



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

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Welcome Back!

We hope you have had a positive start to the new year.

Government guidance on the full opening of schools is subject to continual change, so rather than try to summarise the current position, we draw your attention to the following link:

<https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

Changes to Model Articles of Association

The articles of association for academy trusts set out the charitable purpose and governance structure of the trust. They also detail governance procedures, including arrangements for meetings and voting.

In June, the Department for Education (DfE) updated the model articles of association, with key changes as follows:-

Members

- The majority of members must not serve as trustees (12B). This new requirement is to ensure members provide independent scrutiny and oversight of the trustees, which is their role.
- Trusts are now required to hold an annual general meeting (article 19). Previously, this was an optional clause.
- The quorum for general meetings (19) is now a majority of members. Previously, the quorum was two members.
- A new explicit provision allows members to participate in virtual general meetings (23A-23B).
- Disqualification criteria for members has been significantly expanded (15a-i). This includes the new requirement that members cannot be employees of the trust.

Trustees

- Terms of office for trustees other than parent trustees may now be shorter than four years should the appointing body see fit (64B).
- Trustees should now be disqualified if they refuse any checks required by the DfE (78A). This includes the additional suitability checks for chairs.
- Provision for trustees to participate in virtual meetings has been expanded (126- 126A).
- A new footnote encourages trusts to think carefully about whether the CEO/principal should be a trustee, stating the DfE's strong preference that no other employees should be trustees.

Governance Professionals

- The term “clerk” has been replaced with ‘governance professional’.

Trust boards are encouraged to adopt the model articles.

Changes to the Academy Trust Handbook (Academies Financial Handbook)

The 2021 Academies Financial Handbook has been published and the main changes are as follows:-

Roles and Responsibilities

- Information on suitability checks for existing and future members [1.4]
- Confirming that trusts should have reserved places for parents in their governance structure [1.11]
- Highlighting trusts’ obligations in relation to safeguarding [1.15], health and safety [1.17] and estates management [1.20]
- Emphasising the process of appointing a senior executive leader as a trustee [1.23]
- Emphasising the value of external reviews of governance for trusts [1.32]
- Advising trusts to liaise with their RSC when their senior executive leader is planning to leave the trust to discuss their structure and options [1.36]
- Replacing the term clerk with governance professional [1.49]
- Reminding trusts of the requirement for Disclosure and Barring Service checks [1.51 and 1.52].

Main Financial Requirements

- Explaining when trusts should review their scheme of delegation [2.4]
- Updating information on what trusts need to publish on their website in relation to employees whose benefits exceed £100k [2.32]
- Reminding trusts of governance documents which need to be available for public inspection [2.51].

Internal Scrutiny

- Explaining that the chair of the audit and risk committee should not be the same person as the chair of the finance committee [3.10]
- Explaining that internal scrutiny must not be carried out by a member of the senior leadership team [3.15]

Annual Accounts and External Audit

- Setting out when trusts should re-tender for their external audit service [4.5]

Delegated Authorities

- Explaining that trusts must obtain prior approval for staff severance payments of £100k or more which include a non-statutory/non-contractual element, and/or where the employee earns over £150k [5.12].

The Regulator and Intervention

- Introducing a requirement for trusts to provide ESFA with authority to obtain third party information [6.5].
- Providing trusts with advice and guidance on cybercrime [6.16 and 6.17]
- Renaming the Financial Notice to Improve (FNtI) to Notice to Improve (NtI) reflecting how ESFA intervenes in broader governance issues [6.18 to 6.22]

Summary Evaluations of Multi-Academy Trusts

Ofsted has released updated guidance explaining how summary evaluations of multi academy trusts will be conducted.

The summary evaluation of a trust will mirror the education inspection framework and will look at the quality of education and improving pupils' outcomes.

The four new sections to the guidance outline what inspectors may consider, such as delegation, governance structures, curriculum and quality of education, leadership and management across the MAT and pupil behaviour and attitudes. The guidance also outlines the considerations that inspectors will make in relation to COVID-19.

The overall process consists of 2 stages:-

- Stage 1 - batched inspections: section 5 and section 8 inspections are carried out in a number of academies over a period of time, not exceeding two terms. Typically, batched inspections are spread over a single school term, but could also be within the same week if Ofsted has reason to carry out the summary evaluation within a short period of time.
- Stage 2 - summary evaluation: once the section 5 and section 8 inspections have been completed and all of the inspection reports have been published, the MAT summary evaluation is carried out. This may be within the same term, or the term following the completion of the academy inspections. Inspectors will meet the leaders of the MAT, discuss the findings of the individual inspections and overall educational quality across the MAT. Inspectors will also meet trustees. During this stage, inspectors visit individual academies or sites to capture the views of academy leaders and staff in relation to the impact of the MAT's work.

Keeping Children Safe in Education 2021

The 2021 version of the statutory safeguarding guidance is now in force. The substantive changes are listed in Annex G.

There are substantial changes in terms of the management of safeguarding (Part 2). This includes changes to emphasise the need for a whole-school approach to safeguarding; strengthened systems that should be in place; added information that schools should include in their child protection policy; clarity about powers to hold and use information; emphasis on online safety, including the importance of training for staff and what children should be taught; new paragraphs regarding safeguarding requirements when letting.

Ofsted Report on Sexual Abuse in Schools

Ofsted's recent report makes a number of recommendations for school leaders, as follows:-

School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues, intervene early to better protect children and young people. In order to do this, they should assume that sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a whole-school approach to address them. This should include the following:

- A carefully sequenced RSHE curriculum, based on the Department for Education's statutory guidance, that specifically includes sexual harassment and sexual violence, including online. This should include time for open discussion of topics that children and young people say they find particularly difficult, such as consent and the sending of "nudes".
- High-quality training for teachers delivering RSHE.
- Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse.
- A behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated.
- Working closely with LSPs in the area where the school or college is located so they are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour.
- Support for designated safeguarding leads (DSLs), such as protected time in timetables to engage with LSPs.
- Training to ensure that all staff (and governors, where relevant) are able to:
 - better understand the definitions of sexual harassment and sexual violence, including online sexual abuse;
 - identify early signs of peer-on-peer sexual abuse; and
 - consistently uphold standards in their responses to sexual harassment and online sexual abuse.

Admissions and Admission Appeals

Admission authorities must determine their admission arrangements for entry in September 2023 by 28 February 2022. As set out in the [Schools Admission Code 2021](#), the timetable for consultation and determination of admission arrangements is as follows:

- consultation should take place for a minimum of 6 weeks between 1 October 2021 and 31 January 2022
- you must determine your admission arrangements by 28 February 2022
- you must send a copy of your determined admission arrangements to your local authority and publish those arrangements on your school website by 15 March 2022
- the deadline for objections to the Schools Adjudicator is 15 May 2022.

To note: you must consult when you propose changes to your admission arrangements or, if you have not consulted within the past 7 years. The relevant bodies who must be consulted are set out in paragraph 1.47 of the Code.

The school admissions appeals code - updated guidance

This [guidance](#) has been updated to reflect that the temporary regulations have been extended until 30 September 2022. The appeals code has not been amended.

Termly Planner - Autumn 2021

1 September	Academies financial year begins Academy Trust Handbook comes into effect
30 September	Normal resignation deadline for maintained school headteachers wishing to leave at the end of the Autumn term
7 October	Autumn census day
3 November	Deadline for Autumn census return
31 October	Normal resignation deadline for maintained school deputy headteachers wishing to leave at the end of the Autumn term
4 November	School workforce census day (academies)
31 December	Deadline for submission of 2019-2020 audited accounts (academies)

IPC Professional Development

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

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

Governance Professionals have been unable to attend face-to-face training/events for some months, but have continued to keep up to date with national guidance and engage in regional activity via email and virtual meetings/training sessions.

Training for Governors and Trustees

Details of training events for the autumn term will be circulated separately

If you have any specific training needs, please contact Mary or Tony so that we can consider how best to support you. This could be through the provision of bespoke training (remote or face-to-face) or signposting relevant resources.

How to Contact Us

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