

A Handbook for Governors of Schools in Wales

PART 4

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1. PERSONNEL ISSUES

Governors are responsible for a range of personnel matters relating to all levels of staffing in their school. Although the Local Authority (LA) may be legally the employer in some schools, and undertake the responsibility for paying the staff and deducting National Insurance contributions, Income Tax, etc, the governing body of each school discharges many of the responsibilities of an employer. The LA will, nevertheless, provide information, guidance and advice to governing bodies concerning particular personnel matters. Governors should remember that however valuable their LA's advice, the final responsibility for decisions affecting staffing rests firmly with the governing body of the school.

Children's education depends upon good teachers, working as a team. It follows that the decisions made by the governing body about the recruitment and selection of members of the team and the allocation of roles within the team are inevitably those which will have a direct effect upon the performance of the school. The staff of a school, both teaching and support, represent its most precious resource and every governor will share a concern that every member of staff works effectively and that their knowledge and skills are being updated and developed. Governors will be conscious that teaching staff with the support of non-teaching staff, need to work collectively so that the school can go about its day to day responsibilities for teaching and learning. The importance of the headteacher as the leader of the staff is difficult to over emphasise, as is the need for a good working relationship between the headteacher and the chair of governors and other governor colleagues. Perhaps most important of all is that both the governing body and the headteacher share the same vision of the nature and development of the school and the standards which it strives to achieve.

Personnel decisions will not only affect the efficiency and effectiveness of your school but also affect the roles and responsibilities of individual members of staff, their pay, self-esteem and future in the school and sometimes, their career prospects.

Consequently, governors often feel that personnel responsibilities challenge their personal capabilities and technical knowledge. They are, however, equally aware of the potentially damaging consequences of mistaken or unwise decisions made collectively by the governing body, which may have far reaching consequences for particular members of staff or the effectiveness and morale of the staff as a whole. Governors may feel uncomfortable when difficult and sometimes unpalatable decisions have to be made which will affect the immediate employment of one or more members of staff and, perhaps, their prospects for the future.

More positively, the governing body will wish to invest time and energy in ensuring that there is evidence of effective team work and team leadership. Although the performance of each staff member is important, in the context of a school, it is difficult to attribute particular achievements and outcomes to any one individual. On the other hand, weaknesses in the performance of individuals that are not rectified or strengths that are not recognised, acknowledged, and exploited for the good of the school, will seriously weaken any team's effectiveness.

The management of people, particularly their recruitment, selection, deployment, motivation, development, discipline and occasionally their dismissal, are matters that are complex and need to be handled with great care.

2. RECRUITMENT AND SELECTION

Every governor wants to do their best to ensure that the children in the school receive the benefits of the attention of staff who are committed and capable whether their role is teaching or non-teaching. Good staff development can improve the performance of individuals and the whole staff team. But recruiting and selecting members of staff who are new to the school, to meet the school's particular needs at a particular time, can refresh the staff team with different experience and, perhaps, new ideas and approaches.

Recruitment is, therefore, a crucially important responsibility. Every governor has an interest in ensuring that staff appointed to the school match the school's requirements at the time. The governing body must ensure that every member of staff joining the school will be qualified, experienced and effective in the role that they are appointed to perform. It follows that the procedures adopted for recruiting and selecting staff must be systematic and designed to provide the conditions and evidence necessary to enable the governing body to appoint the best candidate available to them.

There should be clearly defined policies and procedures for the recruitment and selection of staff, formulated with the mutual agreement of the governing body and the staff, which need to be in place. If your governing body does not already have suitable agreed procedures and policies, specialist advice can be obtained from the Human Resource and Personnel Department of your LA. Employment law is complex. Take advice!

The appointment of staff, including the headteacher, must be carried out in accordance with employment and other legislation. The advice of the LA will assist governors in ensuring that their governing body is acting within the law.

The nature of the selection process

A careful assessment of the staffing needs of your school should be the starting point that may lead to the appointment of a new member of the staff. However, the relationship between the staffing plan and the School Development Plan (SDP), the needs of the budget, or needs arising from the delivery of the National Curriculum, may also be important factors.

Recruitment of teachers (other than headteacher and deputy head) and support staff can be delegated to the headteacher, one or more governors or one or more governors and the headteacher. Clear terms of reference should be agreed by the governing body.

Governing bodies must appoint a selection panel of between 3-7 people for all headteacher and deputy headteacher appointments. Making an appointment is undoubtedly the most significant decision a governing body will make particularly in relation to headteacher appointments. It is vitally important, therefore, that the governing body:

- (1) Appoints the best person for the job;
- (2) Complies with the requirements of legislation;
- (3) Ensures that the process is systematic, objective, transparent, fair, and will stand up to rigorous scrutiny and any possible challenge.

For further information, refer to the **Governor Guide on The Appointment of Headteachers and Deputy Headteachers**¹

Reference source:

- **The Staffing of Maintained Schools (Wales) Regulations 2006** sets out the law on the appointment of staff within school.
- **The Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007**
- **The Staffing of Maintained Schools (Amendment) (Wales) Regulations 2009**
- **The Staffing of Maintained Schools (Amendment No. 2) (Wales) Regulations 2009**
- **The Staffing of Maintained Schools (Amendment) (Wales) Regulations 2014**

3. GRIEVANCE, DISCIPLINARY/DISMISSAL AND CAPABILITY PROCEDURES

THE LEGAL FRAMEWORK

The governing body has control over the regulation of the conduct and discipline of staff, including grievance, capability issues, suspension and dismissal of staff. The governing body must establish three separate procedures for the above.

As mentioned previously, personnel issues can be very complex and it is crucial that correct procedures are followed. Advice should be sought from your LA. Some information on staff disciplinary procedures is provided below:

STAFF DISCIPLINARY PROCEDURES - Summary points

1. Governing bodies are required by law, as stated in **The Staffing of Maintained Schools (Wales) Regulations 2006** and **The Government of Maintained Schools (Wales) Regulations 2005**, to establish procedures for the discipline and conduct (including dismissal) of the staff for whom they are responsible.
2. Although governing bodies may wish to choose to agree and adopt policies provided by their Local Authority (LA) or diocesan authority (where appropriate), they must adopt such procedures as their own, in accordance with relevant Welsh legislation. Governing bodies must ensure that all staff are fully aware of the procedures.
3. Staff disciplinary and dismissal procedures must be separate from grievance and capability procedures.
4. New guidance circular 002/2013 on “Disciplinary and dismissal procedures for school staff” has recently been published by the Welsh Government. Governing bodies will need to consider this guidance carefully. **This guidance is statutory and governing bodies must have regard to it and to the model staff disciplinary and dismissal policy.**

¹¹ <http://www.governors.cymru/publications/2018/08/29/governor-guide-appointment-headteachers/>

5. As with all policies and procedures, governing bodies should review disciplinary and dismissal procedures from time to time. Where any proposed changes are to be made, consultation must take place with members of staff and their union representatives, the LA and diocesan authority (where appropriate), before making any amendments. A model policy for governing bodies to adopt and use can be found in Annex I of the Guidance.
6. Governing bodies must have due regard to the timescales set out in the disciplinary procedures, as well as the principles of natural justice, impartiality and fairness.
7. Governing bodies can delegate to the headteacher, cases which would constitute lesser misconduct where dismissal is not a possible outcome. The staff disciplinary policy should clearly state which matters could be dealt with by the headteacher and those which should be referred to the staff disciplinary and dismissal committee.
8. Governing bodies must have a staff disciplinary and dismissal committee and a staff disciplinary and dismissal appeals committee. Like all committees, the membership should be reviewed annually. It should not be left until a case arises. The same governors cannot sit on both committees.
9. As some members of the staff disciplinary and dismissal committees may not be able to take part i.e. due to absence or tainting, when deciding the membership, the governing body should also consider a list of reserve governors which the chair could contact in priority order. These decisions and the delegation of authority to the chair must be minuted.
10. Each staff disciplinary and dismissal committee should be made up of an odd number, and is normally made up of a minimum of three governors (with no more than five members). The disciplinary and dismissal appeal committee however, cannot have fewer governors than the first committee.
11. In law the headteacher cannot be a member of the staff disciplinary and dismissal committee or staff disciplinary and dismissal appeals committee.
12. In order to not compromise members of staff, teacher and staff governors should not be members of the staff disciplinary and dismissal committee and the staff disciplinary and dismissal appeals committee, even though they may attend hearings as the subject of the allegation or to give evidence.
13. The chair of the governing body should not normally be a member of the staff disciplinary and dismissal committee or appeals committee because he/she may be consulted on cases by the headteacher at an earlier stage. Furthermore, if an allegation is made against the headteacher, the chair will need to instigate disciplinary procedures.
14. Each committee must appoint a clerk. The clerk should be someone who understands the staff disciplinary process, and has attended training. The clerk can be the same person for both committees and may be the clerk to the governing body. However, due to the sensitive nature of disciplinary proceedings, the governing body may wish to appoint a clerk who is not a member of staff at the school.
15. Non-governors can be members of each committee but they do not have voting rights. If, however, there are allegations of child protection being considered, the staff disciplinary and dismissal and the staff disciplinary and dismissal appeals committee must include a non-governor member with voting rights. The non-governor member should normally take the place of one of the governors assigned to sit on the

staff disciplinary and dismissal committee and staff disciplinary and dismissal appeals committee. A different non-governor member is required for each committee.

16. A non-governor member cannot act as chair.
17. Any investigation by the statutory authorities (i.e. the Police and Local Authority Social Services) will normally, take precedence over the school's disciplinary proceedings.
18. Where an allegation is made against a member of staff, the allegation must be investigated.
19. Where there are allegations made against staff involving child protection issues, an independent investigator must be appointed to investigate the allegations prior to the commencement of any staff disciplinary proceedings.
20. The Welsh Government has established an independent investigation service which governing bodies can use free of charge, for allegations of child protection, which are considered to be gross misconduct i.e. if proven could lead to the dismissal of a member of staff. However, where after consultation with the relevant LA lead child protection officer, the headteacher / chair of governing body come to the conclusion, without doubt, that the allegation is demonstrably false, referral to the statutory authorities is not required and an independent investigator would not need to be appointed.
21. Advice and guidance on staff disciplinary issues can always be sought from your governor support office within your LA, or diocesan authority (where appropriate) and from the Governors Cymru support line.
22. It is highly recommended governors who are members of the staff disciplinary and dismissal committee and the staff disciplinary and dismissal appeals committees should receive training to fulfil this role. Disciplinary cases can be very complex - it is therefore crucial that governors involved know how to handle cases.
23. The Welsh Government Circular 002-2013 is statutory guidance, governing bodies must have regard to the advice given, both in adopting and reviewing their disciplinary policy/procedures. Likewise, it is important that governing bodies consider the advice from the LA. If advice is ignored and the governing body loses a case in an Employment Tribunal, the cost of any compensation may fall on the school budget.

24. Essential reference material for governors:

Welsh Government Circular 002/2013: Guidance for schools and local authorities on implementing effective staff disciplinary and dismissal procedures

The Government of Maintained Schools (Wales) Regulations 2005

<http://www.legislation.gov.uk/wsi/2005/2914/contents/made>

The Staffing of Maintained Schools (Wales) Regulations 2006

<http://www.legislation.gov.uk/wsi/2006/873/contents/made>

The Education (Modification of Enactments Relating to Employment) (Wales) Order 2006

<http://www.legislation.gov.uk/uksi/2006/1073/contents/made>

This is just a summary of some of the main points that governors should be aware of when producing and implementing staff disciplinary procedures. This information should be read in conjunction with the legislation and guidance listed in paragraph 24 above; your own agreed governing body staff disciplinary procedure and information produced by your LA and diocesan authority where appropriate.

CAPABILITY OF HEADTEACHERS - Summary points

1. Governing bodies are required by law to establish procedures “for dealing with lack of capability on the part of staff at the school”².
2. Although governing bodies may wish to choose to agree and adopt policies provided by their Local Authority (LA) or diocesan authority (where appropriate), they must adopt such procedures as their own, in accordance with relevant Welsh legislation. Governing bodies must ensure that headteachers are fully aware of the procedures.
3. As with all policies and procedures, governing bodies should review capability procedures from time to time. Where any proposed changes are to be made, consultation must take place with the headteacher and their union representatives, the LA and diocesan authority (where appropriate), before making any amendments.
4. Headteachers have a key role in raising standards of teaching and learning in their schools. In the vast majority of cases, headteachers in schools meet and often exceed the performance requirements of their roles. However, in some circumstances, individual headteachers will experience difficulties for a range of reasons and may not perform their job effectively.
5. Welsh Government guidance document 153/2014 on Capability of Headteachers – guidance for schools³ sets out a constructive approach to achieving improved work performance through effective supervision, mentoring, training, support, review and development. Governing bodies will need to consider and have regard for this guidance.
6. The overall purpose behind the management of unsatisfactory performance of headteachers is to secure improvement. This is a joint effort between the governing body (represented by the chair), the headteacher, the Local Authority and where appropriate, the trade union. However, early identification of problems and providing support through the monitoring of performance can help to avoid the need for formal procedures later on if there are concerns.
7. Where headteachers are performing below the standards required, the chair of governors is responsible for bringing this to the attention of the individual and working closely with them to provide support to help improve their performance. Headteachers must be offered tailored and enhanced support, with clear success criteria and agreed expected outcomes. **The chair should seek advice from the relevant Local Authority officer during the whole process.**

² Regulation 7(2)(c) of The Staffing of Maintained Schools (Wales) Regulations 2006 (as amended)

³ <http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/capability-of-headteachers-guidance-for-schools/?lang=en>

8. The chair should seek advice from the appropriate human resource department to ensure that the correct procedure is applied:
- **misconduct:** action or inaction which contravenes the contractual obligations of the headteacher, the rules laid down by the particular employer and / or General Teaching Council for Wales code of professional conduct and practice.⁴ In such cases, the agreed disciplinary procedures will apply.
 - **capability due to ill health:** relates to any inadequacy in health or any other physical or mental quality which results in unsatisfactory performance. In these cases, the agreed sickness procedures will apply.
 - **capability due to lack of competence:** is a lack of skill or aptitude leading to unsatisfactory performance. In these cases, the headteacher capability procedures will apply.
9. The capability process is made of the following stages:
- **Stage 1 : Informal stage**
 - **Stage 2 : Formal Stage**
 - Stage 2a : Warning Stage (normally 20-40 working days timescale for improvement)
 - Stage 2b : Final warning stage (normally 20-40 working days timescale for improvement)
 - **Stage 3 : Staff disciplinary and dismissal committee**
10. The capability procedure should include information at each stage relating to the investigation, provision of support, review and possible outcomes.
11. At all stages of the capability process, the headteacher may choose to bring a companion to any capability / appeal hearing. This could be a colleague or their trade union representative.
12. Headteachers subject to formal capability procedures will not take part in the performance management cycle of the school.
13. There are distinct roles in the capability procedure for the following, as set out in the guidance document:
- Headteacher;
 - Headteachers' representative;
 - Governing body;
 - Chair of governors;
 - Governor capability panel;
 - Appropriate Authority (Local Authority / Diocesan Authority);
 - Consortium.
14. The governing body should:
- be fully aware of the requirements of the Practising Teacher Standards and the GTCW Code of Professional Conduct and Practice
 - be fully aware of the Leadership Standards

⁴ Pages 7-8 of Welsh Government Guidance Document 153-2014 - Capability of headteachers

be fully familiar with the relevant policies relating to performance management

- ensure that the policies relating to the management of the performance and unsatisfactory performance of headteachers are implemented and are working effectively alongside other relevant policies (Please refer to 'Annex B)
- ensure that all relevant policies are available to the headteacher and are reviewed on a regular basis
- ensure that the appropriate committees of the governing body are established, that governors are aware of their responsibilities and receive appropriate training to support them in their roles.

15. In instances where the headteachers' required improvement has not been reached following the issuing of a final written warning, the matter of their unsatisfactory performance should be referred to the staff disciplinary and dismissal committee of the governing body. A meeting of this committee should be convened in line with the staff disciplinary and dismissal policy (refer to Welsh Government Guidance Circular on *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies*).

CAPABILITY OF SCHOOL TEACHING STAFF - Summary points

1. Governing bodies are required by law to establish procedures "for dealing with lack of capability on the part of staff at the school"⁵.
2. Although governing bodies may wish to choose to agree and adopt policies provided by their Local Authority (LA) or diocesan authority (where appropriate), they must adopt such procedures as their own, in accordance with relevant Welsh legislation. Governing bodies must ensure that all teaching staff are fully aware of the procedures.
3. As with all policies and procedures, governing bodies should review capability procedures from time to time. Where any proposed changes are to be made, consultation must take place with members of staff and their union representatives, the LA and diocesan authority (where appropriate), before making any amendments.
4. Welsh Government guidance document 111/2013 on "Capability of School Teaching Staff" sets out a constructive approach to achieving improved work performance through effective supervision, mentoring, training, support, review and development. Governing bodies will need to consider and have regard for this guidance.
5. The overall purpose behind the management of unsatisfactory performance of teachers is to secure improvement. This is a joint effort between the school, the teacher, and where appropriate, the trade union. However, early identification of problems and providing support through the monitoring of performance can help to avoid the need for formal procedures later on if there are concerns.
6. Before commencing the capability procedure, line managers must be satisfied that the appropriate support has been previously provided to assist the teacher in maintaining a satisfactory standard of performance.
7. There should be a determination during an initial meeting as to whether the underperformance concern is:

⁵ Regulation 7(2)(c) of The Staffing of Maintained Schools (Wales) Regulations 2006

- **capability due to ill health:** relates to any inadequacy in health or any other physical or mental quality which results in unsatisfactory performance;
 - **capability due to lack of competence:** is a lack of skill or aptitude leading to unsatisfactory performance; or
 - **misconduct:** action or inaction which contravenes the rules laid down by the particular employer and / or General Teaching Council for Wales code of professional conduct and practice.⁶
8. The capability process should contain stages i.e.
- **Stage 1 : Identify, investigate and support** (should normally take 20-30 working days)
 - Stage 1a : Identify and investigate
 - Stage 1b : Informal support programme implemented
 - **Stage 2 : Action and review**
 - Stage 2a : Formal oral warning (normally 20-30 working days)
 - Stage 2b : Written warning (normally 20-30 working days)
 - Stage 2c : Final written warning (normally 20-30 working days)
 - **Stage 3 : Disciplinary and dismissal procedures**
9. The capability procedure should include information at each stage relating to the investigation, provision of support, review and possible outcomes.
10. At all stages of the capability process, teachers are entitled to be represented by a work colleague or their trade union representative.
11. Teachers subject to formal capability procedures will not take part in the performance management cycle of the school.
12. The role of the governing body is to:
- ensure that the policies relating to the management of the performance and unsatisfactory performance of teachers are implemented and are working effectively alongside other relevant policies.
 - ensure that all relevant policies are available to teachers and are reviewed on a regular basis.
 - ensure that the appropriate committees of the governing body are established and that governors are aware of their responsibilities and receive appropriate training to support them in their roles.
 - seek the advice and support of the local authority (or the diocesan authority or provider of human resources support) if the capability process moves to Stage 3 (disciplinary and dismissal procedures).
13. In instances where the teachers' required improvement has not been reached following the issuing of a final written warning, the matter of their unsatisfactory performance should be referred to the staff disciplinary and dismissal committee of the governing body. A meeting of this committee should be convened in line with the staff disciplinary and dismissal policy (refer to Welsh Government Guidance Circular on *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies*).

⁶ Page 7 of Welsh Government Guidance Document 111-2013 - Capability of school teaching staff

Essential reference material for governors

Welsh Government Guidance Document 111-2013 - Capability of school teaching staff

<http://gov.wales/topics/educationandskills/publications/guidance/guidance-on-capability-procedures-for-use-with-school-teaching-staff/?lang=en>

Welsh Government Guidance Document 153-2014 - Capability of headteachers – guidance for schools

<http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/capability-of-headteachers-guidance-for-schools/?lang=en>

Welsh Government Guidance Circular 002-2013 - Guidance for schools and local authorities on implementing effective staff disciplinary and dismissal procedures

<http://gov.wales/topics/educationandskills/publications/guidance/staff-disciplinary-and-dismissal/?skip=1&lang=en>

The Government of Maintained Schools (Wales) Regulations 2005

<http://www.legislation.gov.uk/wsi/2005/2914/contents/made>

The Staffing of Maintained Schools (Wales) Regulations 2006

<http://www.legislation.gov.uk/wsi/2006/873/contents/made>

The Education (Modification of Enactments Relating to Employment) (Wales) Order 2006

<http://www.legislation.gov.uk/uksi/2006/1073/contents/made>

Welsh Government Circular Guidance 020-2011 - Revised professional standards for education practitioners in Wales

<http://learning.gov.wales/yourcareer/professionalstandards/?lang=en>

Welsh Government Guidance - Performance management for Headteachers, Teachers and Unattached Teachers

<http://learning.gov.wales/resources/browse-all/performance-management-guidance/?lang=en>

Education Workforce Council - Code of Professional Conduct and Practice for Registered Teachers

<http://www.ewc.wales/site/index.php/en/documents/fitness-to-practice/157-ewc-code-of-professional-conduct-and-practice>

Welsh Government Guidance document 108-2013 - Professional learning communities

<http://learning.gov.wales/yourcareer/professional-learning-communities/?lang=en>

This is just a summary of some of the main points that governors should be aware of when producing and implementing capability procedures. It should be used in conjunction with the legislation and guidance listed in paragraph 14 above; your own agreed governing body capability procedure and information produced by your LA and diocesan authority where appropriate.

4. ANNUAL REVIEW OF PAY OF HEADTEACHERS

It is a statutory duty for the governing bodies of every school to agree and review performance objectives for their headteacher relating to school leadership and management and to pupil progress.

Every governing body will need to:

- Review headteachers' pay against any existing performance objectives;
- Agree performance objectives for headteachers for the coming year, which will inform decisions regarding his or her pay in a year's time.

Who should be involved?

Decisions on pay are normally delegated to a committee, usually a pay review or personnel committee comprising two or three governors. However, teachers and other staff governors must not participate in discussions concerning the review of the headteacher's performance, nor in the collection and analysis of evidence contributing to the review. They can, however, take part in any general discussions about performance management arrangements for the school.

Setting performance objectives

Governing bodies have the following main statutory duties to undertake with regard to performance management:

- To monitor and review the performance management policy every school year;
- To set performance objectives for and to monitor the review of the headteacher with at least two appointed governors⁷, and the assistance of up to two Local Authority advisers.

Fundamental to the effectiveness of the school is the quality of its leadership and management. Inspection evidence shows that in the most successful schools the governors and senior management team provide a clear sense of direction with an emphasis on raising standards. A powerful means of helping to focus the work of the headteacher is the agreement of performance objectives. Performance objectives should be the result of a joint approach between governors and the headteacher and must relate to:

- school leadership and management;
- the headteacher's job description;
- any relevant pay progression criteria;
- any relevant whole-school or team objectives specified in the School Development Plan;
- the professional standards for headteachers;
- any national priorities for school improvement;
- the headteacher's professional aspirations; and
- improving the progress of pupils at the school.

⁷ one of the appointed governors must be a foundation governor of the school which has a religious character or a voluntary aided school which does not have a religious character.

In agreeing objectives, the following should be borne in mind:

- 1) The objectives should relate to priorities identified in the SDP and post inspection action plan;
- 2) The objectives should be relevant to both the needs of the school and the needs of the headteacher;
- 3) Performance indicators should accompany each objective so that everyone is clear about the kind of evidence that will be used to evaluate performance;
- 4) There should not be too many objectives or objectives that are insufficiently focused. Best practice indicates that at least 3 but no more than 5-6 is appropriate;
- 5) Any resource implications;
- 6) Once agreed, the performance objectives for the headteacher should be regarded by governors as a confidential matter.

Monitoring progress

Procedures should be agreed with the governors and Local Authority advisers appointed as appraisers for monitoring the headteacher's performance. The Local Authority adviser/s will assist the governors with the review of the current year's objectives.

Feedback on progress might be best given termly by governors responsible for the monitoring performance. Encouragement and praise should also be given. Changes in circumstances can be flagged up and adjustments made if needed.

Termly reviews are best conducted formally, and the agenda for the review designed to create opportunities for:

- (1) the headteacher to report progress towards the attainment of the objectives previously agreed;
- (2) objectives to be amended or priorities changed in the light of particular circumstances;
- (3) encouragement and praise to be given;
- (4) the allocation of resources to be reviewed.

The adviser/s can help the governing body in both their review of performance during the current year and in determining realistic but challenging objectives for the forthcoming year.

For further information on the appraisal process, refer to The School Teacher Appraisal (Wales) Regulations 2011 <http://www.legislation.gov.uk/wsi/2011/2940/contents/made>

5. HOW TO HANDLE A COMPLAINT

The majority of schools are happy places for staff and pupils for most of the time. However, problems will arise from time to time and you can expect that these will be quickly, sensitively and effectively resolved by the class teacher or the headteacher.

However, all parents have a legitimate right to expect that the school provides for the particular needs of their child and that the child receives fair and equitable treatment whilst in the care of the school. If, as sometimes happens, parents feel that an injustice is being done to their child or that they are dissatisfied in some way with their child's progress or the teaching which the school provides, they might bring their complaint to a governor of the school.

If a parent or someone else brings a complaint to you, remember that there is a proper way of helping in this situation. You should:-

- remember that you cannot directly solve the problem since the day to day management of the school is the responsibility of the headteacher;
- avoid giving the parent/person (or complainant) the impression that you can solve the problem as a result of being anxious to help. Never promise what you can't deliver!
- restrict yourself to explaining to the parent/person the relevant school policy or practice and then, only if you are certain as to what they are!
- refer the parent/person to the headteacher who must be given an opportunity to solve the problem, hopefully to the satisfaction of the complainant (in the majority of cases of complaints, this will be the result). This applies unless there is a situation where the complaint is about the headteacher;
- If the parent/person is not convinced that the problem has been satisfactorily resolved, you must remember that however much you wish to help, it is the headteacher's responsibility to manage the school. Equally, individual governors have no power when acting as individuals. Consequently, an unresolved complaint must be referred to the chairperson of the governing body who may decide to present the matter to a panel of governors for their consideration.

COMPLAINT PROCEDURES

A complaints procedure "is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be considered appropriately and heard and, if upheld, that the matter will be addressed appropriately and without delay".⁸

The guidance further defines a complaint as "an expression of dissatisfaction in relation to the school, a governor or a member of its staff that requires a response from the school".⁹

⁸ Page 3 - Welsh Government Circular No: 011/2012

⁹ Paragraph 2.4 - Welsh Government Circular No: 011/2012

1. In accordance with Section 29 of the Education Act 2002, all governing bodies of maintained schools and nursery schools in Wales must have procedures in place for dealing with complaints from parents/carers, staff, governors, pupils and members of the community etc., relating to the school and its provision of facilities or services under Section 27 of the Act.
2. Governing bodies are required to publish their complaint procedures, indicating how a copy can be obtained. A summary should be published in the school prospectus. Schools may also wish to refer to their complaint procedures in other material e.g., the Annual Governors Report to Parents, school newsletters, home-school agreement, school website etc.
3. New circular guidance on “Complaints procedures for school governing bodies in Wales” has recently been published by the Welsh Government. Governing bodies will need to consider this guidance carefully and review their present complaints procedure in light of the circular. A model complaints procedure for governing bodies to adopt and use can be found in Annex 1 of the Guidance.
4. Complaints and appeals relating to school admissions, delivery of the Curriculum, religious worship, special educational needs, school organisation proposals, exclusions, child protection, staff grievance, staff disciplinary and staff capability will fall under other statutory procedures.
5. The governing body should consult staff, parents/carers and pupils on any future amendments made to the schools’ complaint procedures before implementation. Staff, parents/carers and pupils should have access to a copy of the complaints procedure.
6. Prompt handling of a complaint is important. A delay may make matters worse. It is important to keep the complainant informed of progress. Concerns/complaints must be handled fairly, openly, with transparency and without bias.
7. Governing bodies should ensure that their complaint procedures contain the following:
 - Principles underpinning the procedure;
 - Roles and responsibilities of those involved;
 - Procedures for dealing with complaints of various types;
 - Timescales;
 - Procedures for recording and monitoring complaints (a model complaints form to register a concern/complaint can be found in Appendix B of the Circular Guidance listed below);
 - Procedures for implementing any actions arising from resolution of complaints or from monitoring trends;
 - How advocacy support can be accessed for pupils.
8. Governing bodies may also wish to produce a user-friendly leaflet, in order to provide suitable, appropriate and accessible information for all. Generic leaflets for use in primary and secondary schools which schools can use to raise pupils’ awareness of complaints can be found in Annex 2 of Welsh Government Circular No: 011/2012.
9. The 3 stage approach to complaint resolution is recommended:
 - Stage A - concern/complaint dealt with by the designated/relevant member of staff at the school
 - Stage B - If the complaint is not resolved as Stage A, the headteacher (or person delegated by the headteacher) will consider it at Stage B.

- Stage C - If the complaint is not resolved at Stage B, the governing body complaints committee will consider the complaint at Stage C.

Detailed information on the above stages can be found in Section 3 of the circular guidance.

10. There are however, situations where the 3 stage approach is not appropriate and will need to be adapted e.g., complaints concerning the headteacher, the chair of governors, a group of governors, the whole governing body etc. This is well documented in Section 4 of the circular guidance listed at the end. The circular guidance also includes a flow chart for the procedure (Appendix A).
11. The governing body complaints committee should be made up of at least three governors. It is strongly recommended that committee membership is an odd number to ensure that there is always a majority for any vote on a decision.
12. Governing bodies will need to monitor the key issues or trends arising from complaints made, to amend school procedures or policies if required.
13. Advice and guidance on complaints can always be sought from your governor support office within the Local Authority and from the Governors Cymru support line.
14. **Essential reference material:**
 - (i) Welsh Government Circular No: 011/2012 “Complaints procedures for school governing bodies in Wales”
 - (ii) Section 27 and 29 of The Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

This guide offers a summary of some of the main points that governors should be aware of when producing and implementing complaints procedures. It should be used in conjunction with detailed advice and support produced by your Local Authority and diocesan authority where appropriate, as well as the reference material already noted.

There are a number of FAQs to help you with the complaints this process via the following link:
<http://www.governors.cymru/faqs/complaints-procedures/>

6. THE GOVERNING BODY AND THE SCHOOL BUDGET

Local Management of Schools

Since 1988, governing bodies have had responsibility for their individual school budgets under the concept of Local Management of Schools (LMS). The principle behind LMS is that the transferring of decision making to the level of the individual school leads to greater efficiency and accountability in the use of resources, and hence better provision for pupils.

Governors have a strategic role in the financial management of the school, and the key responsibilities are:

- Setting financial priorities to reflect the School Development Plan;
- Complying with the provisions written into the LA's Scheme of Delegation on matters such as tendering, contracts, audit, and best value requirements;
- Approving the annual budget;
- Monitoring and controlling expenditure;
- Approving adjustments to the budget during the year, for example through virement (movement of money from one budget heading to another);
- Approving levels of delegation of financial decision making within the school, for example to the finance committee, chair of governors, headteacher, and other senior staff;
- Thinking longer term with the current move to 3-year financial planning;
- Deciding whether to buy into LA provided services such as building maintenance and ICT support, or whether to secure these services elsewhere;
- Managing resources effectively and efficiently;
- Accounting for any earmarked funding received, for example through the Better Schools Fund;
- Accounting to parents through the Annual Report for how money allocated to the school has been spent.

If the LA considers that the governing body has substantially or persistently failed to comply with the Scheme of Delegation, or is not spending the school's budget share efficiently and effectively, then the LA may suspend the governing body's right to a delegated budget.

How the funding system works

Budgets within the Local Service are prepared within the requirements of the School Standards and Framework Act 1998. There are three main areas:

(a) **LA Budget**

This budget is money retained centrally to meet the LA's statutory duties in support of education. It covers:

- i. School Improvement – monitoring and supporting the development of schools;
- ii. Strategic management – including planning for the Education Service as a whole;
- iii. Special Provision – including the processes involved in meeting the special educational needs of pupils (SEN), for example through the Education Psychology Service;
- iv. Access to Education – including admissions, planning school places, home to school transport, education welfare service, student awards;
- v. Adult/Community Education and the Youth Service.

(b) **Schools Budget**

This is money that may be held centrally and spent by the LA on services for schools, but may also be delegated directly to schools, in whole or in part. It includes:

- i. Expenditure supported by specific grant, such as through the Better Standards Schools Fund;
- ii. Specialised provision such as pupil referral units, services for visually or hearing impaired pupils, Welsh language teaching, provision specified in SEN statements;
- iii. School meals (primary and special schools only, secondary has to be delegated to schools);
- iv. Advisory service for schools.

(c) **Individual School Budget (ISB)**

The ISB is the amount directly delegated to schools. This is achieved through a funding formula drawn up by the LA on which governing bodies and other interested parties have to be consulted.

Most of the delegated funding (at least 70%) is based on the number of pupils enrolled at the school and is assessed through the Age Weighted Pupil Unit (AWPU).

The remainder of the funding is assessed to cover factors such as:

- The size of the premises;
- The extent of special needs in the school;
- Support services needed (legal, financial, personnel, ICT, governor support etc);

- Ongoing implementation of the school workload agreement.

In addition to the delegated budget the school receives, devolved money from the Better Schools Fund, which is for implementation of Welsh Government initiatives.

Preparing the budget (i.e. the school spending plan)

The main headings in the budget cover:

- Employees pay, national insurance, superannuation and sickness cover – teaching and non-teaching staff;
- Capitation – educational resources including books, stationery, equipment, especially ICT;
- Premises – buildings and grounds maintenance, cleaning, council tax, water;
- Energy – gas, electricity, oil;
- Other supplies – telephones, printing etc;
- Service Level Agreements – financial, legal etc;
- Income from grants, donations, lettings fees etc.

Here are some issues governors need to consider in preparing and reviewing the budget:

(a) Reserves and deficits

It is sensible to plan for a reserve to meet anticipated extra costs. However, a planned surplus of more than 5% or £10,000 whichever is greatest, will usually attract enquiries from the LA. It may be justified if the school is setting aside money for a large item of expenditure.

The LA may direct the governing body as to how to spend a surplus in the school balance for a funding period if:

- In the case of a primary school the surplus is £50,000 or more;
- In the case of a secondary school or a special school the surplus is £100,000 or more

If the governing body do not comply with such direction, the LA may require the governing body to pay all or part of that surplus to the authority.

Governors are generally not permitted to set a deficit budget. However, it may be allowed in special circumstances by agreement with the LA and would involve measures to produce a balanced budget within a set timescale.

For further information, refer to The School Funding (Wales) Regulations 2010

<http://www.legislation.gov.uk/wsi/2010/824/contents/made>

(b) **Pupil numbers and class sizes**

Because there is a direct link between pupil numbers and school funding governors need to keep a close eye on pupil number projections and take them into account in budget planning, especially as regards staffing levels.

Whilst it is the headteacher's responsibility to organise classes within the school, there is a statutory duty to ensure class sizes in Key Stage 1 are kept below 30. In addition Welsh Government policy is that classes in Key Stage 2 should be kept below 30.

(c) **Staffing**

Most schools spend at least 80% of their budget on staffing, so this is a critical area. Governors have to have regard also to the School Workload Agreement, which impacts on staffing in important ways.

- Removal of routine administrative tasks from teachers;
- Minimum of 10% guaranteed planning, preparation and assessment time for teachers;
- Requirement for a reasonable allocation of time for management and leadership responsibilities.

For further information, refer to the School Teachers Pay and Conditions Document <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>

(d) **School Development Plan (SDP)**

There needs to be a close link between the SDP and the budget. This is especially critical since the budget will normally be geared to the financial year (1st April – 31st March) whilst the SDP is usually based on the school year (1st September – 31st August).

The cost implications of items in the SDP must be spelt out, and new initiatives should be carefully costed before being approved.

(e) **Other sources of funding**

In addition to the school's budget share, governors need to be aware of and take advantage of the many other possible sources of funding, such as specific grants from the Welsh Government, Big Lottery funding and commercial sponsorship. Fund raising within the school is normally accounted for in a School Fund, kept separate from the School budget. Governors need to receive regular reports on these unofficial funds and ensure that they are regularly audited.

In addition many schools have an active Parent and Teacher Association (PTA) or Parents and Friends Association (PFA), who organise fund raising events and usually keep their own sets of accounts.

School Budget Forums

School Budget Forums are an important means for governors to influence the funding made available to schools by their LA. They were set up under the 2002 Education Act and their main purpose is “to develop informed and confident dialogue between LAs and schools on budgeting issues” (Welsh Government guidance circular 46/03 **Guidance on the Establishment of Schools Forums in Wales**).

The detailed functions of the Forum vary between LAs, but the following range of issues is typical:

- Schools funding levels for the coming year;
- Pressures on future budgets, in the context of the movement to 3-year budgets;
- Changes to the LMS formula, which dictates how funding is allocated to schools;
- Delegated funding to schools under the BSF;
- Contracts and Service Level Agreements for schools;

Welsh Government guidance makes it clear that the majority of the members of the Forum should be governors and headteachers. There is no requirement for parity of numbers between governors and headteachers, and representation varies across Wales.

The forums are generally advisory not decision making, but can be influential by looking at factors such as the following:

- The disparity on spending per pupil between LAs;
- The extent to which the LA delegates its funding to schools;
- Education’s share of the LAs capital funding; and
- How education spending compares with the Indicator Based Assessment (what the Welsh Government thinks the LA should be spending).

Experience suggests that School Budget Forums are making a difference in at least two ways:

- i. For governors and headteachers, a lifting of some of the fog that tends to envelop school funding;
- ii. For Council members and officials (especially the Director of Finance), a better understanding of the spending needs of schools.

See our guide on Governors and Finance for more information¹⁰

¹⁰ <http://www.governors.cymru/publications/2018/08/29/governor-guide-governors-and-finance/>

7. THE CURRICULUM

By law the curriculum must be balanced and broadly based and must promote the spiritual, moral, cultural, mental and physical development of pupils and society and prepare pupils for the opportunities, responsibilities and experiences of adult life. Every maintained school must provide the national curriculum, religious education, collective worship, sex education and personal and social education. Careers and the world of work are also part of the basic curriculum for 11 to 19-year-olds.

The curriculum meets the needs of individual learners whilst taking account of the broader needs of Wales and aims to:

- focus on the learner;
- ensure that appropriate skills development is woven throughout the curriculum;
- focus on continuity and progression 3-19 by building on the Foundation Phase and linking effectively with the 14-19 Learning Pathways programme;
- be flexible;
- support Government policy, including: bilingualism, Curriculum Cymreig / Wales, Europe and the World, equal opportunities, food and fitness, sustainable development and global citizenship, and the world of work and entrepreneurship;
- continue to deliver a distinctive curriculum that is appropriate for Wales.

National Curriculum

The National Curriculum is arranged in four phases

<i>Key Stage</i>	<i>School Years</i>	<i>Pupil Ages</i>
Foundation Phase	1 and 2	3 - 7
2	3, 4, 5 and 6	7 - 11
3	7, 8 and 9	11 – 14
4	10 and 11	14 - 16

The National Literacy and Numeracy Framework (LNF)

The National Literacy and Numeracy Framework (LNF) has been statutory in Wales since September 2013 and sets out clear expectations for literacy and numeracy for learners aged 5 to 15. The LNF has been developed to help achieve the aim that the children of Wales are able to develop excellent literacy and numeracy skills during their time at school. It is also part of the drive to raise standards and break the link between deprivation and educational attainment. It places an expectation on schools to ensure literacy and numeracy skills are embedded throughout the curriculum.

Skills Development

Skills development underpins the Foundation Phase framework, all the subjects of the national curriculum, plus the frameworks for personal and social education, careers and the world of work and religious education, and aims to ensure a coherent approach to learning.

These skills will enable learners of any age to become successful, whether in school, the workplace, at home or elsewhere. This part of the curriculum underpins the requirements of employers and others, and will help to address current concerns about skills shortages in Wales and other parts of the United Kingdom, Europe and the wider world.

Foundation Phase

The Foundation Phase has been developed to suit the needs of young children whilst complementing and promoting learning at Key Stage 2. The seven areas of learning are:

- Personal and Social Development, Well-Being and Cultural Diversity;
- Language, Literacy and Communication Skills;
- Mathematical Development;
- Bilingualism;
- Knowledge and Understanding of the World;
- Physical Development;
- Creative Development.

National curriculum requirements – September 2013		
Foundation Phase		
National Literacy and Numeracy Framework (LNF)	Skills Framework for 3 to 19 year olds (non-statutory)	<p><u>Seven Areas of Learning:</u></p> <ul style="list-style-type: none">○ Personal and Social Development, Well-Being and Cultural Diversity○ Language, Literacy and Communication Skills○ Mathematical Development○ Welsh Language Development○ Knowledge and Understanding of the World○ Physical Development○ Creative Development <p>and a framework for the Basic Curriculum (in maintained schools) for religious education (RE)</p>

Key Stage 2		
National Literacy and Numeracy Framework (LNF)	Skills Framework for 3 to 19 year olds (non-statutory)	<p><u>Core Subjects:</u></p> <ul style="list-style-type: none"> ○ English ○ Welsh ○ Mathematics ○ Science <p><u>Foundation Subjects:</u></p> <ul style="list-style-type: none"> ○ Welsh Second Language ○ Design and Technology ○ ICT ○ History ○ Geography ○ Art and Design ○ Music ○ Physical education <p><u>The Basic Curriculum:</u></p> <ul style="list-style-type: none"> ○ Physical, personal and social education (PSE) ○ Religious Education (RE) ○ Sex education ○ Careers and the world of work
Key Stage 3		
National Literacy and Numeracy Framework (LNF)	Skills Framework for 3 to 19 year olds (non-statutory)	<p><u>Core Subjects:</u></p> <ul style="list-style-type: none"> ○ English ○ Welsh ○ Mathematics ○ Science <p><u>Foundation Subjects:</u></p> <ul style="list-style-type: none"> ○ Welsh Second Language ○ Design and Technology ○ ICT ○ History ○ Geography ○ Art and Design ○ Music ○ Physical education ○ Modern Foreign Languages <p><u>The Basic Curriculum:</u></p> <ul style="list-style-type: none"> ○ Physical, personal and social education (PSE) ○ Religious Education (RE) ○ Sex education ○ Careers and the world of work

Skills
Framework for
3 to 19 year
olds (non-
statutory)

Core Subjects:

- English
- Welsh
- Mathematics
- Science

Foundation Subjects:

- Welsh Second Language
- Physical education

The Basic Curriculum:

- Physical, personal and social education (PSE)
- Religious Education (RE)
- Sex education
- Careers and the world of work

Other curriculum requirements

The National Reading and Numeracy Tests

All learners in years 2-9 must sit the National Reading and Numeracy Tests. The tests help identify how best to challenge and support learners in developing literacy and numeracy skills. Each pupil receives an individual report at the end of the summer term. Learners are required to take the National Reading Test, the National Numeracy Test (Procedural) and the National Numeracy Test (Reasoning). Tests must be taken during the period 7–13 May.

Personal and Social Education

Personal and social education (PSE) forms part of the basic curriculum for all registered pupils aged 7 to 16 at maintained schools. It is the responsibility of schools to plan and deliver a broad, balanced programme of PSE to meet the specific needs of learners. PSE prepares learners to be personally and socially effective by providing learning experiences in which they can develop and apply skills, explore personal attitudes and values, and acquire appropriate knowledge and understanding. Specifically the aims of PSE are to:

- develop learners' self-esteem and a sense of personal responsibility;
- promote self-respect, respect for others and celebrate diversity;
- equip learners to live safe, healthy lives;
- prepare learners for the choices and opportunities of lifelong learning;

- empower learners to participate in their schools and communities as active, responsible citizens locally, nationally and globally;
- foster positive attitudes and behaviour towards the principles of sustainable development and global citizenship;
- prepare learners for the challenges, choices and responsibilities of work and adult life.

Careers and the World of Work

Careers and the world of work (CWW) forms part of the basic curriculum for all registered pupils aged 11 to 16 at maintained schools. It is also part of the requirements of the Learning Core of Learning Pathways 14–19.

It brings together and revises the previous frameworks for work-related education, and careers education and guidance. CWW focuses more towards ensuring that young people are ready to take their place in a rapidly changing world of work within the global economy.

CWW should help learners to:

- explore the attitudes and values required for employability and lifelong learning;
- plan and manage their pathway through the range of opportunities in learning and work;
- make effective career choices;
- become entrepreneurial;
- flourish in a variety of work settings;
- become motivated, set long term goals and overcome barriers;
- see the relevance of their studies to their life and work;
- develop key skills and other skills required by employers;
- prepare for the challenges, choices and responsibilities of work and adult life.

Sex education

All maintained schools must, by law, have an up-to-date written sex education policy, which is available for inspection, particularly by parents. In all maintained secondary schools, sex education is compulsory. In primary schools, it is for the individual schools, in consultation with parents and governors to determine how best to approach sex education, in accordance with pupils' needs and the character and ethos of the school.

Religious Education (RE)

RE is a statutory subject for all school pupils, apart from those who have been withdrawn by their parents. This requirement does not apply to Further Education colleges. RE must reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in the country. The Religious Education framework requires:

- the promotion of the spiritual, moral, cultural, mental and physical development of pupils, including those in nursery settings;
- appropriate provision for all registered pupils in every maintained school in Wales, including those in reception settings and those up to the age of 19;
- that Christianity should be studied at each key stage and that the other principal religions should be those represented in Great Britain;
- that religious education be non-denominational, but teaching about a particular catechism or formulary is not prohibited (i.e. similarities and differences in beliefs, teachings and practices of the religious traditions can be studied).

Collective worship

All schools (but not further education colleges) must provide a daily act of collective worship which is broadly Christian for all their registered pupils. Parents may withdraw their children from collective worship and pupils over 16 can withdraw themselves.

Flying Start

The Flying Start programme connects with the Foundation Phase, funding being made available in the most deprived areas to assist schools and other organisations to help children from these areas have a flying start into school.

14-19 year olds – Learning Pathways Programme

Opportunities are provided for 14-19 year olds which offer greater flexibility and choice in subjects and the way that they learn. The framework consists of six key elements and which fall into two categories:

- learner provision;
- learner support.

The three elements of **learner provision** are:

- Individual Learning Pathway - to meet the needs of each individual, including formal, non-formal and informal strands;
- Wider Choice and Flexibility of courses – leading to qualifications from a local curriculum;
- Wider Learning from the Learning Core - including skills, knowledge, attitudes values and experiences that all 14 - 19 year olds will need whatever their pathway.

The three elements of **learner support** are:

- Access to Learning Coach – support for learning to be available at greater intensity for those in greatest need

- Access to Personal Support – to help overcome personal barriers to learning
- Impartial Careers Advice and Guidance.

Welsh Baccalaureate Qualification for Post-16

A qualification based on both traditional qualifications (options) such as NVQs, A Levels or GCSEs and the 'core' which consists of Key Skills, a language model, an individual investigation, community participation (PSE) and work-related education. It provides a framework and catalyst for a wider more flexible provision which is in line with Learning Pathways 14-19. Further information about the Welsh Baccalaureate Qualification can be found on <http://www.wjec.co.uk/qualifications/welsh-baccalaureate/welsh-bacc-from-2015/>

Governors' Responsibilities

Governors and the headteacher of maintained schools have a duty to secure the implementation of the statutory curriculum in their school and the associated assessment arrangements.

Many of the issues that relate to the scope, quality, organisation and management of the teaching of the curriculum in schools are part of the day-to-day management of the school and fall within the responsibilities of the headteacher. It is for the governing body to be accountable for the implementation of national policies for schools and for the drawing up of local policies and strategies for monitoring their effectiveness. It is for the headteacher to manage the day to day practical implementation of these policies.

Your curriculum committee should help your governing body to keep pupil learning at the heart of its agenda by:

- assisting the whole governing body to carry out these responsibilities including for example:
 - making sure that the curriculum teacher assessment procedures are carried out effectively;
 - determining policy on sex education;
 - considering the approach to religious education;
 - approving the arrangements for collective worship;
 - hearing appeals and complaints concerning the curriculum;
- taking decisions or helping the full governing body to take decisions about other aspects of the curriculum, including the school's policy on Special Educational Needs (SEN);
- monitoring or helping the full governing body to monitor the impact of those decisions;
- ensuring that the full governing body has the information which will enable it to monitor standards of pupil achievement.

8. SCHOOL INSPECTION

The summary below sets out the way Estyn will inspect schools for the next six-year inspection cycle from September 2017. **Detailed information and guidance about the inspection process can be found on <http://www.estyn.gov.wales/inspection>**

The governing body has a very important role in making sure that the school provides a good quality education for its pupils. It shares this responsibility with the headteacher, staff and the LA. The School Development Plan and the school's self-evaluation report will help the governing body make judgements about the progress the school is making.

It is important that when judgements are made about the quality of and provision of education in different schools, there is a consistent approach being applied to those judgements and the same criteria is used. To meet these requirements, the Estyn Common Inspection Framework provides a systematic approach to inspections with all schools being inspected within a six-year cycle.

Under Section 28 of the Education Act 2005 and related regulations, all schools will be inspected at least once every seven years by Her Majesty's Inspectorate for Education and Training in Wales, known as Estyn.

Inspections are conducted by a team of inspectors, led by a Reporting Inspector with other team members, all drawn from HMI or Additional Inspectors (Additional Inspectors may be on secondment or contract to the Inspectorate). Each team will also have a Peer Inspector (i.e. a member of staff from another school) and a Lay Inspector (who has not been involved in providing or managing school education, other than in a voluntary capacity). The inspection team members must have satisfactorily completed a training and evaluation course organised and approved by Estyn. The inspection team should not have any connection with the school as this may cast reasonable doubt on their ability to inspect and report impartially. In addition to the above, the school that is being inspected will be invited to select a 'nominee' (a member of the school's senior staff) to work with the inspection team. The nominee will provide an important link between the school and the inspection team.

PURPOSE OF INSPECTION:

The school inspection will cover all aspects of a school's provision, apart from denominational education and the content of collective worship in voluntary schools. These schools are inspected separately under section 50 of the Education Act 2005 for collective and religious worship. The current inspection arrangements were introduced in order to:

- provide a means of identifying strengths and weaknesses to help improve standards and quality;
- provide an independent evaluation;
- identify and promote good practice and strive for excellence;
- keep the Welsh Government and public informed.

During the inspection, inspectors:

- will approach inspection with a positive mindset to ensure it is the best possible professional learning experience for the staff in each provider;
- will take a learner-focused approach to inspection;
- will always focus strongly on the quality of teaching and learning;
- will seek out well-considered innovative practice;
- will tailor the inspection activities according to the circumstances in each provider through being agile and responsive and using the increased range of inspection tools and approaches available;
- should consider everything in the inspection framework, but only report on the key strengths and weaknesses.

Schools will receive 15 days' notice of the inspection, and will be required to submit the following information:

- key background information about the school;
- a copy of the school's most recent self-evaluation report and School Development Plan;
- Details of:
 - (i) the school's timetable for the period of the inspection; and
 - (ii) staff members and responsibilities.

During the inspection, five Inspection Areas will be looked at, as noted in the Common Inspection Framework:

1. Standards

Aspects:

- 1.1 Standards and progress overall
- 1.2 Standards and progress of specific groups
- 1.3 Standards and progress in skills

2. Wellbeing and attitudes to learning

Aspects:

- 2.1 Wellbeing
- 2.2 Attitudes to learning

3. Teaching and Learning experiences

Aspects:

- 3.1 Quality of teaching
- 3.2 The breadth, balance and appropriateness of the curriculum
- 3.3 Provision for skills

4. Care, support and guidance

Aspects:

- 4.1 Tracking, monitoring and the provision of learning support
- 4.2 Personal development
- 4.3 Safeguarding

5. Leadership and management?

Aspects:

- 5.1 Quality and effectiveness of leaders and managers
- 5.2 Self-evaluation processes and improvement planning
- 5.3 Professional learning
- 5.4 Use of resources

Self-Evaluation Report

Self-evaluation is at the heart of the inspection process. A self-evaluation report will form the starting point of the inspection, highlighting strengths and shortcomings and areas for development. As a governor, it is crucial, therefore, that you have a clear idea of what is happening within your school. Does your governing body fulfil its strategic role? Do you act as a “critical friend” of the school by asking questions about all aspects of its life and work? Do you ask those key, but often simple questions – Why? How? Where? When? Do you monitor and evaluate performance and standards? Do you play an active part in producing and reviewing the School Development Plan? Does the governing body have a clear vision for the school for the next five years?

See “A self-evaluation manual for primary, secondary and special schools” on

<http://www.estyn.gov.wales/document/self-evaluation-manual-primary-schools>

<http://www.estyn.gov.wales/document/self-evaluation-manual-secondary-schools>

<http://www.estyn.gov.wales/document/self-evaluation-manual-special-schools>

Before the inspection

The starting point for inspection is the school’s evaluation of its own performance, supported by relevant evidence, which is submitted by the school via the Virtual Inspection Room (VIR). Inspectors will not inspect all aspects of work in depth during a core inspection. They will sample evidence to test the school’s own evaluation of its work. The inspectorate will also obtain a briefing on the school from the LA.

The reporting inspector will produce a list of "emerging questions" based on the pre-inspection information received, which will be shared on the morning of the first day of the inspection.

The governing body, along with the headteacher and senior management team of the school must be responsible for ensuring that:

- (i) parents/carers and stakeholders are informed of the date of the inspection;
- (ii) a meeting is arranged between the Reporting Inspector and parents/carers of pupils of the school;
- (iii) questionnaires are sent (on behalf of Estyn) to parents/carers, a sample of pupils, staff and governors. The results of these surveys will form part of the pre-inspection evidence;
- (iv) the various documentation requested is sent to the inspection team;

- (v) the headteacher, members of staff, pupils and school nominee are supported in preparing for the inspection;
- (vi) a meeting is arranged with members of the governing body and inspectors during the inspection period. Estyn is content for up to three governors to attend this meeting. However, it is important to note that this offer does not need to be taken up and should not be taken as the default position. In practice, the chair and another governor usually represent the governing body at the inspection week meeting, although in some circumstances, for example where there has been a recent change in membership, up to three governors have attended this meetings, as well as the feedback later in the week.

During the inspection:

The inspection team will:

- observe lessons;
- listen to learners;
- hold interviews and discussions with pupils and staff;
- scrutinise pupils' work, school documents and other relevant evidence;

The inspection team will also consider whether the school needs any follow-up activity, i.e:

- (3) Estyn review;
- (4) significant improvement; or
- (5) special measures.

Estyn will continue to share outstanding practice by inviting providers to write effective practice case studies when they have seen excellent work. This will also extend to ask providers to provide a case study where practice in a particular area is strong, even if the overall judgement for that inspection is good.

After the inspection:

- (i) The inspection team will evaluate the provision and make two overall summary judgements, linked to the five inspection areas, which in turn are based on a 4-point scale:
 - excellent – very strong, sustained performance and practice;
 - good – strong features although minor aspects may require improvement;
 - adequate and needs improvement – strengths outweigh weaknesses, but important aspects require improvement; and
 - unsatisfactory needs urgent improvement – important weaknesses outweigh strengths.

The summary judgements will include an overall judgement on the school's current performance and on the school's prospects for improvement.

- (ii) The Reporting Inspector will provide oral feedback, on the inspection findings at the end of the inspection process to leaders and managers, including up to three representatives from the governing body. However, it is important to note that this offer does not need to be taken up and should not be taken as the default position. In practice, the chair and another governor usually represent the governing body at this meeting. A representative from the LA should be invited to attend the meeting. This will convey the main judgements and the reasons for them;
- (iii) The inspection report will contain the following information:
- Information about the school
 - A summary statement
 - Judgements
 - Recommendations
 - Main findings
- (iii) The school will have five working days to consider a draft response to check for factual accuracies;
- (iv) The Reporting Inspector must produce the inspection report within the statutory timescales after the end of the inspection. Copies of the report will be provided free of charge to parents;
- (v) On publication of the report, the governing body must produce an Action Plan within 20 working days. The action plan must show what will be done in response to the inspection recommendations. The governing body must ensure that the recommendations from the report are built into the School Development Plan and are monitored and evaluated. Reports on progress made by the school should be communicated in the governors' annual report to parents.

9. PUPIL BEHAVIOUR

Governing bodies must prepare and regularly review a written statement of general principles that provide the framework for an overall policy for behaviour and discipline. This should take into account the needs of all pupils within the school. Where the governing body wants particular measures introduced or issues addressed they must notify the headteacher and may provide guidance where appropriate.

In preparing or reviewing its statement a governing body may set out:

- The ethos and values of the school and its moral code;
- the boundaries of acceptable behaviour;
- positive and constructive rules of conduct;
- the arrangements to ensure consistent application of rewards and punishments.

The statement may also include the principles of bullying prevention.

In drawing-up and revising the statement, the governing body must consult the headteacher and parents/carers of pupils at the school and take account of their views.

The governing body should oversee the maintenance of school discipline by the headteacher, who has to act in accordance with the above-mentioned statement and comply with any guidance the governing body may give on specific measures for promoting good behaviour.

In accordance with the governing body's statement of principles and any specific guidance, the headteacher should draw up the school behaviour policy, which will include rules and arrangements for their enforcement.

The school behaviour policy must be approved by the governing body as well as being subject to formal review from time to time.

The headteacher must ensure that parents, teachers, support staff and pupils are aware of the policy and closely monitor its implementation.

The governing body should approve the types of sanction and reward that the school employs as a means of reinforcing its behaviour policy.

Pupil support

Pupils who do not respond to the provisions of the school's behaviour policy may be at risk of being excluded. This is obviously a last resort after all alternative sanctions have been considered.

Exclusions

There are two kinds of exclusion. **A fixed term** exclusion is for a specific number of days, and gives a date when the pupil is to return to school. **A permanent exclusion** removes the pupil permanently from the register of pupils enrolled at the school. Where a pupil is permanently excluded, it is the duty of the LA to make appropriate alternative provision for the child's education.

Although it is the decision of the headteacher which determines whether a pupil is excluded, the decision to exclude can be reviewed by the governing body and the pupil can be reinstated.

The headteacher should notify the parents immediately of any decision to exclude and must send written confirmation within one school day. Headteachers, governing bodies, LAs and independent appeals panels must by law have regard to guidance produced by the Welsh Government: **No 081/2012 – Exclusions from Schools and Pupil Referral Units**. This sets out the process and timescales required in addition to examples of model letters that can be used.

Pupil Discipline Committee

The governing body must set up a discipline committee, made up of 3 or 5 governors from the governing body, including a range of different categories of governors, but not including the headteacher, the quorum of which will be 3. The governing body should also appoint a clerk who can provide advice and also deal with the administrative process.

All days referred to are school days; weekends and school holidays are not taken into account.

The Independent Appeals Panel

Where a pupil has been permanently excluded and the discipline committee upholds this decision, the parents may appeal against its decision within a specific timescale.

The governing body should be prepared to present to the independent appeals panel its reasons for supporting the headteacher's decision to exclude. The following can present their case at the hearing, either orally or in writing:

- i) the parent and pupil;
- ii) the headteacher;
- iii) a nominated governor;
- iv) a nominated LA officer;
- v) all the above parties, as well as the governing body may be represented by a legal or other representative.

The independent appeals panel must have regard to the interests of other pupils and staff, and not only those of the excluded pupil, when reinstatement is considered.

The independent appeals panel will include 3-5 members including a lay person, an education practitioner, school governor (not from the school in question) who must be seen to be impartial.

Education of the pupil following exclusion

Whilst the pupil is still on the school roll, it is the responsibility of the school to continue to provide education for the pupil. Normally, pupils excluded for more than 15 days, from the date at which the exclusion is upheld by the discipline committee, should receive a full time and appropriate education. As in the case of longer fixed period exclusions, it may be necessary for the school to seek the help of the LA which maintains the school.

Following a discipline committee's decision to uphold a permanent exclusion, the LA will only assume responsibility once the appeals procedure is completed, or until the time scale for an appeal has expired or when the parents have given notification that they do not wish to appeal.

As with all policies, it is important that they are reviewed and evaluated from time to time.

Here are some suggestions of how this can be achieved: Creating/reviewing a School behaviour Policy

1. Governors receive a copy of the existing policy, any legal requirements and any other documents or procedures in current use.
2. The governing body meets and – through discussion (workshop, case study) agrees the principles which should underlie a behaviour policy for the school. These are recorded.
3. The governing body agrees a process of consultation on the principles: staff workshop day; records of discussions amongst groups of pupils/school councils; presentations from local organisations, youth workers, police, LA officers and other experts; consultation with parents through presentations/discussions, at parent evenings, parent/staff association events etc.
4. The monitoring and evaluation of the existing behaviour policy should feed into the review. For example, assessing the impact of the operation of policies, the extent of rewards distributed and sanctioned.
5. The governing body appoints a small working group with representatives of interested parties, co-opting any non-governors, and agrees its terms of reference, timescale, resources needed, steps to be taken, and a clear written statement of the principles it has agreed.
6. Following consultations, the working group prepares a draft document which is taken to the governing body for discussion. Does it reflect the principles laid down by the governing body? Does it contribute to achieving the aims of the school? Will it gain the active consent of pupils, parents, staff, the community?
7. When this is agreed, the governing body formally ratifies the policy and decides which committee or working party will be responsible for monitoring, how frequently it will report back to the governing body, and when the policy is due for review.

Useful information relating to this section can be found in Section 3 of Circular No: 47/2006 **Inclusion and Pupil Support**.

School Attendance

All parents / carers have a legal responsibility to ensure their child regularly attends school.

When a child attends school on a regular basis, they take an important step towards reaching their full potential, and are given the greatest opportunity to learn new things and develop their skills. Children who miss school can frequently fall behind with their work and do less well in exams. The more time a child spends around other children, whether in the classroom or as part of a school team or club, the more chance they have of making friends and feeling included, boosting social skills, confidence and self-esteem.

Attendance in schools needs to remain a priority to ensure that children and young people are given the chance to achieve their potential. The statistical links between attendance and achievement are very strong. Reaching the highest levels of attendance is particularly challenging in areas with high levels of deprivation. However reports show that strong and effective leadership in schools can make a large difference to attendance levels in all areas. Further details can be found in Section 4 of Welsh Government guidance on Inclusion and Pupil Support.

The Welsh Government introduced fixed penalties for regular non-attendance at school in September 2013. The associated guidance provides advice and sets out responsibilities for local authorities, schools and police. Penalty notices are one option among a number of different interventions available to promote better school attendance. Attendance at school is essential to improve children's educational prospects and to avoid putting them at risk of criminal or antisocial behaviour.

The governing body may wish to appoint a governor with specific responsibility for pupil attendance. The pupil attendance governor is the link between the governing body and the school in relation to attendance and should meet the designated staff lead regularly, probably on a termly basis. The nominated governor should help the governing body ensure that its statutory duties in relation to pupil attendance are met and that that staff and governors are appropriately trained.¹¹

¹¹ <http://www.governors.cymru/publications/2018/08/29/pupil-participation-associate-pupil-governors-and-school-councils/>

10. SCHOOL COUNCILS – PUPIL PARTICIPATION

The School Councils (Wales) Regulations 2005, required that all maintained primary (excluding infant and nursery), secondary and special schools in Wales must have a school council. The Regulations set out a number of minimum requirements for the establishment and operation of school councils – e.g. that the members must be elected by secret ballot, that schools with a special educational resource base must have at least one member from that base on the council, and that the council must meet at least six times a year.

The regulations also provide that school councils in secondary schools may nominate up to two council members from years 11 – 13 to be associate pupil governors on the governing body and that where such nominations are made the governing body must accept them. Some of the regulations provisions are not applicable to maintained community special or foundation special schools. Circular **42/2006 ‘Guidance for Governing Bodies on the Establishment and Operation of School Councils’** contains information, advice and examples of good practice.

ROLE OF GOVERNORS

Governors play a vital role in helping schools develop pupil participation, and that – where schools take participation seriously – this can have a considerable positive effect on pupils’ personal and social development, and indeed on the whole school environment. In order to help governors in this process, it is important that they understand the following areas:

a. What pupil participation means:

Pupil participation is about children and young people having a voice about decisions that affect them in school and about that voice being taken seriously by decision makers. It is also about pupils learning about democratic processes, citizenship and having the opportunity to work alongside adults to improve their school environment and ensure they get the best educational opportunities possible. Participation can happen in many ways and on many different levels: through participative teaching and learning styles; through class, year and school councils; through regular consultation, and activities linked to national initiatives such as Healthy Schools and Eco-Schools.

b. The reasons underpinning increased pupil participation:

Schools that have developed participative ways of working tell us of the great benefits as a result. Through being involved in consultation and decision-making, pupils develop valuable personal and social skills such as listening, communication, negotiation, prioritising and working with others to achieve group goals. When given the opportunity to participate, pupils are found to become more engaged and involved, and pupil-teacher relationships improve. Where policies reflect pupils’ needs and incorporate their ideas, they tend to be better and more grounded. Pupils’ creative energy is harnessed towards working together with adults towards common goals.

c. How schools can go about developing pupil participation, according to their needs and circumstances:

A participative culture is not created overnight, and it’s important that pupils and adults work together to decide the way forward. Pupils and staff need to understand how to develop participative approaches and structures. To help pupils, school staff and governors to gain the necessary knowledge and skills, the Children’s Rights Wales website¹² contains information and advice about school councils and wider pupil participation.

¹² <http://www.childrensrights.wales/participation>

Participation in schools is just part of a wider picture in Wales. The Welsh Government is committed to ensuring that children and young people aged 0-25 can access the maximum possible opportunities to participate in decision-making locally and nationally on issues which affect their lives. The Welsh Assembly Government has adopted a sound bite to explain this, as follows:

“Participation means that it is my right to be involved in making decisions or planning and reviewing and action that might affect me. Having a voice, having a choice”, and is supporting the development of procedures and organisations which can help to facilitate effective participation. The Welsh Government is also working hard to model how effective involvement by children and young people in the work of organisations can improve the way in which they function and take decisions.

The school context is, however, vital. It is one of the first settings outside of the home where children and young people learn how to interact with adults other than those in their families, and where they are supported to develop the necessary skills and attitudes to become responsible and active citizens. Governors can play a vital role in ensuring that all schools in Wales are places where young people can acquire democratic skills and practices.

ROLE OF ASSOCIATE PUPIL GOVERNORS

A particular challenge for secondary school governors is the role of associate pupil governors. The governing body will need to decide how to work with these representatives in order to achieve the best outcomes for the young people nominated as associate pupil governors, the governing body as a whole, and the school more widely. This may call for a consideration of the following factors, amongst others:

- The format, content and timing of governors’ meetings;
- The form and timing of communications;
- The role of associate pupil governors in meetings;
- Ways of working which are inclusive and creative;
- Ongoing links between the governing body and the school council.

Increased pupil participation is an exciting development which, if correctly developed and nurtured, can have positive outcomes for your school.

For further information on pupil participation, refer to the following:

Pupil Participation, Associate Pupil Governors and School Councils¹³

Promoting and Supporting Effective Pupil Participation¹⁴

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¹³ <http://www.governors.cymru/publications/2018/08/29/pupil-participation-associate-pupil-governors-and-school-councils/>

¹⁴ <http://www.governors.cymru/publications/2018/08/29/promote-and-support-effective-pupil-participation/>