



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

SUMMER TERM – GOVERNORS’ NEWSLETTER - MAY 2018

Dear Governors

Welcome to our first Bi-borough newsletter. There have been a number of governance and school developments over recent months and some further changes are planned for the next few months.

This newsletter covers a number of areas to help governors, including General Data Protection Regulations (GDPR), Local Area Inspections, School and Estate Management, updated NQT statutory guidance, Financial and Resource Management, Mental Health in Schools and website compliance.

The DfE has also published Principles for a clear and simple accountability system and details of how this will be implemented is expected to be announced in the Autumn term. A new Ofsted Framework is also anticipated for the Autumn or Spring term and as soon as we have any details we will provide schools with information.

The governance team continues to work closely with Governing Boards and Headteachers, Schools have been signing up to the School Improvement SLA, which includes access to our governor training programme and on-line training through Modern Governor. Governors may also choose to use some of the School Improvement SLA allocation for whole governor training. We are also happy to look at bespoke governance arrangements on a case by case basis.

We are currently looking at the format of the Chairs’ Forum to ensure that it is still relevant for Chairs. We will be sending a survey to Chairs in the next few weeks seeking their views on this and developing other areas of our work.

Further information on all aspects of schools governance is available via Jackie Saddington – Head of School Governor Services at Jackie.saddington@rbkc.gov.uk

You can also contact Julie.farmer@rbkc.gov.uk for further information.

Richard Stanley
Deputy Director of Education

GENERAL DATA PROTECTION REGULATION (GDPR)

The EU General Data Protection Regulation(GDPR) came into effect in the UK and across Europe on 25 May 2018.

GDPR replaces the Data Protection Act 1998.

THE RIGHT TO ACCESS BY DATA SUBJECTS - WHAT'S NEW?

Under GDPR, information must be provided to individuals free of charge in response to a subject access request (SAR).

- A charge may be made if the request is 'manifestly unfounded or excessive'.
- There may be a reasonable charge for further copies of the same request.
- The timescale for responding to requests has been reduced from 40 days to one month, and the organisation may be subject to fines if this standard is not met.
- More extensive information to be provided, in addition to the personal data.
- GDPR does allow an extension period of compliance by a further two months where requests are complex and numerous.
- Individuals must be informed within 1 month of the receipt of the request and explain why the extension is necessary.
- If requests are manifestly unfounded or excessive because they are repetitive, there is an option to:
 - Charge a reasonable fee taking into account the administration costs of providing the information
 - Refuse to respond to a request

If a request is refused, an explanation why must be given, informing individuals of their right to complain to the ICO and judicial remedy without due delay and within one month.

WHAT'S SIMILAR?

Subject access rights under GDPR largely remain similar to the existing access rights under the Data Protection Act - i.e. right to obtain confirmation that their data is being processed, access to their personal data and other specified information.

WHAT'S THE IMPACT?

- Removal of £10 charge
- Shorter timescale to respond to individual requests
- Extra information provided to individuals, in addition to the personal data

WHAT DO SCHOOLS NEED TO DO?

1) Make budgetary adjustments to accommodate free responses to SARs

2) Revise subject access policy and procedures:

- Removal of fees in most cases
- Provision of supplementary information as specified in privacy notices
- Outline circumstances where fees may be charged

3) Publish these procedures in fair processing notices

Next Steps:

- Ensure SARs policy, processes, system and forms have been updated by staff to reflect the changed timescales
- Include in the school policy a statement on how complex, numerous, unfounded and excessive requests will be dealt with.

The following links to the Information Commissioner's Office give further information.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

<https://ico.org.uk/for-organisations/resources-and-support/data-protection-self-assessment/>

www.iconewsblog.org.uk

The Data Protection Officer (DPO) at the Local Authority is Fatima Zohra. Should you have any queries she can be contacted at: fzohra@westminster.gov.uk

GOVERNOR EMAIL ACCOUNTS

As a governor, the personal data you send over email must be kept secure. Using a secure school email address will help you to meet the General Data Protection Regulation (GDPR) to prevent a data breach and respond to subject access requests quickly.

The General Data Protection Regulation (GDPR) does not specifically state that governors must use a school email account when communicating on governing

board matters. However, the GDPR does mean that individuals should be doing everything in their power to prevent a breach of personal data. This means the use of secure school email accounts by all governors is **strongly recommended**.

School-based email accounts will help ensure that:

- Personal data is kept encrypted and secure, as you will have more control over the email service and settings used
- Any requests to see data contained in emails can be fulfilled quickly, as you will be able to access these accounts more easily

Please note, however, that encryption is only likely to work if both sender and receiver(s) are using the same email 'client'.

If your governing board decide that governors do not have to use school email accounts, it is possible to use other options such as Gmail or Outlook. Both of these will allow schools to set up email accounts for free.

In Gmail, emails will be encrypted if both sender and recipient(s) are using Google apps, such as Google Chrome or the Gmail phone app.

You can set up Outlook to encrypt messages. Instructions for how to do this are on the Microsoft website.

The following link to the Information Commissioners Office (ICO) gives information on IT Security Top Tips.

<https://ico.org.uk/for-organisations/guide-to-data-protection/it-security-top-tips/>

FREEDOM OF INFORMATION REQUESTS

Separate to the GDPR, anyone can request to see governor emails that discuss the business of the governing board or work done on behalf of the governing board.

This includes emails sent from private email accounts. This is established under the Freedom of Information Act 2000, which provides public access to recorded information held by public authorities.

This is another reason why we strongly recommend that school email accounts are used.

LOCAL AREA INSPECTION BY OFSTED AND THE CARE QUALITY COMMISSION (CQC)

Being ready for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities

You will be aware that Ofsted and the Care Quality Commission (CQC) are jointly inspecting areas on their effectiveness in fulfilling their responsibilities for children and young people with special educational needs and/or disabilities. They are currently two years into a five-year cycle of inspections and inspectors could arrive in our local area at any time.

The inspection, which can only take place during term time, runs for two weeks. The Local Authority and the CCG will be notified of an inspection on a Monday morning and then, following a week of preparation, inspectors arrive in the borough the following Monday for a week of on-site visits and interviews.

During the preparation week, inspectors will identify a range of early years' settings, schools, colleges and specialist services that they would like to visit during the second week. **This could include your school.**

When visiting a school, the inspectors will generally want to speak with the headteacher, SENCO and Chair of Governors (or the link Governor for SEND). They will also speak with children and young people but will not attend lessons.

In preparation for any potential visit, it will be important that your school has a clear understanding of its strengths and areas for development with regards to SEND. This evaluation should be guided by the three primary questions the inspection team is seeking to answer:

- Question A: How effectively does the local area identify children and young people who have special educational needs and/or disabilities?
- Question B: How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities?
- Question C: How effectively does the local area improve outcomes for children and young people who have special educational needs and/or disabilities?

It is also vital that you ensure you have a published SEN Information Report on the school website. A recent quality assurance activity by the LA looked at Bi-Borough schools' reports on their websites and the outcomes are being shared with schools to help improve the quality of SEN Information Reports. For information regarding what should be included in the SEN Information Report, please follow this link:

- <http://bit.ly/LO-SEN-Info-Report>

For more information regarding the inspection programme, please see the inspection framework, which is available via this link.

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

You should also make yourself aware of the content of the Local Authority's SEND Strategy, which has recently been published and is available on the Local Offer via these links:

- RBKC – <http://bit.ly/RBKC-strategies-plans>
- WCC – <http://bit.ly/WCC-strategies-plans>

These Strategies have been developed with providers and stakeholders and reflect local priorities for developing and improving SEND provision across the Bi-Borough.

Please note that no evaluation will be made of the overall quality of the individual schools that are visited during the inspection. Furthermore, no categorised judgement will be made of the local area, but an outcome letter will be produced by Ofsted and CQC, reflecting on areas of strength and areas for improvement. Information on the inspection process has been sent to schools and governors. SENCoS have been briefed on the inspection process through local SENCo forums and network meetings.

If you have any questions regarding any of the inspection programme, please do contact the Local Authority's Nominated Officer for the inspection, Steve Comber (steve.comber@rbkc.gov.uk).

KEEPING CHILDREN SAFE IN EDUCATION 2018

A revised version of Keeping Children Safe in Education (KCSIE) was published on 17 May 2018. It will come into effect from 3rd September 2018. Until then schools should continue to have regard/adhere to the current KCSIE 2016. Please see the following links:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707761/Keeping_Children_Safe_in_Education_-_September_2018.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707688/Keeping_Children_Safe_in_Education_-_Part_1_-_September_2018.pdf

Hilary Shaw (Schools Safeguarding Officer) will be reviewing the guidance and it is planned that a short summary will be circulated shortly. This will highlight for schools what is new/different.

THE GOOD ESTATE MANAGEMENT FOR SCHOOLS (GEMS) MANUAL

The ESFA and the DfE have recently published the GEMS manual, a self-assessment tool to help assess your school or Trust's approach to good estate management, which can be accessed [here](#).

It is a new online resource aimed at individuals and organisations responsible for managing and overseeing the school's estate, helping to ensure that land and buildings support educational objectives and excellent resource management. The online resource sets out:

- the fundamental policies and procedures needed to manage the school estate effectively;
- guidance on strategic estate management, organisational oversight, understanding your land and buildings, energy and water management and managing projects;
- updated guidance on health and safety, compliance and maintenance (replacing existing guidance in Essential Schools Maintenance); and
- the skills organisations need access to, links to tools and resources that can help.
- Provides guidance on the top 10 estate checks for governing boards.
- Can governing boards see if they have the necessary knowledge and skills to support good estate management?
- Gives tips to help reduce energy and water use.

NEWLY QUALIFIED TEACHER STATUTORY GUIDANCE

New statutory guidance has been issued on Induction for Newly Qualified Teachers (NQTs). The main headlines are that it has been agreed that induction will span two years, as opposed to one year currently. A reduced timetable should remain in the second year and it is planned that all NQTs should receive consistent CPD addressing core areas. There are also plans to strengthen the role of mentors in addition to that of induction tutors. Governors should ensure that they familiarise themselves with the new statutory guidance.

ACCOUNTABILITY

The Education Secretary recently spoke at the annual conference of the National Association of Headteachers. His speech considered the barriers that can drive teachers, and leaders, out of the profession and may indeed put people off in the first place. The first barrier was workload, with the Education Secretary stating that workload comes from different places: sometimes from schools themselves, for example, from policies on marking and data collection; it can come directly from specific requirements set by government; but it can also come indirectly from the pressures inherent in the accountability system.

The Education Secretary gave the example of trying to explain the world of Regional Schools Commissioners (RSCs), Ofsted, MATs, coasting, below floor to someone not in the education sector. Not only would they look “pretty blank” but his time in office had found that even within the profession and within the sector, there can be confusion about the different “actors” within the system. Or, more specifically, who has the power to do what and on what basis and the exact circumstances that could lead to enforced structural or leadership change at a school. This meant that the “spectre” of the accountability system can loom large over schools - fear of inspection, fear of a single set of bad results, fear of being forcibly turned into an academy, all of which can create stress and anxiety which can percolate through school staff.

In order to provide school leaders better clarity on how the accountability system will operate, the consequences that can flow from it, and the roles of the actors within it, the DfE has published ***Principles for a clear and simple accountability system***. The detail of how these principles will be implemented is expected to be announced in the Autumn Term.

- **Accountability matters as every child deserves a great education.** The DfE has a responsibility to ensure all pupils are getting a great education and will be unapologetic in acting where pupils’ education is suffering.
- **The DfE will only mandate academy conversion, leadership change or re-brokerage of a school on the grounds of educational underperformance if Ofsted has judged it Inadequate.** Significant change must only be done on the basis of the soundest possible evidence. Ofsted is the only body that can provide an independent, rounded judgement of a school’s performance - data alone cannot tell the whole story.
- **The RSC’s role in intervention is to ensure the Inadequate school is matched with an academy trust that can support it to improve.**
- **The DfE will not pursue forced conversions to academy status other than in instances of school failure as judged by Ofsted.** Hundreds of schools each year voluntarily convert to academy status and the DfE wants this to be a positive choice for more and more schools.

- **The DfE will also identify schools that are underperforming and would benefit from an offer of support.** The DfE needs to identify those schools that have not failed but are showing the warning signs that suggest they may need support. The DfE will be proactive in helping the existing leadership team find and access that support. **These schools will be identified based on transparent and objective criteria.** The DfE will set a clear threshold that will trigger an offer of support – the DfE **will not have both floor and coasting standards as this can be confusing.** These measures will be replaced with a single, transparent data standard. The DfE will consult on how this will operate and consider whether an Ofsted Requires Improvement judgement should also be part of the trigger for an offer of support.
- **The support for underperforming schools will come from a MAT, an accredited system leader such as a teaching school, or a school improvement provider using evidence-based programmes.** The RSC will help identify and commission this support if needed, but it would be for academies and schools to make the final decision about the support they want.
- **School leaders above the threshold will know they have the freedom to do the best for their pupils without interference.** However, the DfE will ensure that high quality school improvement provision is available in the system for these leaders to access if they choose to do so.
- **There will be no more ‘inspections’ of schools by RSC representatives. Ofsted is the only body that can form an independent judgement about a school through inspection.** RSC representatives going into schools and performing visits that can feel a lot like inspections can be confusing for schools and can add to workload where there are additional requests for data. This will end.
- **The DfE will always approach academy trusts and LAs, not individual schools (unless a single academy trust).** RSCs will work with academy trusts on their leadership and oversight of their schools, and with LAs if they want help to access support. The RSC role is not to carry out the improvement activity themselves, but to help identify and commission it from an approved provider.
- **The DfE will be more transparent about how it takes decisions about schools, and the role of Headteacher Boards in particular.** Headteacher Boards advise RSCs on their decisions and records of their discussions, and advance notification of which schools they are discussing, will be made available, in order to make the system more transparent.

The DfE is proposing to:

- work with the sector over the coming months to refine the principles articulated above and to turn them into detailed proposals for consultation in the Autumn.
- work with school leaders and others on a simpler, more accessible system of school improvement support.

- develop a parallel regime that will allow for more rigorous oversight and challenge on the financial performance of academy trusts.
- focus on how the DfE can improve the effectiveness of governance in the sector more generally, including at MAT level. As MATs grow in number and size it will be important to keep pace by evolving how they are held to account.

SCHOOL RESOURCE MANAGEMENT

The School Resource Management webpages on the DfE's website have recently been updated. The webpages feature tools and advice from the DfE which can be used to help with planning school finances and resources. The webpages consider:

- How efficient your school is, using the Schools' Financial Efficiency Metric Tool.
- Comparing your school with other similar schools using financial benchmarking – the separate benchmarking tools for maintained schools and academies have been amalgamated into one tool, enabling maintained schools to compare their financial performance to academies and vice-versa. The combined benchmarking tool has been made considerably easier to navigate and interrogate. The tool is expected to be updated this term for academies' financial information for 2016/17. The updated benchmarking tool can be accessed via <https://schools-financial-benchmarking.service.gov.uk/>
- The top ten financial planning checks for governors, including
 - Staff pay as a percentage of total expenditure
 - Average teacher cost
 - Teacher contact ratio
 - The proportion of the budget spent on the leadership team
 - Three to five-year budget projections
- Advice to help schools plan how to use staff effectively and plan future staffing structures, which includes a curriculum planning tool.
- The national deals that have been negotiated by the DfE to help schools save money on the things it procures regularly i.e. energy, water, printing, photocopying. The DfE has just announced a school building framework, with a list of approved contractors, which is intended to support the delivery of the ESFA's school building programmes and will also be available for schools and local authorities to use for their own projects.
- Where schools can gain financial advice from, including case studies from other schools.

ACADEMIES BUDGET FORECAST RETURN (BFR) 2018

A reminder that the deadline for academy trusts to submit their 2018 BFR is Monday 30th July 2018. The online form will go live for users to complete on the 21st June 2018, not the 1st June as had been previously notified by the ESFA. This year the BFR will ask trusts to provide 3-year forecast data and a guide has been produced to assist with this process. The ESFA will also publish the BFR excel workbook by the 1st June, which will outline what information is required and will allow Trusts sufficient time to prepare their BFR returns well in advance of the 30th July deadline. The three-year guidance can be accessed via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/709358/academy_trust_guide_to_3-year_budget_forecast_return.docx

SAVING MONEY ON AGENCY SUPPLY TEACHERS

The Crown Commercial Service is working with the DfE to develop a [new national deal](#) to help schools obtain value for money when hiring agency supply teachers and other temporary staff. The new deal, when fully developed, will give schools access to a list of preferred suppliers and managed service providers that agree:

- to be transparent about the margins they charge;
- not charge temporary-to-permanent fees for workers in post for 12 weeks (with 4 weeks' notice);
- to provide consistent, rigorous background screening checks in line with statutory guidance such as Keeping Children Safe in Education; and
- to be audited by an accredited industry body.

The DfE expects this list to be available for schools to use from September 2018.

SUPPORTING MENTAL HEALTH PROVISION WITHIN SCHOOLS

Support for schools in mental health provision is high on the agenda for everyone. In the Bi-borough this has been particularly relevant following the tragedy at Grenfell Tower. Support has been provided to both adults and children in schools and Lucy Nutt, one of our Principal Lead Advisers, is working closely with all teams across the Bi-borough.

The DfE has recently published a report collating together pen portraits of mental health provision, based on case study research in 36 schools, colleges and other educational institutions across England. The case study research follows on from work conducted on behalf of the DfE by the National Centre for Social Research (NatCen) and the National Children's Bureau (NCB) in 2016/17, which explored what schools and colleges across England were doing to support pupils' mental health. The aim of the research was to gather detailed qualitative case studies of

mental health provision that would illustrate achievable practice that can happen in schools. The research focused upon nine particular areas of interest:

- Incorporating mental health into the curriculum;
- Having a designated mental health lead;
- Having a single point of contact in external mental health services;
- Engaging parents and caregivers in supporting children's mental health;
- Identifying mental health needs;
- Using universal data and measurement to identify need;
- Offering counselling to support pupils' mental health;
- Taking a whole school approach to mental health; and
- Having a plan or policy for mental health.

The case studies used were intended to:

- Offer practical details about how schools and colleges set up and deliver particular elements of mental health provision;
- Explore how this specific provision fits in to wider school activities and contexts;
- Explore schools' and colleges' perceptions of the benefits of this provision; and
- Identify lessons learned around keys to success and the ways that barriers to provision have been overcome.

The report and the case studies can be accessed [here](#)

ENHANCED DISCLOSURE AND BARRING SERVICE (DBS) CHECKS FOR ACADEMY TRUST CHAIRS

The Chairs of Trustees for all Academy Trusts must apply for an enhanced DBS certificate and have their application countersigned by the Secretary of State for Education. All new chairs require a new enhanced DBS certificate, regardless of the positions they may have held previously at different trusts. Only Trust Chairs with an enhanced DBS certificate from the same school prior to converting to an academy trust are exempt from this requirement.

Hard copies of the DBS enhanced disclosure application form, identity verification form, the DfE's enhanced DBS disclosure form for chairs of academy trusts and a £44 payment will need to be sent to the DfE who will check and countersign the application prior to forwarding it on to DBS for approval.

The Chair of Trustees is also responsible for ensuring that other members and trustees have an up-to-date enhanced DBS certificate although these do not need to be countersigned by the Secretary of State.

Further details on DBS checks in schools are within the statutory guidance Keeping Children Safe in Education (KCSIE).

IS YOUR GOVERNING BOARD USING AN INDEPENDENT CLERK?

The National Schools Commissioner has highlighted that schools that use the headteacher's PA or the school's business manager to take minutes at governors' meetings are in breach of government regulations by failing to employ a professional clerk to advise governors on their legal duties in meetings. This also means the person advising the Board is not an independent voice.

The governance handbook clearly states that a governing board must use a "professional clerk" to take minutes, organise the board and help navigate the law. It also says "the clerk should be the board's governance professional", and the board should be "assured" the person in place has suitable training and knowledge.

If your governing board is using school staff in lieu of a clerk to advise the governing board and take minutes, we would **strongly recommend** that you reconsider this practice.

WHAT TO DO WHEN YOUR HEADTEACHER RESIGNS

The first thing the Chair of Governors in a maintained school will need to do is notify the LA (and the Diocese, or LDBS, where appropriate, that the headteacher has informed the Chair that they are resigning. There have still been occasions where this part of the process has been missed out so we thought we would give a brief reminder of the first steps a Chair should take when your headteacher resigns.

- **For maintained schools** notify the Deputy Director for Schools or the Head of School Governor Services that the headteacher has resigned.
- **For VA schools** make sure you **also** notify the Director of Schools for the LDBS or Diocese.
- **In Academy Trusts** make sure you follow the Trust procedures.
- Arrange a governing board meeting to consider all your options and budget implications.
- Consider creating a working party to look at all options in depth.

Do not forget Governor Services are available to support you and will work closely with your governing board.

WEBSITE COMPLIANCE

The latest information from the DfE is that not only must websites be compliant with legislation and guidance, but that the information must be up to date. Whilst the vast majority of schools have governance information on their website it is not always up to date. We strongly recommend schools ensure that their websites are compliant, which must include their governance arrangements, declarations of interests and attendance records.

GOVERNOR TRAINING

The training programme for 2018-2019 is now being prepared and will be issued in the next few weeks. In the meantime, please see below the remaining training courses available this term. If there are any areas of governance, you feel you would like to see covered in training courses please do let us know.

REMAINING GOVERNOR TRAINING COURSES FOR SUMMER TERM 2018

Safeguarding for Governors	21/06/2018	4.00pm-6.00pm	Kensington Town Hall
Welcome to New Governors	18 & 25/6/18	6.30pm-8.30pm	The Strand

Jackie Saddington Head Bi-borough School Governor Services Jackie.Saddington@rbkc.gov.uk 0207 598 4782	Julie Farmer Governor Support Officer Bi-borough School Governor Services Julie.Farmer@rbkc.gov.uk 0207 598 4781
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