  
Changes re: In-year admissions and fair access protocols  
[School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- Teachers' pay grant guidance.  
[School teachers' pay and conditions - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- **The Children's Society 'Good Childhood' Report 2021**  
The 2021 Annual Report from the Children's Society provides thought-provoking information to help inform our thinking as we address ongoing challenges. The report is evidenced by the Good Childhood Index (which draws on data from Office for National Statistics and the Understanding Society Survey) which assesses the happiness of children and young people aged 10-15 years with different aspects of life and of overall life satisfaction.

[The Good Childhood Report 2021 | The Children's Society \(childrenssociety.org.uk\)](https://www.childrenssociety.org.uk)

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