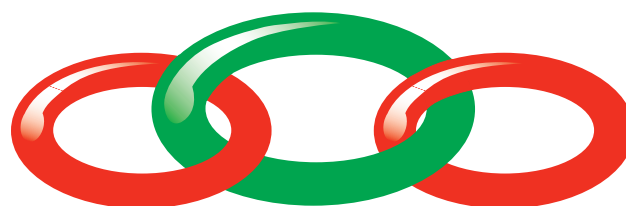


# CADWYN



ALL WALES CENTRE *for* GOVERNOR TRAINING AND RESEARCH  
*and*  
GOVERNORS WALES

## CHANGE TO THE LAW FOR SCHOOL GOVERNANCE

***In this article, the Welsh Assembly Government's David Lloyd-Thomas outlines some of the key features affecting governors in the new proposed Education Measure.***

Many governors will know that the National Assembly for Wales has the power to make laws for Wales for many aspects of education. Until earlier this year the law for school governance was one of the few areas where this was not possible but this has now changed. With its new power, the Welsh Assembly Government is preparing proposals to change the law and we expect to put the Education Measure 2010 before the National Assembly in December.

The new law will focus on making joint, co-operative working between schools a much stronger characteristic of the education system. The Welsh Assembly Government is very keen to raise standards in schools and although there has been significant progress in the last decade, too many pupils still fail to achieve their potential. Wales needs to equip its youth with the best possible education. We need to improve standards wholesale and we are using the School Effectiveness Framework as our springboard.

You hopefully know of the School Effectiveness Framework. It is our way of identifying and spreading best practice in the school system, providing support for school staff, challenge about standards and practices, and striving to get the many elements of Welsh education – schools, local authorities and the Welsh Assembly Government – to work together. All of this aims to make the education system as effective and efficient as possible, with a strong lift in standards.

The proposed Education Measure will support this drive. It is intended to create a duty for governing bodies of schools and further education institutions, and local authorities, to have to consider how they can work with each other. The Learning and Skills (Wales) Measure 2009 placed a duty to work collaboratively in pursuit of curriculum delivery, and the new Measure seeks to build on this. The emphasis is on moving beyond thinking about the needs of the school or college in isolation.

There will also be changes to the law to give local authorities new powers to propose and create federations of school

governing bodies – at present only school governing bodies can decide to group themselves in this way – so that there may be one governing body for several schools. And there will be new law to prevent the creation of any more foundation schools. They are few in number in Wales but because they make their own admission decisions they can have a big impact on the planning of school places.

In 2009 the National Assembly's Enterprise and Learning Committee reviewed the role of school governors. It made prominent recommendations to improve training for governors and the clerking of governing body meetings. The Education Measure will make changes to strengthen both. The Welsh Assembly Government recognises that governors need to be trained to do their work well and confidently while a competent, well-informed clerk is, after all, the bedrock for sound procedures and management of governing body business.

Summing up, the proposed Education Measure will be the next step in the creation of a unique education system for Wales. If passed, it will become law next July. Further information will be published at that time.

For the time-being, more information about the School Effectiveness Framework is available at:

<http://www.sefcymru.org/eng/sef-p2-home.htm>

Information about the current law is available in the School Governors Guide to the Law:

<http://wales.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/schoolgovguide/?lang=en>

And you may read the Enterprise and Learning Committee's report at:

<http://www.assemblywales.org/bus-home/bus-guide-docs-pub/bus-business-documents/bus-business-documents-doc-laid.htm?act=dis&id=136907&ds=7/2009>

## SCHOOL GOVERNORS GUIDE TO THE LAW

Governors are you aware that the Welsh Assembly Government issued the new Governors Guide to the Law at the beginning of this year? Have you got your copy? If not please contact your local Governor Support Officer.

Please also check the Welsh Assembly Government website as

this document is updated three times a year. Any amendments are placed on the WAG website. This website details what the changes are to each section. The next planned updates will be available to download in December. The Web address is: <http://wales.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/schoolgovguide/?lang=en>



## STAFF DISCIPLINARY ISSUES

**Staff discipline is not an area which most governing bodies have to address very frequently. However, when disciplinary matters do occur, it is essential that governors deal with them fairly and in the correct procedural way. In this article the School Governance and Revenue Branch of the Welsh Assembly Government gives advice on how to deal with staff disciplinary issues.**

Governing bodies are responsible for having rules to regulate the conduct of staff in schools and must have policies and procedures in place to deal with staff disciplinary matters.

The law on staff disciplinary matters is set out in the Government of Maintained Schools (Wales) Regulations 2005 and the Staffing of Maintained Schools (Wales) Regulations 2006. Guidance on these regulations can also be found in the Governors Guide to the Law, copies of which can be found on the Welsh Assembly Government website. If you are viewing this article electronically, click on the following link: Welsh Assembly Government / School Governors' guide to the law

All disciplinary procedures must be formally adopted by the governing body and the decision recorded in the minutes. The procedure must be fair and also agreed with all the local school staff unions that have members in the school. Members of school staff must be made aware of the procedures.

A governing body can delegate responsibility for some disciplinary matters to the headteacher. This would apply for matters considered to be lesser misconduct and where the outcome following investigation could be the issue of a warning.

### Staff Disciplinary/Dismissal Committees

The law states that:

- governing bodies must establish two committees – the staff disciplinary/dismissal committee and the staff disciplinary/dismissal appeals committee;
- all staff disciplinary matters considered to be gross misconduct must be delegated to these committees;
- each committee must have at least three governors and the membership must not overlap. The staff disciplinary/dismissal appeals committee cannot have fewer governors than the first committee;
- the governing body must decide on the membership of the two committees – this cannot be done by a committee or single governor, such as the chair;
- if allegations involve child protection issues the governing body must:
  - appoint an independent investigator to investigate those allegations prior to the hearing of any proceedings. The Welsh Assembly Government has established an Independent Investigations Service which is free of charge to governing bodies and managed by Servoca Plc. Their contact details are Servoca Plc, 41 Whitcomb Street, London, WC2H 7DT, telephone: 0845 073 7800.

(A governing body is entitled to seek its own independent legal advice but this would be paid for from the school's delegated budget); and

- the committees must each appoint an independent non-governor member with voting rights. The 2006 staffing regulations set out who can be an independent investigator and non-governor member.

Reasonable doubt about a governors ability to act impartially can arise where a governor;

- is related to the member of staff against whom an allegation has been made; or
- has either a personal, social or business relationship with parties involved in the disciplinary case; or
- is a parent governor and instigates a complaint or is associated with an allegation which relates to their child; or
- instigates an allegation against a member of staff; or
- has expressed a clear opinion of the desired outcome of the case.

If you are chosen to serve on the staff disciplinary/dismissal committee or the staff disciplinary/dismissal appeals committee you will need to consider the following Do's and Don'ts:

### DO

- ✓ Remain impartial. It is imperative that governors are impartial and objective and give equal consideration to the representations of all parties, whilst taking into account all available information.
- ✓ Make sure that the timescales set out in the disciplinary procedure are adhered to – if they cannot be met all parties must be informed of the reason why and alternative dates sought as soon as possible.
- ✓ Keep the local authority informed of matters. The local authority Chief Education Officer or his/her representative is entitled to attend all meetings about staff disciplinary matters.

### DO NOT

- ✗ Discuss the case in a full governing body meeting as members of both committees who were present would be tainted – the Chair should stop any discussions.
- ✗ Wait until a disciplinary case arises before seeking the appropriate training. Members of disciplinary/dismissal committees should receive training from the local authority.
- ✗ Waiting until a disciplinary case arises is too late and could cause unnecessary delays in the process.

## FROM THE CENTRE MANAGER

I read with great interest, David Lloyd-Thomas's article in this issue on the change to the law for school governors. Clearly, the possibility of setting up one governing body for several schools will bring administrative challenges to

ensure fair representation for all schools on such federated governing bodies though I am sure that this has already been considered. More importantly, though, it will require a new way of thinking by governors. On federated governing bodies,



it will be necessary for governors to consider the best interests of “our schools” rather than “our school” – quite a fundamental change, and one which the Assembly hopes will result in higher achievement for all young people in schools in Wales.

Equally interesting in David’s article is the reference to improving training for governors. I know that for a number of years, various organizations have looked at the question of compulsory governing training – not for all governors or all topics of governance but maybe for Chairs and also

induction training for new governors. Once again, this would be quite a fundamental change to governor training especially as governors are volunteers. Having said that, though, magistrates are also volunteers and training to become a J.P. is mandatory. Many would argue that governing a school, though different from a magistrate’s work, is also an important role, so perhaps mandatory training for new governors and Chairs would be a good idea if governors are to be as effective as possible in helping raise standards in our schools. What do you think?

**Steve Gullick**

## CONVERSATIONS

**Ray Wells is the Governors Wales regional officer for North Wales. Here, he talks to editor, Steve Gullick, about his role, his views on governance and his experiences both in education and the worlds of industry and sport.**

**S.G.** I know that as well as being a regional officer for Governors Wales, you are also a governor, Ray. How long have you been a governor?

**R.W.** I’ve been a governor at a Flintshire High School for twelve years and for the last two I’ve taken the Chair. I’d already been a governor of Deeside College for a couple of years and I still Chair the Learner Provision and Outcomes Committee for the college. Being a governor at both an FE College and High School provides a great opportunity to consider and advance the Welsh 14 to 19 education transformation agenda from two different vantage points.

**S.G.** I also know that your previous career was not in education, so would you mind giving us a brief description of your professional background?

**R.W.** I joined British Steel as a trainee metallurgist way back in 1970 on the princely sum of £20 a week. Not a bad starting salary for those days, supplemented by a not insubstantial wage from Warrington Rugby League Club. I played there for five years, and it taught me a lot about high performing teams and mental strength. I had thirty-six years with British Steel, moving from technical and production roles into people development and managing culture change ending my career in Shotton in North Wales, where I was the Total Quality Manager.

**S.G.** And now you work as the North Wales regional officer for Governors Wales. Can you tell us your main duties?

**R.W.** I joined Governors Wales a year after taking early retirement from Corus (British Steel). I must admit that at that time I thought I knew a fair bit about school governance. I quickly learned how little I really knew! My main objective now is to help improve the standard of school governance by raising governors’ awareness of what they need to know and helping them find the answers they’re looking for. I help to write governor fact files and guidance documents and work with LA officers to promote and maintain Governor Associations. Association meetings are an effective way of networking and exchanging information and I try to attend as many as possible in each of the Authorities. That’s an area that needs more work as some of the Governor Associations struggle for members.

In partnership with LAs and the All Wales Centre, I also help to deliver training on a regional basis, with authorities sharing resources. I organise the North Wales and Powys Governors’ Conference that’s held on the first Thursday of

November and this year the Minister, Leighton Andrews, gave the keynote speech and outlined the commitment to raising literacy standards in Wales.

**S.G.** It would be interesting to know if your previous experience in the world of industry has been of value to you in your role as both regional officer and governor.

**R.W.** In industry I became involved with Investors In People and the European Foundation for Quality Management as an IIP Recognition Panel member and a European Excellence Award senior assessor. Both enabled me to explore in great detail how organisations across Europe operate and how outstanding governance and management are the difference between good and world class. I know I’m going to alienate a lot of my governor colleagues when I say this, but I can’t help but think of a school as a business. The main customers are pupils and their parents or carers. The product is a package of education and well-being. If the package isn’t attractive to our customers they will tell us, in one way or another!

Our role as governors is really no different from that of a board of directors in any other organisation; we’re there to consider a full range of information, including feedback from our partners, staff and ‘customers’, that influences performance and outputs (results and pupil achievements); then, working with the Headteacher, make decisions that set strategic direction, targets and objectives and promote the values that determine the ethos of the school. It’s very difficult not to get emotionally involved when you’re talking about things that will change people’s lives, but as governors we have to take the emotion out of our decision-making and look three to five years ahead and be resolute in working towards agreed goals.

**S.G.** From what you’ve said, you obviously come into contact with a lot of people involved in school governance, and you have a wide experience of the many and varied aspects of governing a school. What would you say are the biggest challenges currently facing governing bodies?

**R.W.** Setting strategic direction, providing constructive challenge to the Head and the management team in a supportive way and being accountable for our decisions to our learning community – parents, pupils and staff – are the main responsibilities we have. The challenges? The biggest challenge is the same as for all organisations since the beginning of time – how to manage change. Change is inevitable. More than half of the most successful



organisations in the USA of ten years ago no longer exist. Why? They didn't recognise the need for change and therefore didn't respond in a timely way. Those who manage change well will be the most successful in the long term. Success itself can be a barrier to change, because it can lead to complacency, a kind of 'this is the way we do it' way of thinking. Governing bodies and leadership teams must constantly guard against this.

The financial restrictions that we will face will present a major problem for most schools. We all expect funding to be cut and many schools are experiencing falling rolls. This will put huge pressure on schools to look for efficiency savings and cut costs. This doesn't automatically mean job cuts. My experience in industry tells me that efficiencies can be made in other ways. However, with staffing costs accounting for as much as 90% of school budgets, governing bodies will have to look very carefully at the numbers. If redundancy is unavoidable, it can be very stressful for everyone involved. It's important the governing body gets the right help and support to manage the process and involve the staff as early as possible.

If this isn't enough, we have serious deficiencies in literacy and numeracy to address. Around a quarter of our post school population do not have a level of literacy that employers are looking for and more than half fall short of the desirable level for numeracy. Governors play an important part in asking the right questions and contributing to the answers. There are examples of outstanding practice in schools and governing body effectiveness, but if we're going to give all our school leavers the best chance of further or higher education and employment, everyone has got to 'up their game'.

**S.G.** And finally, given your wide experience of both school

governance and also business practice what advice would you give to governors in carrying out their roles?

**R.W.** Make sure you have all the accurate and up-to-date you need to inform your decision-making. Poor information or lack of information leads to poor decision-making and undesirable outcomes and shortfalls in school performance. I could go on for hours about key performance indicators, benchmarking and continuous improvement (and frequently do), but there's not enough time here, except to say governors need to be clear about which key measures are to be monitored. We should not and cannot look at all the data that a school produces – that's for the Head and the leadership team to filter.

Develop the staff. Support the staff. They are the ones you're expecting to implement your plans and deliver excellent teaching and learning in the classroom. Having said that, bearing in mind what I said earlier about falling roles and financial restrictions, reductions in staffing levels and redundancy is something many governing bodies have to face up to and manage. All the more important, then, to recognise the efforts of the people you have. Their work-life balance is important, and especially challenging when it comes to trying to get a Headteacher to take time out!

There is no formula for success, but recruiting or developing a strong Headteacher is a good start. No Headteacher, just like no Managing Director or CEO, has every skill at the level a leadership role needs. Every Head needs a good team around them that, in total, has the skills needed to manage a complicated organisation effectively. Governors contribute a variety of knowledge and skills to support the Head and to be a high performing team, the governing body will evaluate its own effectiveness on a regular basis.

## NEWS



### NATIONAL CONFERENCE FOR GOVERNORS AND CLERKS TO GOVERNING BODIES INCLUDING AWARD FOR OUTSTANDING CLERK

For the first time, Governors Wales is organising a joint conference for governors and clerks. The conference will take place on 10th March 2011 at The Pavilion, Llandrindod Wells and will focus on important issues for governors and clerks to improve school effectiveness and outcomes for learners.

The Minister for Children, Education and Lifelong Learning, Leighton Andrews AM will deliver the keynote address at the conference as well as announcing the winner of the Outstanding Clerk to Governing Body Award. There will also be opportunities for governors and clerks to attend workshops.

Further details of this conference is available from Governors Wales on 029 2073 1546.

## PUBLICATIONS

Governors Wales has recently published the following:

- **Governor Guide on the "Role of the Chair"**. The chair of the governing body plays a pivotal role in the effectiveness of the governing body. This governor guide provides an in-depth look at this crucial role focusing on the responsibilities and work of the chair of the governing body. Much is also relevant to the role of the Vice-Chair who will undertake the role of the chair when the chair is unavailable.

The Governor Guide is available to download on the Governors Wales website

<http://www.governorswales.org.uk/publications/governor-guides/> (Link for English section)

<http://www.governorswales.org.uk/cyhoeddiadau/canllaw-i-lywodraethwyr/> (Link for Welsh section)

- **Handbook Update – Inspections (Part 4, Section 8)**

Revised information on the inspection process will be emailed out to schools this term.

The information sets out the way Estyn will inspect schools for the next six-year inspection cycle from September 2010.

Llywodraethwyr Cymru    Governors Wales  
**GOVERNORS HELPLINE**

**0845 6020100 is the helpline for governors of schools in Wales.**

Operated by Governors Wales the helpline will provide advice on a range of issues to governors in all parts of Wales.



## FACT FILE 01/10

### IMPORTANT CHANGES TO EDUCATION LEGISLATION IN WALES

**Governors should be aware that there have been a number of recent and significant changes to the legislation relating to school government. This fact file lists those changes and summarises the implications for school governors. For governors who require more details, website links can be found at the end of each section.**

**The School Funding (Wales) Regulations 2010** came into force on 1<sup>st</sup> September 2010. These regulations will amalgamate and replace three existing sets of regulations that make up the funding framework for funding of schools in Wales. The new regulations will introduce the move to three year funding for schools and will provide local authorities with the power to direct spending or claw back monies where surplus budgets held by schools exceed £50K for primary schools and £100K for secondary and special schools.

[http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi\\_20100824\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi_20100824_en_1)

**The Federation of Maintained Schools and Miscellaneous Amendment (Wales) Regulations 2010** – came into force on 12<sup>th</sup> April 2010. The regulations allow for governing bodies to federate under one federated governing body. Federation of governing bodies supports the principles of schools working together and also allows cross-phase working of schools. The ability to federate could be of benefit to small or rural schools, opening up opportunities to share management and governing body responsibility whilst retaining the separate entities of the schools involved. Watch out for case study material that the Welsh Assembly Government will be producing in due course.

[http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi\\_20100638\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi_20100638_en_1)

**The Collaboration Between Maintained Schools (Wales) Regulations 2008** enable school governing bodies to develop joint working arrangements. For example, two or more governing bodies may arrange for certain functions to be carried out jointly and to delegate these functions to a joint committee. Collaboration can also occur between one or more governing bodies and with one or more further education governing bodies; reference **The Collaboration Arrangements (Maintained Schools and Further Education Bodies (Wales) Regulations 2008**

[http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20080168\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20080168_en_1)

<http://www.governorswales.org.uk/publications/2009/02/27/collaborative-arrangements-between-further-education-institutions-and-schools/>

[http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20083082\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20083082_en_1)

**The Maintained Schools (Partnerships Agreements) Wales) Regulations 2007** – section 197 of the Education Act 2002 enabled the Welsh Assembly Government to make regulations requiring all Councils in Wales, in their capacity as local education authorities, to enter into individual partnership agreements with governing bodies of all the schools they maintain. The purpose of the agreement is to enhance and sustain partnership working between the authority and schools. The agreement provides a formal legal basis that makes clear how the authority and the governing body of a school will discharge their respective statutory functions on specified matters.

[http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi\\_20073066\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi_20073066_en_1)

**The Staffing of Maintained Schools (Wales) Amendment Regulations 2009** bring the 2006 staffing regulations (which deals with delegation of authority, performance of the headteacher, conduct and discipline, appointment of staff) up to date to reflect what is new in relation to teachers' conditions of employment. The regulations strengthen the aspect of the National Agreement on Raising Standards and Tackling Workload that relates to headteachers' worklife balance and places a new duty on governing bodies to manage their staff (i.e. headteachers) in accordance with their conditions of employment.

[http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi\\_20092708\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20092708_en_1)

### **The Staffing of Maintained Schools (Wales) (Amendment No 2) Regulations 2009** -

Important changes came into force on 1<sup>st</sup> January 2010 concerning the appointment of headteachers and deputy heads. In some circumstances a governing body no longer has to advertise headteacher and deputy head vacancies. For example, when a headteacher vacancy arises as a result of statutory proposals to re-organise and amalgamate two or more schools, the governing body may choose not to advertise if there is already a head or heads in the schools being re-organised who is interested in becoming head of the new school. If the governing body is satisfied that this person or persons are suitable, they may proceed to interview without advertising the post. The same applies to deputy head post in certain circumstances.

[http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi\\_20093161\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20093161_en_1)

## **Other important information for Governors**

1. **The Common Inspection Framework** – Guidance on the procedures for Estyn's inspection framework for schools which commences in September 2010 can be found on [www.estyn.gov.uk](http://www.estyn.gov.uk) – listed at the end of this section.

The three Key questions will focus on the following:

a. **How good are outcomes?**

Standards, wellbeing

b. **How good is provision?**

Learning experiences, teaching, care, support and guidance

c. **How good are leadership and management?**

Leadership, improving quality, partnership working, resource management.

The starting point for an inspection is the school's evaluation of its own performance, supported by relevant information and evidence. The governing body will need to demonstrate that they are fulfilling their strategic role effectively.

- **2010 Inspection Guidance**  
[www.estyn.gov.uk/inspectionguidance.asp](http://www.estyn.gov.uk/inspectionguidance.asp)
- **Common Inspection Framework**  
[www.estyn.gov.uk/publications/CommonInspectionFramework.pdf](http://www.estyn.gov.uk/publications/CommonInspectionFramework.pdf)

- **Arrangements for Core Inspections (for primary schools)**  
<http://www.estyn.gov.uk/publications/Primary%20-%20Preparing%20for%20Inspection.pdf>
- **Arrangements for Core Inspections (for secondary schools)**  
<http://www.estyn.gov.uk/publications/Secondary%20-%20Preparing%20for%20Inspection.pdf>
- **Self Evaluation Manual for primary schools**  
<http://www.estyn.gov.uk/publications/Primary%20-%20%20Self-evaluation%20Manual.pdf>
- **Self Evaluation Manual for secondary schools**  
[http://www.estyn.gov.uk/publications/FINAL-selfevaluation%20%5BSecondary%5D\\_aw.pdf](http://www.estyn.gov.uk/publications/FINAL-selfevaluation%20%5BSecondary%5D_aw.pdf)
- **Self-Evaluation Report Template**  
[www.estyn.gov.uk/publications/SER%20template.doc](http://www.estyn.gov.uk/publications/SER%20template.doc)

2. The titles '**Local Education Authority**' and '**Children's Services Authority**' have been replaced by the single term '**Local Authority**' from 5<sup>th</sup> May 2010.
3. The new edition of the **School Governor's Guide to the Law for Wales** was published by the Welsh Assembly Government in 2009. All governors should have received a copy. An electronic version plus updates can be accessed from <http://www.governorswales.org.uk/law/>  
<http://new.wales.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/schoolgovguide/?lang=en>
4. **A Handbook for Governors of Schools in Wales** – the following updates have been sent directly to schools via email:
  - **List of policies and statutory documents** that governing bodies are required to have in place. It replaces part 1, section 6 - number 2, pages 19-21 of the Handbook.
  - **Curriculum** - providing information on the National Curriculum. It replaces part 4, section 7, pages 106-111 of the Handbook.
  - **Jargon Buster** – A glossary of educational abbreviations. It replaces part 5, section 8, pages 137-140 of the Handbook.
  - **Inspection** – providing information on the Common Inspection Framework 2010. It replaces part 4, section 8, pages 111-115 of the Handbook.

All updates can also be accessed from:  
<http://www.governorswales.org.uk/handbook/>