

An Daras Multi Academy Trust

Trust & School Governance During the Covid 19 Pandemic

The An Daras Multi Academy Trust (ADMAT) Company
An Exempt Charity Limited by Guarantee
Company Number/ 08156955

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Recommended	
Statutory	
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Next Review	To be reviewed monthly to take account of latest Government Covid 19 measures
Authority	An Daras Trust Board
Linked Documents and Policies	DfE (various updates, guidance & direction), NGA guidance, The Key guidance, The SchoolBus guidance, Bishop Fleming guidance

Introduction

With the Covid 19 pandemic, we find ourselves in uncharted territory and even the best contingency plans have probably never considered the situation we find ourselves in now. The DfE has been clear that governance must continue but urge the focus of governance to be on urgent, time-bound decisions while leaving less urgent matters until normality resumes. Support to school leaders and staff should be prioritised to allow them to get on with operational matters. However, good governance is important as the Trust is dealing with public money in a time of crisis and assurance is essential when the usual systems and capacity are stretched. The Trust is also responsible for the wellbeing of all pupils and staff and this must be monitored.

This policy lays out the procedures to be followed during the current Covid 19 lockdown measures and school closures, and also incorporates the policy for remote meetings. It can also be used should lockdown measures be relaxed and then tightened again in future. Specifically the appendix regarding remote meetings can continue to be used for governors who need to continue to self isolate for a longer period.

Meetings

The Trust Board and its committees, including the Local Governing Boards, will need to be pragmatic and flexible in how they fulfil their role and not add to the burden of school leaders and staff. That said, there is still a statutory requirement to challenge and keep oversight, and when life returns to normal, accountability will no doubt be considered. Decisions taken need to be proportionate but every decision still needs to be properly justified and documented. It has been recommended that Boards suspend committee meetings and only consider essential business at the full Trust Board [DfE], however the Audit committee function is to continue unless the ESFA issues further direction regarding this. There is also still a requirement to, as far as possible, fulfil the rules of the Academies Financial Handbook. Therefore, in addition to the full Board and Audit committee, the remaining committees (in particular the FSD) will only be called if necessary. The Local Governing Boards can continue to meet but only when necessary to do so. **All meetings at this time will be remote**; see the table below for further details and 2 – Procedures and Ground Rules for the Conduct of Remote Meetings.

There is provision in An Daras Articles of Association, Article 126, to hold remote meetings by telephone or video conference. Trustees [governors] can give notice of the intention to participate in the meeting remotely by providing the telephone number or details of the video-conferencing software by which they can be reached 48 hours in advance of the meeting and all trustees [and governors should ideally] have access to the appropriate equipment being used. The meeting may proceed without a trustee [governor] who cannot access the equipment being used, so long as it remains quorate. The DfE has confirmed that Trust Boards/LGBs do not have to meet ahead of the remote meeting to agree to meet via telephone or video conference but can agree directly with the Clerk. It is, however, important to note that all those attending the meeting must agree to the meeting arrangement. Where possible, Article 111 will be complied with by giving 7 days notice of the meeting but this article also allows for shorter notice period if sufficient grounds to do so – Covid 19 measures are considered sufficient grounds and Trustees/Governors are asked to be flexible in this regard.

Supporting School Leadership

School leaders will be running schools quite differently for the foreseeable future and the role of Chairs and Boards will need to evolve too. The support required by a Head will depend on the individual, it has been recommended that the Chair lets them know that support is available and take the lead from the Head regarding the support required and how often they wish to communicate. The Chair and Clerk should be the link between the school and the remaining governors in order not to burden school leaders with additional emails. The Chair should include regular communication back to the Board (possibly via the Clerk) and also be a sounding board for the Head to help them clarify their thinking (but not interfere with operational matters). Governors should not expect unnecessary updates but accept proportionate updates on the welfare of staff and pupils. Governors can assist in sharing a consistent 'message' within the community and help to minimise misinformation.

Prioritising Wellbeing

A priority during this phase should be the health and emotional wellbeing of pupils, school leaders and staff, directors and governors. Everyone will be under different pressures whether in school, at work or at home so it is important to recognise this and focus only on what is needed at this time.

Maintaining Effective and Regular Communication

There has been and will continue to be an increase in communication from the DfE during this period. Much of this information is contained in this policy and will continue to be shared with Directors, Governors and Staff as necessary. It is intended to update all Boards on a weekly basis for information only. If any action is required, it will be made clear in the email.

Governance Priorities

Governance should focus on what 'must be done' in the coming months rather than what the normal governance work schedule may suggest. Updates and discussions at meetings should focus on:

- Staff and pupil health and wellbeing (*LGBs*)
- Safeguarding (*Trust Board & LGBs*)
- Coronavirus response overview and the risks around re-opening (*Trust Board & LGBs*)
- Finance – with a focus on unusual or exceptional spending during the pandemic and reporting of any unavoidable breaches of financial procedures or challenges which have arisen (*Trust Board*)
- Staff levels – with consideration of any impact on current or future staffing levels due to Coronavirus (*Trust Board with input from LGBs*)
- Essential policies only, and only if they need amendment or a 'temporary' appendix to get through this period – e.g. Child Protection and Safeguarding Policy (*Trust Board & LGBs depending on policy*)
- The implications of school closure once things have returned to normal (*Trust Board with input from LGBs*)

Seeking Governance Advice

Trust Board and LGBs should seek appropriate governance advice and not make assumptions on what is permissible at this time so as not to increase the risk of non-compliance with a statutory responsibility or procedure.

Appendix 1 – Summary of An Daras Trust Governance Arrangements During the Covid 19 Pandemic

SER	AREA	REFERENCE/ AUTHORITY	PROCEDURES/PROCESS DURING COVID 19 PANDEMIC
1	Meetings	DfE, BF	<p>In order to comply with current Covid 19 restrictions on school closures and non-essential contact, meetings will be held remotely on a temporary basis [see Appendix 2].</p> <p>The following usual requirements still apply:</p> <ul style="list-style-type: none"> • Usual notice of the meeting and a written agenda • Distribution of meeting papers • Declaration of conflicts of interest • Minutes <p>For video conferencing, there are various options with varying levels of security such as Microsoft Teams, Zoom, Google Hangouts and Skype. Some of these work well but attendees will need to be cognisant of how secure the software is and not discuss sensitive or confidential matters.</p> <p>Each Board should have a succession plan if the Chair, and then Vice Chair is unavailable due to illness. Each trustee/governor should know when they are expected to step up. Should the Clerk not be available, a governor will need to step in to minute the LGB meeting and the Operations Officer or a member of the Finance team will be nominated to minute a Trust Board meeting.</p>
2	Decisions and Written Resolutions	BF, An Daras Articles of Association, Company Law	<p>For the Trust Board, decisions can be taken by passing a written resolution provided that the written resolution is signed (or not) by all the trustees entitled to receive notice of a meeting of trustees (or of a committee of trustees). The decision shall be valid and effective as if it had been passed at a meeting of Directors duly convened [Article 123]. This is for major decisions such as approving the budget if a meeting cannot be held for some reason. Minor decisions, such as approving a policy, will be agreed by email if a meeting isn't appropriate.</p> <p>Directors will be requested to print the resolution, print their name, sign and date it, and either post or scan & email back to the Clerk. Once over 50% of the signed copies have been returned, the resolution (decision) is deemed to be passed [Article 120]. In the event that it is required, the Chair has the casting vote [Article 121]. It is recommended that decisions can be made as usual at remote meetings, assuming the meeting is quorate.</p>
3	Agenda Items	DfE, NGA, The Key, The SchoolBus	<p>For this period, only time critical or essential items on the An Daras cyclical plan will be covered. The agenda items for each meeting will be agreed with the Chair & CEO or Chair & Head prior to the meeting. The following items should be on every agenda:</p> <ul style="list-style-type: none"> • Apologies • Declaration of Interests • Update on current situation • Update on pupil and staff welfare, and staffing levels

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			<ul style="list-style-type: none"> • Safeguarding • Any urgent, time-bound decisions • Items raised by the Chair or Head <p>It is recommended at the first meeting for the governors to agree on any urgent matters that they are content for the Chair to take action on without referral back to them – known as Chair’s action [safeguarding issues, update a vital policy document (such as safeguarding) or handle urgent communication for example]. Chair’s action cannot be used for financial matters.</p> <p>The Trust Board will need to cover budgets and financial matters, and are still required to examine the monthly management reports. If required, filing accounts with Companies House can be delayed for 3 months but an extension must be applied for in advance.</p> <p>Other items that may need to be discussed at some point:</p> <ul style="list-style-type: none"> • Essential policies • The implications of school closure once things have returned to normal <p>Items which should not need to be covered during this time include:</p> <ul style="list-style-type: none"> • Most policies • School performance & data • Monitoring school improvement
4	Head’s Report		The CEO’s/Head’s will not be required to produce the usual termly written reports during this period. Briefings should, where possible, be verbal to reduce workload and if written reports are produced they should focus on the governance priorities stated above.
5	Safeguarding	DfE, The Key, The SchoolBus	<p>The requirement to continue being compliant with KCSIE during the pandemic remains. To support schools to maintain compliance with KCSIE but in recognition of the pressure and unique circumstances schools are working in, the DfE have published further guidance for schools and governing boards.</p> <p>The Chair and/or the lead safeguarding governor can monitor safeguarding. They can liaise remotely with the Head, Designated Safeguarding Lead (DSL) or SENDCO as required. Subjects that can or should be discussed are:</p> <ul style="list-style-type: none"> • How the school is making sure vulnerable pupils are kept safe (including those who are at home, rather than in school), and whether these plans are working well • How the school is working with the LA to safeguard vulnerable pupils • How the school is checking in on all pupils who are staying at home • How pupils, especially vulnerable pupils, who are still coming in to school are coping

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			<ul style="list-style-type: none"> Whether staff have concerns about any pupils who aren't technically categorised as 'vulnerable' by the DfE, and what the school is doing for these pupils How the school is supporting pupils who are eligible for free school meals, and whether pupils are accessing this provision If your school is delivering remote lessons, what safeguarding arrangements are in place to keep pupils safe Any support that staff need from you Have we taken steps to assess children most at risk from a prolonged period of remote education? Do we have an up-to-date list of parents' contact details in a safe, accessible place? What support has been made available to parents to make sure that devices are restricted and pupils are safe online? <p>Schools should review their Child Protection & Safeguarding Policy in light of the new circumstances and revise it as necessary; however, it is acceptable to add an annex or addendum of any changes, rather than rewriting and reissuing the entire policy. The policy should be kept under review throughout the closure and be publicly accessible. Note that a Covid 19 Appendix to the Child Protection and Safeguarding Policy has been issued for use during this time.</p> <p>During the closure, schools should continue to fully check all new staff and volunteers before they begin working at the school – this includes DBS checks, the guidance for which has been updated to minimise physical face-to-face contact. The single central record (SCR) should be kept up to date.</p>
6	Monitoring & School Visits	DfE, The Key, The SchoolBus	<p>All school visits by governors are postponed until further notice. However, governors are still expected to 'monitor' remotely and focus on areas such as safeguarding, health & safety, and the well-being of Head, staff and pupil. To a lesser extent, governors may wish to monitor how their school is continuing to provide an education for pupils but should not expect to receive the same level of detail as usual.</p> <p>In summary, all monitoring should be remote and if it can't be done remotely, it shouldn't be done to comply with social distancing and lockdown rules.</p> <p>Safeguarding monitoring – see detail at serial 5.</p> <p>Health and Safety monitoring – via a call with Head or MAT Operations Officer to clarify measures for social distancing, hygiene in the school, first aid provision given decreased numbers of staff, security of the school premises and any support the staff need from the Trust Board/Governors?</p> <p>Head, Staff and Pupil monitoring – any support required, how staff are adapting to working remotely or working with skeleton staff, whether staff have the resources to work from home, illness among staff, how staff with their own young children are balancing home schooling with their own teaching duties?</p> <p>Provision of education monitoring – school's approach to remote learning, resource packs or video lessons, how much work is</p>

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			<p>expected of the pupils, guidance or support given to parents, access to technology at home, learning activities for pupils still coming into school?</p> <p>Note that even if pupils are still coming into school, the DfE has stipulated that it does not expect the full curriculum to be offered given the circumstances. The requirement is just to provide engaging activities that encourage children to attend.</p> <p>Reporting back to the Trust Board/LGB can be done via email.</p>
7	Statutory requirements such as grievances, discipline and exclusions	DfE, The SchoolBus	<p>Decisions will need to be made regarding statutory procedures on a case-by-case basis. Given the extraordinary circumstances, it is reasonable to expect that some time-bound matters may need to be delayed.</p> <p>Grievances and disciplinary appeals – these can continue remotely if all parties agree to do so and if it's practicable (e.g. all witnesses can attend remotely, evidence can still be gathered, etc). Otherwise, it can be deferred until schools re-open.</p> <p>Exclusions - the fact that schools continue to remain open for a small proportion of pupils has caused some confusion about whether they're closed for the purposes of statutory timelines for considering exclusions. The DfE has confirmed that 'school days' for the purpose of statutory deadlines like this are the 190 teaching days of the regular school year. And though the DfE hasn't explicitly said that meetings to consider exclusions should be deferred during this time, it's reasonable to assume that the current provision is not considered 'school days' and it would be justified in deferring until schools re-open.</p>
8	Communication	DfE	The Trust Board and governors should be kept in the loop with protocol as things develop. School leaders should stay in touch with their governing board in a proportionate way, including providing information on the welfare of staff and pupils, so that governors can retain a strategic overview of the situation and the school. This can be done by email or at a remote meeting.
9	Scheme of Delegation	DfE, BF	As per Article 105, The Trust Board can delegate matters to committees or individual Directors in a Scheme of Delegation. It is not considered at this time that anything needs to be amended in the Scheme of Delegation. However, if anything in the Scheme of Delegation cannot be followed (ie a decision needs to be made by a committee that isn't meeting), the decision must be referred to the Trust Board.
10	Financial Scheme of Delegation	BF	<p>Approval limits still need to be applied and compliance demonstrated. The following will be considered and if any changes are required, Trust Board approval will be sought asap:</p> <ul style="list-style-type: none"> Does anything need amending in the short term? DO we have the right mechanism for this when schools closed and everyone working remotely? Do we need to change any delegations? <p>Note delegations should always go up rather than down. ie if its usually the Head and they can't do it, it shouldn't be a teacher, it should be you the CEO, And if the CEO can't do it, it should be a committee of the Trust Board or the full Board.</p>
11	Finance &	BF	Decisions on budget and finance must be made by the Trust Board or delegated committee. Chair's action cannot be used for

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	Budgets		<p>this. More detail can be found at Appendix 3. It is possible that ESFA deadlines may not be enforced, however, below is a reminder of what is due:</p> <p>Every month - Monthly management accounts presented to Trust Board (a must in AFH)</p> <p>May - Budget Forecast Return Outturn (BFRO) is due for submission to the ESFA by the 19 May 2020. This return details your outturn against budget for 2019, results to March 2020 and forecast August 2020 position. This may be tricky to complete if the finance team is depleted, or there are a lot of unknowns financially in the period to August. The Trust Board should review and approve this before submission.</p> <p>July - Budget forecast return 3 year (BBFR3Y) to be completed and submitted to the ESFA by 23 June 2020.</p>
12	Complaints	DfE	Schools are not expected to handle new or existing complaints while they are closed. Schools should, however, still engage with parents and pupils where they can perhaps by writing an initial letter to explain that the complaint is acknowledged and the complaints procedure will be followed when the school re-opens. Complaints can be considered once the government confirms schools can safely re-open [Best practice guidance for school complaints procedures 2020, DfE, updated 9 Apr 2020].
13	Policies	DfE	Any policies requiring approval during this time will be circulated and approved by email for minor amendments, and discussed at remote meetings if any substantial changes are required. This only applies for statutory and essential policies. All other policies will, if necessary, be extant until normality resumes and they can be reviewed.
14	Recruiting Governors		No further governors or directors will be recruited until normality resumes.
15	Governor Training/ CPD		All face-to-face training is cancelled until further notice. On-line training options, including safeguarding related training requirements have been sent to governors to complete in the mean time.
16	Attendance	DfE	<p>Schools do not need to take their usual attendance register during the partial closure. For administrative purposes, the government encourages schools to use spread-sheet instead, but this is not mandatory.</p> <p>The government does, however, require schools to submit a short daily return including the following information:</p> <ul style="list-style-type: none"> • Whether the school is still open • How many pupils attended the school that day • How many staff were in the school that day
17	Risk Register	BF	The Trust Board should re-evaluate the MAT risk register given the current situation and what the implications of this in future. Chair of audit should liaise regularly with the CEO – the CEO will value support at this time and will be reassured to know their actions are supported and in line with Trust policy.
18	Ofsted	DfE, Ofsted	Ofsted have announced that all routine inspections are suspended as of 17 March 2020. Amanda Spielman, Ofsted's Chief Inspector, has confirmed the inspectorate will continue to monitor the situation across the sector. Ofsted reserve the right to inspect where there are concerns about the safety of children or there are other serious concerns.

Appendix 2 – Procedures and Ground Rules for the Conduct of Remote Meetings

1. Introduction

There is provision in An Daras Articles of Association, Article 126, to hold remote meetings by telephone or video conference. The DfE has confirmed that Trust Boards/LGBs do not have to meet ahead of the remote meeting to agree to meet via telephone or video conference but can agree directly with the Clerk. It is, however, important to note that all those attending the meeting must agree to the meeting arrangement.

2. Process

The process for a remote meeting will be the same as for normal meetings:

- Agree date.
- Agenda agreed between Clerk, Chair and Head (Chair & CEO), then distributed along with details of how meeting will be held (phone, zoom etc or a combination).
- Agenda should only include critical business highlighted by the Chair or Head/CEO as well as apologies, declaration of interests, update on current situation, update on pupil & staff welfare, safeguarding and any urgent time-bound decisions. For the Trust Board, finance/budgets will be included.
- Any documentation shared on SharePoint (papers should be kept to a minimum to reduce burden on the CEO/Heads).
- Directors/Governors should send any questions to the Clerk to collate prior to the meeting, so that the CEO/Head can attend the meeting prepared to answer said questions.
- Trustees [governors] can give notice of the intention to participate in the meeting remotely by providing the telephone number or details of the video-conferencing software by which they can be reached 48 hours in advance of the meeting and all trustees [and governors should ideally] have access to the appropriate equipment being used.
- The Clerk will set up and ensure everyone is present.
- The Chair will convene the meeting and minutes will be taken by the Clerk as usual.
- The meeting may proceed without a trustee [governor] who cannot access the equipment being used, so long as it remains quorate. Anyone in attendance virtually contributes to the quorum.
- If the meeting is by teleconference, the attendees are requested to state their name before speaking and to speak clearly (for ease of minute taking).
- If the meeting is by video conferencing and only one person can speak at once, the Chair will need to suggest the method by which directors/governors should communicate that they wish to speak and allow for possible time lags.
- Attendees should join the meeting on time, be present in a quiet, well lit room with no-one else listening in so that confidentiality can be maintained and use the mute button when possible to avoid background noise.
- If a video link is lost or a mobile phone reception drops out, the Chair can halt the meeting until the director/governor re-joins, or continue the meeting providing it is still quorate.
- The audio of the teleconference/video link of the meeting should not be digitally recorded.

The Clerk is available to assist individuals to gain access to applications by talking them through it over the phone.

Appendix 3 - Financial Controls

Control of public money is crucial, particularly at times of crisis. Financial governance oversight and assurance is even more important in times where the usual systems and capacity are stretched. The principles contained within the Academies Financial Handbook therefore must still be adhered to unless informed otherwise by the ESFA. Governance oversight and assurance should ensure that key risks remain mitigated and that staff are protected whilst dealing with whatever the next few weeks/months bring.

The Trust should seek to:

- Maintain and operate existing control processes where possible;
- Be aware if (and why) there may be a need to temporarily depart from existing, established procedures, and where possible seek approval / segregation for these, even if it's a second pair of eyes; and
- Ensure that a log is maintained so that when life returns to normal, and departures can be reviewed and records updated as appropriate.
- Monitor the operation of key controls and segregation of duties over this time. Staff off sick or more people remote working will mean payment authorisations, approval of new suppliers on the purchase ledger or for new members of staff on the payroll will by necessity increase over email or other remote means. This increases the risk of fraud (either internal or external/hacking/phishing/scams) or indeed simple errors. The recommendation is to maintain and where possible expand usual scrutiny and diligence over the checking and confirming of such requests.
- Ensure your payroll procedures are not interrupted due to staff being off sick.
- Keep up to date with policy decisions from the Government such as free school meals.
- Monitor the position for any novel or contentious transactions and seek prior approval from the ESFA as required.
- Directors should continue to examine the monthly management reports.
- Review the forecast outturn of the Trust and contact the ESFA as soon as possible if the Trustees consider the forecast is materially different from the 3-year Budget Forecast Return. Budget returns still need to be submitted unless ESFA stipulate otherwise in the near future.