

APRIL UPDATE FROM ECA

Well, who would have thought that we would be in this position? During these unprecedented and difficult times here is an important update from the ECA Executive Committee.

1. Clerks' Information Updates and Annual Clerks' Conference

As you may expect, it is with great regret that we have **cancelled** our Clerks' Information Updates that were scheduled to take place on Tuesday 21 April 2020 and Wednesday 22 April 2020, and the End of Year "Strawberry Tea" Celebration & Networking Update on Thursday 2 July 2020

We have also **cancelled** our Annual Conference that was to be held on Tuesday 12 May 2020, which will now be rescheduled for 2021 [date to be confirmed].

However, we are planning to hold **our Annual General Meeting on Tuesday 19 May 2020 at 10.00 a.m.** It will be a virtual meeting using Zoom, which is very easy to use. We would, of course, like as many Clerks to "attend" as possible. If you would like to join us for the virtual meeting please let Sue Leek, our Secretary, know on secretary@essexclerks.org.

2. Governance during the Coronavirus Pandemic



It is clear that meetings of Trusts / Governing Body and Committees should **NOT** be held in person, in order to prevent the further spread of the Coronavirus (Covid-19).

However the need for the Trust / Governing Body to continue to support the school(s) and to take necessary decisions remains.

The following is a summary of a recent message from the Department for Education:

- The DfE advises against Trust / Governing Bodies meeting in person, and to instead adopt alternative arrangements, for example by using video or teleconferencing applications.
- Boards can agree to hold meetings via telephone or video-conferencing without having to meet first. The Clerk [or Chair] can contact governors directly to agree to alternative meeting arrangements during this lockdown period. Check Standing Orders, if you have them: arrange to amend if necessary.
- The DfE will not be making any changes to the statutory governance functions in any upcoming regulations related to COVID-19. The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 allows for Governing Bodies in maintained schools to approve alternative arrangements for governors to participate or vote at meetings of the Governing Body, including by telephone or video conference. The model Articles of Association for academy trusts state that trustees can attend meetings remotely subject to certain stipulations set out in the Articles.

- The Department urges Trusts / Governing Bodies to be pragmatic in what they cover in meetings during this time, and to be proportionate in the decisions that they are planning to take. Governors are expected to focus on urgent, time-bound decisions and to defer non-urgent decisions/agenda items until future meetings.
- Boards should prioritise providing support to their school leaders and staff where needed, to allow them to get on with operational matters. School leaders should stay in touch with the Trust / Governing Body in a proportionate way, including providing information on the welfare of staff and pupils, so that they can retain a strategic overview of the situation and the school.

The National Governance Association (NGA) suggests that it is therefore appropriate for all non-urgent business to be delayed and Trust / Governing Body / Committee meetings to be restricted to the following:

1. Business critical decisions (e.g. budget approval, ratifying school leadership appointments etc.)
2. Monitoring how the school is continuing to provide care for children who are vulnerable, children with ECHP plans the children of key workers, associated risks, issues etc.
3. Safeguarding - Monitoring the wellbeing and welfare of pupils, staff and stakeholders
4. Any issues arising from how the building is currently being used and remote working for staff
5. Support being given to parents and carers to help them educate their children at home

It follows that boards will take a pragmatic and considerate approach to the reporting of these matters, relying on oral feedback and scaled down paperwork. It might also require governing boards to review and amend their levels of delegation to enable fewer governors/trustees to make business critical decisions and thereby minimising the risk of being unable to take these decisions.

In cases of urgency where a delay would be likely to be seriously detrimental to the interests of the school, a pupil, a parent or member of staff, maintained school governance procedures regulations provide for the delegation of functions to the chair or vice chair (if the chair is unable to act), although these functions do not extend to approving the budget, together with some other extreme events. Whether chairs and vice chairs of academy trusts and academy committees (LGBs) can be delegated functions in cases of urgency will depend on the provision made in the Articles of Association or schemes of delegation.

It is strongly recommended that Trusts / Governing Bodies arrange virtual meetings by telephone, video conference or through an online platform, rather than conducting business and voting by email correspondence. The exchange of numerous emails lacks immediacy, restricts the opportunity for the governing board to interact in real time, can result in some governors/trustees losing track of others' contributions, and can make recording problematic for the clerk/governance professional.

ECA advice is that, although the Clerk should send the Agenda etc. to governors, the Chair of the Trust / Governing Body / Committee should act as "host" for the virtual

meeting, as it would be difficult for the Clerk to take minutes and provide advice as well as directing the meeting.

3. ECA Executive Committee

As a couple of long-standing ECA Executive Committee members have recently retired we are currently looking for additional clerks to join our Committee. It is a voluntary role and definitely not onerous: enthusiasm and a desire to help other clerks is all you need! Whilst clerking experience is helpful, 'new' clerks would also be welcome. Please get in touch with our Secretary, Sue Leek on secretary@essexclerks.org

If you know of a Clerk in geographical Essex (including Southend and Thurrock) who would like to be added to our distribution list; if your details have changed; or if you no longer wish to receive our messages [or if you are lucky enough to receive them more than once!], please let our Membership Secretary (Peter Bates) know on membership@essexclerks.org. Thanks!

We are grateful to those schools that subscribe to enable us to provide support to Clerks throughout the geographical area of Essex. If you would like to support the work of the Association please let our Membership Secretary know on membership@essexclerks.org: the current subscription is just £15 p.a., with the membership year starting on 1 April. School Business Managers will automatically be sent a proforma invoice for 2020/2021, but if you would like a copy please contact our Membership Secretary.

***Don't forget that you can find the latest governance news, plus many useful documents on the ECA website: www.essexclerks.org
Keep checking – and STAY SAFE!!***



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