



Welcome to our termly bulletin for governors and trustees in IPC Services schools and academies.

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IPC Services Privacy Notice

The IPC Services privacy notice has been updated in line with the GDPR and can be found at www.ipc-services.co.uk. We will shortly be contacting all governors/trustees to ask you to sign a new acceptance and give your permission for us process your personal data in line with the updated privacy notice.

Please note that Mary Gibson is the Company's Data Protection Officer.

The General Data Protection Regulation

The General Data Protection Regulation (GDPR) comes into force on 25 May 2018 and governing boards should ensure leaders are aware that the law is changing and what impact this will have. Governors/trustees need to know:

- what the GDPR is;
- how it affects the school/academy and the data held;
- what the school/academy is doing to prepare for the changes;
- that preparations and processes are robust and effective; and
- how data protection processes will be monitored on an ongoing basis.

The governing board should formally designate a Data Protection Officer (DPO) to take responsibility for data protection compliance and assess where this role will sit within the school/academy's structure and governance arrangements.

The governing board should ensure that personal data held by the school/academy is audited and documented, including its source and with whom it is shared.

Privacy notices need to be reviewed and any necessary changes made before GDPR implementation. Schools/academies will need to explain the lawful basis for processing the data, data retention periods and that individuals have a right to complain to the ICO if they think there is a problem with the way their data is being handled.

The GDPR includes the following rights for individuals:

- the right to be informed;
- the right of access;
- the right to rectification;

- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

The right to data portability applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

In most cases the school/academy will not be able to charge for complying with subject access requests and will have a month to comply, rather than the current 40 days. The school/academy may, however, refuse or charge for requests that are obviously unfounded or excessive. If a request is refused, the school/academy must tell the individual why and that they have the right to complain to the supervisory authority and to a judicial remedy.

The school/academy should identify the lawful basis for the processing activity, document it and update the privacy notice to explain it. Under the GDPR because some individuals' rights will be modified depending on the lawful basis for processing their personal data. Individuals will have a stronger right to have their data deleted where the school/academy use consent as the lawful basis for processing. The school/academy will also have to explain the lawful basis for processing personal data when answering a subject access request.

The governing board should review how the school/academy seeks, records and manages consent and whether to refresh existing consents where they do not meet the GDPR standard. Consent must be freely given, specific, informed and unambiguous. There must be a positive opt-in that is separate from other terms and conditions and the school/academy will need to have simple ways for people to withdraw consent.

The governing board should make sure the school/academy has procedures in place to detect, report and investigate personal data breaches. The GDPR introduces a duty on all schools/academies to report certain types of data breach to the ICO and, in some cases, to individuals. The school/academy only has to notify the ICO of a breach where it is likely to result in a risk to the rights and freedoms of individuals - if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage. Failure to report a breach when required to do so could result in a fine, as well as a fine for the breach itself.

The GDPR makes Data Protection Impact Assessments (DPIAs) mandatory where data processing is likely to result in high risk to individuals, for example:

- where a new technology is being deployed;
- where a profiling operation is likely to significantly affect individuals; or
- where there is processing on a large scale of the special categories of data.

If a DPIA indicates that the data processing is high risk and the school/academy is not able to sufficiently address those risks, the school/academy will be required to consult the ICO to seek opinion as to whether the processing operation complies with the GDPR.

The Information Commissioner's Office website contains a range of documents about the GDPR - ico.org.uk

Effective Governance

The purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance.

All boards have three core functions:

- **ensuring clarity of vision, ethos and strategic direction;**
- **holding executive leaders to account for the educational performance of the school/academy and its pupils, and the performance management of staff; and**
- **overseeing the financial performance of the school/academy and making sure its money is well spent.**

Effective governance is based on six key features:

Strategic leadership that sets and champions, vision, ethos and strategy

Accountability that drives up educational standards and financial performance

People with the right skills, experience, qualities and capacity

Structures that reinforce clearly defined roles and responsibilities

Compliance with statutory and contractual requirements

Evaluation to monitor and improve the quality and impact of governance

Boards must be ambitious for all children and the governing board infused with a passion for education and a commitment to continuous school improvement that enables the best possible outcomes. Governance must be grounded in reality as defined by both high-quality objective data and a full understanding of the views and needs of pupils, staff, parents, carers and local communities. It should be driven by inquisitive, independent minds and through conversations focussed on the key strategic issues which are conducted with humility, good judgement, resilience and determination.

In a rapidly developing education system the range of school/academies being governed is more diverse than ever - ranging from single small primary schools to large MATs governing numerous schools. Regardless of the scale or nature of the school/academy being governed, the features of effective governance remain the same. They are common across the education sector and share their fundamental principles with governance in the charity and business sectors.

Governor Behaviour

Governors should adhere to the Nolan Principles of public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.

On some rare occasions issues arise in relation to poor behaviour from governors. There can be different levels of poor behaviour from misunderstanding the distinction between operational and strategic roles to more extreme instances, such as an aggressive presence on the school site or at a governing board meeting.

Governing boards should seek to avoid such cases before a governor takes up their post by ensuring that roles, responsibilities and expectations are made clear, but sometimes this is not sufficient.

Where a governor's behaviour falls short of expectations, in the first instance a one-to-one chat with the Chair should be set up to resolve any issues. In more extreme situations, which are rare, the Chair should still take the lead and initiate a conversation on a formal basis so that the next steps and outcomes can be discussed.

If an investigation is required this should be undertaken by one or two governors (it could be the Chair and Vice-Chair) and the full governing board should not be involved. Following the investigation, the Chair will consider whether removal or suspension is appropriate. Sometimes an individual might not recognise that his/her behaviour has been unacceptable but, in others, they will accept the proposal or exit stage. When a governor chooses not to resign, the governing board may suspend and/or remove the governor.

The School Governance Regulations 2013 allow maintained school governing bodies to suspend any category of governor for a fixed period of up to six months. Depending on their articles of association, academy boards may or may not be able to suspend (the newest model articles do have this provision, but some of the old ones do not). Where the latter is the case, academies may still suspend but need to formally adopt a suspension process. It should be noted that there is no set procedure, but it would be good practice to follow the rules of a maintained school suspension. In maintained schools, any governor can be removed. For academies, most governors can be removed by those who appointed them. A full written explanation should be provided to the individual concerned.

A governing board that works well is essential for effective governance.

Spotlight on Good Practice: Governor Induction

The governing body of All Saints Church of England Federation recognises the importance of the effective induction of new governors and has recently approved a Governor Induction Policy that clearly and succinctly details the purpose, aims and process for governor induction - and how its implementation will be monitored and evaluated.

IPC provides induction training for all schools/academies buying into our service (via the “Introduction to Governance” course), but the governing body of All Saints rightly recognises that there is also a need for school-specific induction, to ensure new governors feel welcomed, understand their role and are able to participate fully in meetings and visits.

Some of the issues covered within the Policy:

- a summary of the Clerk’s responsibilities in relation to appointment/induction;
- the responsibility of all governors to welcome new governors and encourage participation;
- the need to appoint new governors to committees/link roles, based on skills and experience;
- the appointment of a mentor governor to provide ongoing support throughout the first year in the role;
- the opportunity for new governors to meet with and ask questions of the Chair, following the first meeting;
- the opportunity to look around the schools;
- the need to share the Federation’s vision and ethos and to provide a copy of the School Improvement Plan; and
- the need to carry out a DBS check.

It’s not always easy to find governors and having a school/trust induction policy will help boards ensure that newly appointed governors quickly become accustomed to the role - and will support retention.

Checks on Governors and Trustees

All maintained school governors, academy members, academy trustees and local governors must have an enhanced Disclosure and Barring Service (DBS) check.

The governing board must apply for an enhanced DBS check for governors who were appointed on or after 1 April 2016 and do not currently have one within **21 working days** from appointment or election.

Governors and trustees do not need barred list checks unless they are working in regulated activity.

Identity checks must be completed for trustees and local governors before, or as soon as practicable after, they take up position. In addition checks must be completed for trustees and local governors to confirm the right to work in the UK.

Governors in maintained schools do not need right to work checks.

Termly Planner - Summer 2018

30 April 2018	Resignation deadline for maintained school headteachers wishing to leave at the end of the Summer term
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14 - 17 May 2018	Key Stage 2 SATs week
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17 May 2018	Summer census day
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18 May 2018	Academy Trusts to submit 2017-2018 budget forecast returns
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31 May 2018	Resignation deadline for maintained school deputy headteachers wishing to leave at the end of the Summer term
	Resignation deadline for Academy Trust deputy headteachers and other staff wishing to leave at the end of the Summer term
	Deadline for academy trusts to file audited financial statements with Companies House

11- 15 June 2018	Phonics screening check week
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27 July 2018	Deadline for academy trusts to submit 2018-2019 budget forecast to the ESFA
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16 August 2018	A-Level results day
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23 August 2018	GCSE results day
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IPC Professional Development

IPC is committed to ensuring our staff are well trained and up to date.

All IPC clerks are accredited by the National College for Teaching and Leadership.

Training/events attended:

Mary - Regional Clerks' Briefing [8/2/18]; GDPR [28/2/18]; Roles, Responsibilities of Directors, Members and Local Boards [14/3/18]

Lisa; Mary; Tony; Michelle; Wendy - Complaints [11/4/18]

Lisa; Gabby; Tony; Michelle; Wendy - GDPR [18/4/18]

Mary; Michelle; Wendy - AET Clerks' conference [21/3/18]

Training for Governors and Trustees

The following courses will be available during the Summer term:-

“Introduction to Governance” - Friday 11 May 2018

“Safeguarding Children” - Thursday 21 June 2018

“Effective Governance” - Saturday 30 June 2018

The training is free to governors and trustees in IPC Services schools and academies.

Please see our training programme for full details of venues, timings and how to book.

New for the Autumn term 2018: “Pupil Exclusions”

How to Contact Us

Tel: 01482 661925 from 6.00am to 6.00pm 7 days a week (except Christmas Day!)

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If you have any comments or suggestions about this bulletin, please let us know!