

Governors' Agenda

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What does 2012 hold for schools?

We know for sure that 2012 will present the United Kingdom opportunities to celebrate three major events that will help promote the feel-good factor at a time when financial jeremiads are forecasting a 0% growth in the economy.

The country will be commemorating the bicentennial birthday of Charles Dickens, one of the greatest writers that the world has seen. The London Museum has mounted an exhibition of his life, which the fortunate few among us had the privilege of visiting in late 2011.

The nation will be celebrating the Diamond Jubilee of Queen Elizabeth II. To mark the year, Her Majesty and Prince Philip (subject to his health) will be carrying out a punishing schedule of visits from Lands End to John o' Groats.

And then, of course, there are the London Olympics in July and August and, with a bit of luck (if we win the medals we are hoping to win), we will have much to cheer about.

I wonder, however, whether we will have much to celebrate in the world of education in 2012, judging by our experiences last year.

- (i) Without any warning, Michael Gove, Secretary of State for Education, imposed the English Baccalaureate on secondary schools publishing a league table on the percentages of pupils in schools who received A* to C in English, mathematics, two sciences, history or geography and a modern language. Headteachers and governors, like Queen Victoria, were not amused. An investigation revealed that several of the government's favoured academy chains like Ark, Harris and Haberdashers' Aske's did not do well at all.
- (ii) Jamie Oliver attempted to create a *Dream School* with the disaffected being taught by a stellar cast. But, judging by the television programmes on it, he came a cropper. Many observers thought that he should stick to cooking.
- (iii) Feral young people, with time on their hands and nothing better to do, ran amok in early August 2011. The great and the good talked about mending a broken society.
- (iv) School-based unions closed most of our schools down first on 30 June and then again on 30 November 2011 when they went on strike over plans for their pensions, based on the Hutton proposals. While some progress has been made towards agreeing on a compromise scheme (see page 27) there is still some way to go towards reconciling differences between the government and the unions.
- (v) In a sting operation towards the tail-end of the Autumn Term 2011, the *Daily Telegraph* discovered that teachers were paying up to £230 a day to attend seminars with chief examiners where they were advised about examination questions and the kind of answers students should provide to gain high marks. This opens the three examination boards in England for GCSEs and A Levels - OCR, AQA and Edexcel – and the WJEC in Wales - to charges that they are undermining the purpose of the examination syllabuses

by teaching to the tests. A chief examiner was secretly recorded by the paper telling teachers the questions their students could expect in the next round of examinations.

At a WJEC course in London for GCSEs, which was held in November 2011, teachers were informed by Paul Evans, one of the chief examiners, that the compulsory questions for Section A “goes through a cycle”. At a seminar in Birmingham about the same time, Ms Warren, the chief examiner for Edexcel GCSE Geography, said teachers should pick her company’s exam because “you don’t have to teach the lot”.

Spending on examinations is now big business. Exam fees doubled over the last seven years from £154 million in 2002/3 to £302.6 million in 2009/10.

Michael Gove, the Secretary of State for Education, ordered Glenys Stacey the chief executive of Ofqual, the examinations regulator, to investigate the specific concerns identified by *The Daily Telegraph*. She was expected to present her findings and recommendations to him before the end of 2011. Gove has still to let us know how he proposes to act.

These findings will strengthen the criticism that has been growing in various quarters around the country that examinations in England and Wales are being dumbed down hence the percentages of students attaining good grades in their GCSEs and A level results keep increasing year-on-year while we slip down the PISA (Programme for International Student Assessment) league tables.

However, everything about 2011 was not all doom and gloom.

- (i) On the positive side, peace broke out when the government accepted Lord Bew’s recommendations for the Key Stage 2 Standard Assessment Tests (SATs). Among other measures, schools may now opt to engage in teacher assessment for their pupils’ creative writing.
- (ii) The new Admissions Code of Practice changes the requirements for an authority that is not altering its school’s criteria for admission criteria to consult a huge cadre of stakeholders from once every three to seven years reducing the bureaucratic burden. The new Code also eases restrictions to enable twins, triplets and quadruplets to be admitted into the reception even if there is only one vacancy – which means breaching the 30 infant class size rule - and allows for schools to give priority to admit the children of staff who have served for at least two years. (See page 37.)
- (iii) Vic Goddard and Stephen Drew, the headteacher and deputy headteacher of Passmores Academy in Harlow, Essex, gave us something about which we could cheer in the documentary series, *Educating Essex*. Drew won several fans from the two million viewers with his calm, dogged approach to managing pupils’ behaviour. The Training and Development Agency (TDA) informed Goddard that many young people had cited the programme as the motivating factor for their wishing to apply for teacher-training places.

So what can we expect of the coming year? It is almost impossible to forecast what will unfold.

However, based on history, one thing is certain. We can expect more changes before initiatives are allowed to bed down. And yet, the more things change, the more they remain the same, or do they?

We have a new Ofsted supremo in Sir Michael Wilshaw, until 31 December 2011, the Executive Headteacher of Mossbourne Academy and Director of the Ark Schools. **(See page...)** He is the first headteacher to have been appointed to this post and, with his track record of zero tolerance and success in turning around two failing schools, our teachers, headteachers and school governors can look forward to interesting times.

Sharp exchanges will not solely be confined to Ofsted and the schools it inspects. Wilshaw has already signalled that he wishes the government to bring in a new tier of school commissioners to police the growing number of Academies and ensure that government can intervene in the event of failure. Will this be the new local authority by another name? And how will we be able to find funding for these storm troopers if they are to be hired?

As I hinted earlier, we can look forward to exciting times ahead, and not solely because we will be celebrating the Queen's Diamond Jubilee, the London Olympics and Dickens's 200th birthday. **Happy 2012!**

All change at the Office for Standards in Education [Ofsted]

I A new framework

Ofsted has announced a new framework for inspections which took effect on 1 January 2012. The full version can be viewed at <http://www.ofsted.gov.uk/resources/framework-for-school-inspection-january-2012>

The inspection of schools will focus on the following areas.

- (1) **The outcomes for learners** and the extent to which the provision meets their needs and secures their achievements, helping them to progress into employment or further education and training.
- (2) Inspectors will judge the **achievements** of all learners, taking particular account of the **success and rates of progress** of different individual and groups.
- (3) Inspectors will assess how well the school promotes higher standards for learners by focusing on the quality of **teaching, learning and assessment**.

- (4) Inspectors will judge the **effectiveness of leadership and management** with a particular focus on the leadership of teaching and learning.
- (5) The inspection team will regard the **capacity to improve** as being an implicit part of leadership effectiveness and not make a separate judgement on it as was previously done.
- (6) Inspectors will report on **equality and diversity** under the three key headlines of
- (i) outcomes for learners;
 - (ii) learning and assessment; and
 - (iii) leadership and management.
- (7) While the Self-Evaluation Form (SEF) is not a statutory requirement, inspectors will continue to take account of **self-assessment** evidence in whatever manner the school wishes to provide it.
- (8) The inspection team will make judgements on the **safeguarding** arrangements at the school and how well it secures the welfare of all learners.
- (9) While inspectors will continue to sample the **subject areas**, they will refer to these only in the body of the report rather than report on them separately.
- (10) Ofsted will **assess the performance and other risk factors** of all providers/schools on an annual basis in order to make fully informed decisions about when schools should be inspected.
- (11) Inspectors will take greater account of the **views of learners, employers, parents and carers** in deciding when schools should be inspected.
- (12) Ofsted will **prioritise inspections** where they are most needed by
- (i) ceasing the routine inspection of most of those schools judged to be **outstanding** at their last inspections unless their performance drops;
 - (ii) inspecting those previously judged as **good providers** within six years of their last inspections;
 - (iii) strengthening the monitoring and inspections of schools deemed to be **satisfactory** to include the introduction of unannounced monitoring inspections of some who have **failed to improve** over a number of inspections;
 - (iv) targeting inspections to bring about more rapid improvement in those schools judged to be **inadequate**; and
 - (v) respond more flexibly to **requests made by** schools for inspections.

II Sir Michael Wilshaw, the new Ofsted Chief

While the new Ofsted Inspection Framework has stirred the cockles of the hearts of teachers, headteachers and governors, what has provoked much more interest and, in some quarters, concern is the government's appointment of its next HMCI (Her Majesty's Chief Inspector). Sir Michael Wilshaw, who is the first serving headteacher, took up this position on 1 January 2012.

Unlike his predecessors, he has never worked in a local authority. He succeeds Christine Gilbert, who was the Chief Education Officer first of Harrow and then of Tower Hamlets. Sir David Bell, her forebear and the outgoing permanent secretary at the Department for Education, ran education in Newcastle. Even Chris Woodhead, the first Chief of Ofsted who was the *bête noire* of teachers and is currently suffering from the motor neuron disease, had stints as education officer.

Sir Michael will earn £180,000 annually, lead the national debate on schools and direct the drive to raise standards. Ofsted inspects schools, child care organisations, adult learning and children's social care. All this Sir Michael must do with a shrinking budget which was £266 million in 2004/5, reduced to £198 million in 2010/11 and will be cut further to £143 million by 2014/15.

Sir Michael was the executive headteacher of Mossbourne Community Academy in Hackney, one of the poorest authorities in the country. In 2010/11, 82% of students secured five A* to C grades including English and mathematics. (The national average is 53%.) From the upper sixth form, all students barring five took up places at University. Three students accepted places to study Medicine and seven accepted places at Cambridge University, with an eighth student turning down a place to study at the Royal College of Music. One student, who is now an undergraduate at Cambridge, became a single mother at 14 years of age while a pupil at Mossbourne. Sir Michael remarked: "Of all of them, she's the one who gave me the greatest pleasure, because she had to struggle more than the others to get the grades."

Wilshire, the son of a postman, has been hailed as "My hero" by the Secretary of State for Education, Michael Gove. He developed a reputation for turning around failing schools. However, he hit the heights when he created Mossbourne Academy in 2004 from the ashes of Hackney Downs, labelled as the worst school in the country. The Academy was designed by the world famous architect, Richard Rogers.

Last year's exams results are especially remarkable in the light of the fact that 40% of pupils are on free school meals and 30% are on the special needs register.

So what is Wilshire's prescription for our troubled education system? It is a cocktail of measures.

He stresses the importance of discipline and rules, which are rigorously enforced. Pupils at Mossbourne are sent home if they wear the wrong colour shoes; chewing gum and the purchase of chicken and chips are banned as also are hugs in the playground and handshakes. Wilshire observed that a number of girls felt intimidated by boys' bear hugs. Mobile phones are banned so that pupils cannot text one another during school time.

A culture of “no excuses” has been at the heart of Mossbourne’s operations. Each lesson starts with pupils promising to “retain an enquiring mind”. There were same-day detentions at Mossbourne well before the Education Act 2011, which now permits this sanction, received the Royal Assent on 15 November 2011. There are compulsory after-school and weekend clubs for underachievers and an insistence on good manners and spotless uniforms.

The Academy is open till 6.30 p.m. every day and Saturday mornings to enable pupils from dysfunctional homes to study and do their homework on site. They are supervised by young staff members who work 15-hour days.

The quality of teaching and learning is crucial to Mossbourne’s success. Wilshire is on record as having commenting that 10% of teachers in any one school needs “help to leave as soon as possible. They shouldn’t remain in the profession. If you feel that children are suffering year-in and year-out, you do it very quickly.”

His views on headteachers are not dissimilar. “Good schools are run by good heads,” he said, “as simple as that.” There are lots of heads in the secondary sector earning more than £100,000. Some earn more than the Prime Minister,” (whose salary is £149,000); “so we expect them to deliver. The nation expects them to deliver, and if they can’t they need to move on.”

One of Wilshire’s role models is Clint Eastwood’s character in *Pale Rider*. “Take the scene in *Pale Rider*,” he said, “when the baddies are shooting up the town. The mists dissipate and Clint is there. Being a headteacher is all about being the loan warrior, fighting the good fight.” (Wilshire is Catholic by upbringing.) To be a good headteacher, sometimes “you have to be scary”.

Wilshire was also been the director of the Ark Schools. In his farewell speech, he hinted at a raft of measures that he would be taking as the Ofsted Chief. These included staunching the practice of teachers receiving automatic pay rises when not enough of their lessons are judged to be good and introducing dress standards for them. He expects staff to provide appropriate role models. For starters, teachers who come dressed to school scruffily will face censure by Ofsted inspectors operating in accordance with Wilshire’s expectations. He told *The Times* (28 December 2011): “I think it would be sensible if Ofsted felt that the professionalism of staff was an issue in the inspection, they should comment on that. Often when standards are sloppy that is reflected in the professional dress of staff.”

He mentioned that as Academies continued to grow in number, the government would find it impossible to monitor and administer them from the centre. The solution would be establishing school commissioners or district superintendents – a reinvention of the local authority except that the members would be appointed and not elected.

Sir Michael told Greg Hurst of *The Times* that by the time Ofsted recognised a school as failing it is often too late. He has called on ministers to appoint dozens of local commissioners to decide whether to close or merge academies or replace headteachers or governing bodies where standards are unacceptably low. He has stressed that it would be unrealistic for the DfE to exercise intervention powers it took from local Councils.

He also wants to replace the judgement, “satisfactory”, with a “simple grade 3”, because the former “sends the wrong message on the nature of acceptable provision”.

Wilshire is concerned that some youngsters are deemed to have special educational needs “too quickly as a cover for not teaching them well enough in the early years”.

The teaching profession is holding its breath and wondering, “What next?” Chris Keats, the general secretary of the NASUWT remarked: “Every single word that is leaving his mouth is about denigrating the profession. This is not an auspicious start.”

These are early days. Many are keen to see how the new system of inspections led by a unique, new charismatic Chief unfolds. Wilshire’s proposals on local commissioners have elicited mixed reactions. David Simmonds, a Conservative Councillor in Hillingdon, West London and Local Government Association (LGA) member, warned: “There is a clear statutory responsibility by directors of children’s services and lead members of children’s services to schools and education and their local accountability. It is hard to see how a separate layer of Whitehall bureaucracy would add significant value to that because this role of accountability is one which Councils already discharge.”

However, the incredibly rapid rise in the number of schools becoming freewheeling academies (1,144 were open and 1,460 approved as of 1 December 2011) has created an accountability dilemma. Rick Muir, associate director for the Institute for Public Policy Research (IPPR), the left of centre think tank, said (writing in *The Times* on 28 December 2011 by way of support for Sir Michael) that “the best way forward would be to create new schools’ commissioners at local level, starting in the big cities where they would be appointed by the new city mayors. New York City has a powerful Schools’ Commissioner; so should London, Birmingham, Manchester and other great English cities.” Muir vision of the role would be that the commissioners would act as the local champions on standards, monitor the performance of all schools, including academies and free schools, and intervene where they are failing or coasting. They would have access to resources from the DfE, calling in specialist support.

The new Chief Schools Inspector has more than a point about ensuring that heads and teachers deliver on the nation’s expectations. He is keen for the lame, halt and blind among them to move out of education and do something more fruitful for themselves and the rest of us. Our children have, after all, only one chance and can be ruined by their poor performance in one term.

In its research, the Sutton Trust discovered that 64,000 teachers (out of 450,000) working in schools in England are not performing as well as they should. Chris Woodhead caused uproar when as HMCI he said that there were 15,000 underperforming teachers. Tragically, far too many poorly performing teachers are offloaded onto other schools. In the United States this is known as the Dance of the Lemons or the Turkey Trot. Sometimes, it is baldly called, “Passing the trash”! It’s clear that Sir Michael will have a zero tolerance approach to this practice.

On the other hand, if Sir Michael Wilshire is to succeed he must carry those who are making a significant contribution to education in this country with him and not alienate them. Many have dedicated their lives to our young people in an effort to make our schools the best in the world and they will need to buy into his ideas and methods. The objectives of high standards may be

shared but to work, all in the system must adopt common methods. The educational song that we decide to sing “must have the right notes sung in the right order”.

Governing Bodies: Are they worth it?

Do we need governing bodies?

There is a school of thought that questions the need for governors. Over 30 years ago, they were considered an irrelevance. Several schools had one governing body that would convene once a term to enable members to engage in tea and sympathy. With the Education Act 1980 coming onto the statute books as a consequence of the Taylor Report, governors were given a new role that has grown in magnitude with successive Education Acts, the most important of which were the Education (No 2) Act 1986, the Education Reform Act 1988, the Schools Standards and Framework Act 1998, the Education Act 2002, the Education and Inspection Act 2006 and the Education Act 2008. The Education Act 2011 will place yet more responsibilities on the shoulders of school governors.

So, whether or not some school leaders consider them to be of any significance and, sometimes, despite some governors operating as bystanders, governing bodies are “important things” and are designed to make a difference (preferably for the better) to our schools.

This article explores strategies that schools may wish to consider about how to make governing bodies truly effective so that the time devoted by 350,000 governor volunteers to schools in England is used to good effect.

II The “What” of good governance

Firstly, an outstanding governing body signs up to a vision for the school based on the key values that every child’s welfare and development are of paramount importance.

If the vision is to translate into reality (rather than a nightmare), the governors, headteacher and senior leadership team (SLT) have to develop strategies which focus on improving pupils’ attainments and helping young people develop into mature adults who are able to take their places in society, contribute to it and live happy and fulfilled lives. Having the knowledge and skills to earn a living is insufficient if people are unsure about what the purposes of life are. The purposes, in turn, are wrapped up with making this world a better place for all to live in.

Strategies have to be based on a knowledge of what the school is doing, whether what it's doing is what it should be doing and if not changing it, capitalising on opportunities in the environment, dealing with its threats, developing the school's strengths and addressing its weaknesses.

The effective governing body is constantly offering challenge and support to the headteacher and staff and holding itself to account to justify all that it does for the pupils and their parents.

Ofsted's Perspective

In *A Tale of Two Governors* published in the 50th issue of *Governors' Agenda*, we reported on Ofsted's list of characteristics that an effective governing body had based on visits that inspectors had made to 14 schools in November 2010. It's worth rehearsing them here.

- (1) The governors have positive relationships with their headteacher and members of the senior leadership team (SLT) based on trust, openness and transparency. They monitor their school's progress towards meeting agreed developmental targets. Information on what is going on and why and what is not going on and why is shared. Governors consistently ask for more information, explanation or clarification, which contributes to robust planning for improvement.
- (2) Governors are well-informed and knowledgeable because they are given high-quality, accurate information that is concise and focused on pupil achievement. This information is made accessible by being presented in a wide variety of formats, including charts and graphs.
- (3) They are able to take and support hard decisions in the interests of the pupils, backing up the headteacher when she/he needs to change staff or change the headteacher in extremis.
- (4) They support honest, insightful self-evaluation by the school, recognising problems and supporting the steps needed to address them.
- (5) They are clear about roles and responsibilities and the difference between governance and management.
- (6) A core of governors drives matters forward and forges good relationships between senior leaders and others.
- (7) The governors visit the school during a normal working day to gather information by talking to pupils, staff and parents and dipping into lessons – operating in accordance with an agreed protocol.

- (8) School leaders and governors operate with integrity and are mutually supportive, posing questions and challenging assumptions.
- (9) Governors bring their skills in to focus on improvement and pupil outcomes.
- (10) Time is used effectively at meetings and with well organised committees which have clear terms of reference. Committees report back to the governing body on the key points of their discussions and the decisions made.
- (11) The role of the clerk to the governing body is pivotal to ensuring that statutory duties are met, meetings are well organised and governors receive the information they need in good time to enable governors to attend meetings well prepared and with pertinent questions ready so that they are able to provide constructive challenge.
- (12) The governors have a timeline of activities maintained by the clerk and linked to the School Development Plan.
- (13) There are clear induction procedures for new governors which help them to understand their roles and responsibilities and ensure that best use is made of their varied skills and expertise.
- (14) Governors use external networks and professional contacts to plug gaps in the collective skills of the governing body.
- (15) Clear procedures are in place to capitalise on governors' knowledge and skills.
- (16) Governors are constantly reflective on how they are doing and what they can do to be more effective.

III The “How” of good governance

While the “what” of good governance is challenging, the “how” is, in a sense, more daunting because it is concerned with reconciling disparate characteristics of the many personalities that constitute the governing body. Governors come with different perspectives and varied agendas – often not articulated to fellow governors and sometimes not even understood by themselves.

Ask governors what are they working towards and you will hear them coming out loud and clear: “We want what is in the children’s best interests.” However, what is in children’s best interests will vary from one governor to the next which leads to debate, disagreement and, sometimes, dissonance. This, in itself, is not detrimental to the health of the governing body, but if not handled sensitively can damage a school.

Professor Burt drew up an index of good governance in which she divided the “How” into two headings, “Partnership” and “Practice”,

Under “Partnership”, Burt invited governors to take a broad and balanced view of its membership to secure that they were truly representative of the community they served. She posed questions about how well governors participate in the meetings of the governing body and the extent to which they contribute to its work. Do the governors promote the school interests to the community (which includes the parents) and the desire and needs of the community to the school?

The promotion of good “Practice” is trickier.

- (i) Do governors work as a team where duties are evenly spread and governors do what they promise to do?
- (ii) Is there a shared understanding of roles and responsibilities?
- (iii) Are the members aware of one another’s skills and are they used to best effect?
- (iv) Are relationships open and honest?
- (v) Do governors have the confidence to express differing views without being “put down”?
- (vi) Is conflict handled constructively?
- (vii) Does everyone ensure that each meeting is “successful” and time is well spent?

III Role of the Chair

The chair plays a critical role in securing the “what and how” of good governance. The National Governors Association (NGA) and the National College for School Leadership (NCSL) published a very helpful and easy-to-read pamphlet, *Leading governors*, in November 2011. (A copy may be secured by emailing chairofgovernors@nationalcollege.org.uk or calling 0845 609 0009.) *Leading governors* identified five key responsibilities of a Chair.

- (i) The first, unsurprisingly, is about giving a clear lead to the governing body – ensuring that members work as a team, understand their accountabilities and the part they are to play in developing the school strategy and driving school improvement.

Group dynamics is sometimes messy. Conflict, if managed well, can be positive making governors think and act in new ways. However, disagreements, more often than not, injure egos, some mortally. The Chair has a responsibility of turning the negative stumbling block of argument and debate into positive practice where governors make a difference to the children they serve.

- (ii) The Chair (as also her/his fellow members) has a responsibility for attracting good people onto the governing body with the necessary skills and ensuring that tasks are delegated fairly so that all are contributing and the workload is shared.
- (iii) Members of the governing body and the Chair, especially, have a responsibility for being critical friends of the headteacher, offering support and challenge and ensuring that her/his (the headteacher's) performance management is rigorous and robust.
- (iv) School improvement is the focus of policy and practice. All governors, led by the Chair, monitor and reflect on the improvement priorities.
- (v) Finally, the Chair leads the "business" of the school. Statutory requirements are met and the school provides value for money.

This is possible only if the school operates with the right culture, "culture" being defined as "the way we do things here". This culture is predicated on all members (including the headteacher) being treated as equals. The governing body is a corporate entity where power and authority are reposed in it as a whole and not with individuals.

Only the headteacher (as headteacher) has the power to deal with operational matters. Policy is a matter for the governing body. No one governor has the power or authority to do anything for the school without it being delegated by the governing body. However, the Chair may take action on individual matters in the event of an emergency, but then too, has to report on what she/he has done at the very next opportunity that presents itself by way of a meeting.

IV Concluding thoughts

The annual report of Her Majesty's Chief Inspector of Schools (HMCI) has stated that there is a very close correlation between effective schools and pupils' achievement. Accordingly, if governors are to make a difference, they would be wise to focus more of their time and effort into setting up strategies and systems to secure standards and monitor how well the school is doing.

Governance is classified as one aspect of leadership, which has a pivotal role to the promotion of good teaching and learning. While governors are not inspectors and

therefore not required to make judgements on the quality of teaching and learning, they have a responsibility for visiting the school during normal working days, seeing how it functions and providing feedback to the headteacher and fellow governors of the impressions gleaned from such visits asking questions when unsure about the practice of staff in the classes and commending where praise is merited.

Just as the headteacher, staff and parents have to take hard-nosed approaches to the children in their care if they wish them to grow, develop and give them wings to fly, governors, too, if they have to make a difference and be effective, must engage in “tough love” when it comes to the schools they govern.

Effective school governors' meeting: Improving the use of time

Of the myriad aspects of the work of school governors, perhaps one of the most important is their attendance at and participation in meetings of the governing body and its committees. The basic requirement for meetings to be effective, in the first place, is for governors to be present. Because school governance is a voluntary activity, there is a misplaced notion that attendance at meetings is not that important. However, the legislation prescribes that if a governor fails to attend meetings of the governing body (not the committees, take note) for a continuous period of six months and has her/his apologies not accepted by those who do attend or if that governor fails to send apologies, she/he is automatically disqualified.

(1) Governors' contribution

Notwithstanding, attending meetings is not enough if governors are to be effective. There are other facets to running productive meetings for which all governors are responsible. Here are a few suggestions which are worth considering though they may appear to be blindingly obvious.

- (1) Arrive at meetings in good time in the same way in which pupils are expected to be at school before the morning bell sounds. Nothing can be more soul-destroying than having governors sheepishly dribbling in after a meeting has started.
- (2) Ensure that the agenda and supporting papers are in your briefcase and, better still, read the contents of the bundle in advance of the meeting.
- (3) In the run-up to the meeting, mark up those parts of the paperwork on which you have queries so that when the chair arrives at that part of the agenda you are in a good position to make a contribution that is brief, clear and focused. A contribution to a

meeting is not unlike making a good speech: “Stand up to be seen (except that at a meeting you can carry out the task sitting down); speak up to be heard and shut up to be appreciated.”

- (4) When making a contribution, it is good practice to be clear, comprehensive and succinct. Fellow governors can then be drawn into the content of the discussion. Remember also that you want the clerk to record what you say accurately. If you are incoherent or vague, by, for instance, using acronyms that confuse other governors not intimately involved in education, use pronouns that are not prefixed by nouns, or simply mumble, it can be off-putting.
- (5) Learn to disagree agreeably. Life is complex, and surprising though it sounds, there are many right ways of doing something and disparate points of views that may seem irreconcilable but legitimate. Even where principles are non-negotiable, it does not cost anything to be pleasant when opposing.

The current stakeholder model for the composition of the governing body (that will change with the Education Act 2011) makes it a microcosm of society. Members will see issues from diverse perspectives. It is courteous to listen to someone presenting an antithetical viewpoint. Besides, one may always stand to learn something from the exercise.

- (6) Finally, if meetings have to be fruitful, governors who commit themselves to taking action as a consequence of the decisions made at them, have a responsibility of doing what they say they have promised to do. In my experience, most do. However, some promise the earth and don't deliver. Others are very adept at coming up with fantastic ideas that require an inordinate amount of work from others – particularly the headteacher – but take minimal responsibility for translating proposals into action. Anecdotal evidence suggests that local authority representatives from political parties, who have much to gain from making promises to create a feel-good factor so that they can be elected at future elections are more skilled at this than the others.

(2) Roles of key members

While all governors have a responsibility for ensuring that meetings are well run, two members – the chair and headteacher (whether or not she/he is a governor) - and the clerk have key roles to play in securing effective and efficient meetings. Everything that applies to the governors [see (1) above] affects the conduct of these three. But their responsibilities go beyond.....

(a) The Chair

Like the conductor of an orchestra, the effective chair holds the governors together. She/he is cognisant with the contents of the agenda and the subject matter contained in the supporting papers.

There is an onus on the chair to give other governors an opportunity to make their contributions before saying her/his piece.

Whenever a group of people from different sections of society are brought together to talk about and deal with matters of educational interest, there will be debate which at times can border on debilitating conflict. The chair has the responsibility of trying to reconcile differing viewpoints accepting that this may not always be possible.

Governors are made up of people with different talents and personalities. In my experience four types stand out.

- (i) **Proposers** overflow with ideas.
- (ii) **Opposers** dislike proposers – sometimes for good reason, at other times for the “heck” of it but more often than not because they are envious of not having thought of the ideas of the proposers.
- (iii) **Followers** provide support to either proposers or opposers. Both, proposers and opposers avidly seek that support to give their stance credence.
- (iv) Finally, there are the **bystanders**. Some bystanders could well have been proposers or opposers previously but were vanquished in a barrage of put-downs and lost their “stuffing” for making contributions. Others simply attend meetings to ensure that they are not disqualified as governors for non-attendance. Little or no preparation is done for them.

The chair has the daunting task of making the contributions of all the above inclusive and try to develop in the **opposers, followers and bystanders** the talents of the proposers.

In addition, the chair has a responsibility to manage time well. Some governing bodies have the items time-limited on the agenda sheet. A skilled chair is able to keep a mental control on discussion, intuitively sensing when meaningful contributions have ended, summarising the main points of the debate and moving to the vote, if necessary. The unskilled chair, on the other hand, allows discussion to drift, permits those fond of hearing the sound of their own voices to take up an inordinate amount of air space and is mindless about pregnant pauses that begin to proliferate a meeting.

A simple mechanism for keeping a check on time would be for the chair to have a watch in front of her/him and use it well. The apocryphal story has it that a frustrated governor asked the Chair why it was that he allowed the meeting to drift to an ungodly hour. The chair replied that he did not have a watch with him. “But you had a calendar,” retorted the governor.

(b) The Headteacher

The headteacher’s report to the governing body at each regular meeting is more often than not the main item of the agenda. It apprises governors of what has gone before, what is planned for the future and possible action required of the governing body.

I would submit that an effective meeting is predicated on the headteacher’s report being of value to the governors. A good report can take different structures.

It can cover the main aspects of what was formally the Ofsted Self-Evaluation Form (SEF), i.e.

- (i) pupils' attainments and achievements,
- (ii) the curriculum,
- (iii) the quality of teaching and learning,
- (iv) the leadership and management of the school and
- (v) its capacity to improve further.

Alternatively, it can cover the five aspects of the *Every child matters* agenda, i.e.

- (i) the happiness and achievement of the pupils,
- (ii) pupils' health,
- (iii) the safety of the pupils,
- (iv) the extent to which pupils are making a contribution to the community, and
- (v) how well the school is preparing the pupils for their future economic well-being.

There are other effective structures. Whatever the format, it is critical for the headteacher to highlight what is for the governors' information and what for action to give the chair the wherewithal to run the meeting well.

The headteacher's report, ideally, should be included in the agenda bundle that the clerk sends out. However, this is not always possible. What is imperative is that the report is sent out in good time at least four days before the meeting to give governors the opportunity of reading it in advance and come prepared with their queries.

I recall a conversation I had with a headteacher I knew who, at best, sent her report to the governors by email a day in advance of the meeting. When I asked her why it was never possible for her to have the report ready in good time to be included in the agenda paperwork, she explained that she was always so very busy.

"But you don't stop being busy a few days before the meeting when you have to write it anyway," I countered. "Clearly, you take the trouble to make time then. Why can't you do that two weeks in advance of the meeting?"

"Ah," she replied sheepishly and somewhat tongue-in-cheek, "I want the governors to have a fully up-to-date report!"

Assuming that the headteacher's report is sent out at least four days prior to the meeting, there is a presumption that governors would have read it by way of preparation for the event. Accordingly, there is no requirement for the headteacher to go through the report in painful detail or use it as a tool (or weapon?) for doing an inservice training session. Rather, the chair should ask her/him to summarise the main aspects of it, provide information on important matters that may have arisen after it was dispatched and invite discussion and debate on issues on which decisions are required.

(c) The Clerk

The clerk is the servant of the governing body. She/he has the responsibility of sending the governors the agenda and supporting papers to reach them at least seven days before a meeting (a statutory requirement), takes the minutes, provides timely and pertinent information and advice and ensures that the governors are operating in accordance with the legislation.

While all governors have the right to include any matters on the agenda, the clerk has a duty to consult – preferably at a planning meeting – with the chair and headteacher on the contents of the agenda before framing and dispatching it to governors.

There are various ways in which the agenda can be constructed. Some governing bodies consider that there is merit in having the more important items discussed first. The governors can signal this to the clerk, chair and headteacher.

An item that is open to abuse is “Any other business”. It is undesirable for the Chair, at the end of the meeting, to go around to each and every governor asking whether she/he wishes to raise any other matters. This causes a meeting to drag on beyond a reasonable hour.

A useful strategy would be for the clerk to change the title to “Any other urgent business” and indicate on the agenda that the chair may not allow matters to be raised under this item unless 24 hours notice has been given.

In my experience, the attention of governors begins to flag if a meeting goes on beyond two-and-a-half hours. The absolute time limit for a meeting should be three hours.

One of the reasons why Google is such a successful organisation is because their meetings are focused and take the minimum amount of time. A mechanism its bosses use to achieve this is by having their meetings where all involved engage in the discussions standing up. Perhaps, where the governing body is having problems ending meetings at a reasonable time, the chair could adopt this strategy.



I Funding for Schools in 2012/2013

On the 13 December 2011, the Secretary of State for Education, Michael Gove, announced to his fellow MPs details of the overall funding that will be available for schools in the next financial year, i.e. 2012/3, covering the Dedicated Schools Grant (DSG), provision for the 16s-19s and capital funding for maintained schools, Academies and the voluntary sector and Sixth Form Colleges. The key points were as follows.

- (1) The DSG will remain, in global terms, flat. To protect local authorities (LAs), no one will lose more than 2% of the budget in cash terms.
- (2) Each school will receive its budget in accordance with a formula for distributing the DSG drawn up by the Schools Forum in its local authority. The Pupil Premium will be in addition to the DSG and will be £600 per child who is entitled to a free school meal. Schools will be able to claim funding for the Pupil Premium on the basis not only of the number of children currently on roll eligible for free school meals (FSM) but also children at the school who at any point during the last six years at the school were eligible for FSMs. Further, the government is extending the Pupil Premium to cover the children of service women/men. Each eligible child will receive (for her/his school) £250.

The total funding available for the Pupil Premium will rise to £1.25 billion in 2012/13 from the £625 million in 2011/12. Academies will receive their share of the Pupil Premium from the Young People's Learning Agency (YPLA).

To protect schools from significant reductions, the government will continue with the Minimum Funding Guarantee to ensure that no one institution loses more than 1.5% in 2012/13 as compared to what it received in 2011/12.

- (3) The government intends to make additional funds available for 16-19 education and training in 2012/13 to cover the increase in the number of places as the country approaches the rise in the participation age. (From 2013, young people will be expected to stay in education and/or training up to the age of 17.) For 2011/12, 1,543,000 places were funded, which will rise to 1,577,000 in 2012/13. Transitional protection, introduced in 2011/12 to help schools and colleges manage reductions, will continue in 2012/13.

The total budget for education and training places for the 16-to-19-year olds will be £7.528 billion, which includes £833 million for apprenticeships and £314 million for young people with Learning Difficulties and Disabilities (LDD)

- (4) Capital funding will include allocation for basic needs, i.e. the funding of additional places, maintenance and devolved formula capital. Altogether, £800 million has been allocated for an increase in the number of places and £1.4 billion for maintenance (including £200 million for devolved formula capital). Another £600 million has been set aside for basic needs allocation, i.e. an increase in places in year in the event that it is needed.

The same level of funding for 2012/13 as for 2011/12 will be available for the Locally Coordinated Voluntary Aided Programme (LCVAP)

The government will retain £276 million centrally for the maintenance needs of Academies and make this available to them on the basis of need and bids.

A little over £107 million capital funds will be available for 16-19 provision for 2012/13 for new places in schools, Academies and sixth form colleges.

II National Qualification for Headship to be optional

The Department for Education (DfE) announced that from 2012, the National Professional Qualification for Headship (NPQH) will no longer be compulsory for aspiring headteachers. Also, the National College for School Leadership has designed a new NPQH course raising the bar, including tougher entry requirements and more demanding content with a much sharper focus on the key skills required by headteachers to achieve higher standards for the pupils – covering teaching, learning, the management of behaviour and staff performance, among other things.

Trainee headteachers will spend double the amount of time in another school on placements and, at the end of the programme, will be interviewed by a panel to include a serving headteacher.

What appears to be missing from the information available is training of potential headteachers to interrelate and work with school governors.

The first round of applications will be launched in Spring 2012 for participants to start the course in September 2012. For more information, see <http://www.nationalcollege.org.uk/index/about-us/news/news-item.htm?id=159932>

III Improving pupil behaviour through a checklist

Charlie Taylor, the Pupil Behaviour Czar who has taken a year out from being headteacher of Willows Primary School in West London to advise Michael Gove on strategies for improving pupil behaviour, was inspired by an international best-seller by Atul Gawande, *The Checklist Manifesto*, which was published in 2008. Gawande is a surgeon who was puzzled by the causes of so many patients' deaths during routine operations and contrasted this with the miniscule number of planes that met with accidents during complex journeys. He also reflected on why skyscrapers never ever collapsed except when planes fly into them.

In his book, he made the distinction between errors of ignorance (mistakes made because we don't know enough) and those caused by slovenly, careless work (mistakes we make because we don't make proper use of what we know). In his book, he gives several exemplars of errors of one kind or another stemming from medical practitioners being under pressure or failing to plan sufficiently for every eventuality. He concludes that the solution would be if his fellow professionals deployed checklists – i.e. written guides that will help them take the key steps to deal with complex procedures.

Having discussed this matter with a selection of headteachers from outstanding schools, Taylor, who heads a special school that helps disaffected pupils re-enter mainstream education, came up with a checklist which he is commending to all of us in education to help improve pupils' behaviour. The list is not exhaustive. He urges each school to use this template to devise its own. However, once that has been achieved, he asks teaching and support staff to "run through the checklist first thing in the morning and again after lunch to ensure the correct preparations are in place" so that there is consistency among all staff and with the same staff member at different times so that the pupils are clear about the standards that the school expects of them and, as a consequence feel safer and are happy.

Charlie Taylor's checklist, which can be accessed at <http://media.education.gov.uk/assets/files/pdf/c/charlie%20taylor%20checklist.pdf>, is as follows.

(1) Policy

- (i) Ensure absolute clarity about expected standards of pupils' behaviour.
- (ii) Behaviour policy clearly understood by all staff, parents and pupils.
- (iii) School rules displayed in all classes; staff and pupils know what they are.
- (iv) The tariff of sanctions and rewards is displayed in each class.
- (v) A system is in place for ensuring children never miss out on sanctions and rewards.

(2) Leadership

Model the behaviour you want to see from your staff.

(3) Building

- (i) (The headteacher or her/his deputy to) visit the lunch hall, playground and be around at the start or end of the school day.
- (ii) The headteacher to ensure senior leaders are visible around the school.
- (iii) All staff members check that pupils come in from the playground and move around the school in an orderly manner.
- (iv) Headteacher and senior staff check up on behaviour outside the school.
- (v) All staff members check that the building is clean and well maintained.

(4) Staff

The headteacher

- (i) knows the names of all staff members;
- (ii) praises the good performance of staff; and
- (iii) acts to deal with staff members who fail to follow the behaviour policy.

(5) Children

The staff members

- (i) praise pupils' good behaviour and
- (ii) celebrate their (the pupils') successes.

(6) Teachers

The headteacher

- (i) monitors the amount of praise and the number of rewards and punishments;
- (ii) ensures staff members praise pupils for good behaviour and work;
- (iii) ensures that staff members know and understand pupils' special needs.

(7) Individual Pupils

The headteacher

- (i) has plans for pupils likely to misbehave and ensures staff members are aware of them and
- (ii) arranges for suitable support to be in place for pupils with behavioural difficulties.

(8) Parents

All staff members build positive relationships with the parents of pupils with behavioural difficulties.

Taylor's checklist received a mixed reception from the great and the good.

Trevor Averre-Beeson, the very successful inner-city ex-headteacher who runs the Lilac Sky Schools Consultancy, remarked that it was a very standard list and not much different to the one that most heads would send out to their senior leadership teams. On the other hand, Russell Hobby, general-secretary of the NAHT, said that the simplicity of the checklist would appeal to schools, though he had serious reservations about comparing other workplaces to schools. Paul Haigh, director of the Hallam Teaching School Alliance at the Notre Dame High School in Sheffield, said that the checklist was what was needed for many of the country's schools. However, he warned that having one was not enough: it had to be followed rigorously.

The checklist worked for the eminent American surgeon, Gawande, and is used religiously by pilots before they fly their planes. Surely, there is scope for us adopting a form of this for schools.

IV Introduction of the new National Curriculum to be postponed by a year

In January 2011, Michael Gove, the Secretary of State, established a national working party led by the Department for Education, which included an Advisory Committee and Expert Panel comprising teachers, academics and business leaders to review

- “(i) the current substandard (sic) curriculum with one based on the best school systems in the world and provide a world-class resource for teachers and children;
- (ii) consider what subjects should be compulsory at what age; and
- (iii) consider what children should be taught in the main subjects at what age.”

(1) The proposals

On 19 December 2011, Gove published a set of initial findings and recommendations of the review team.

The Expert Panel, which has been chaired by Tim Oates, director of research at Cambridge Assessment, has proposed the following.

- (i) All existing national curriculum subjects should remain compulsory. However, schools should decide how to teach citizenship, design and technology and ICT.
- (ii) The content of subjects should be set out by key stages, with the exception of mathematics, which would follow an annual programme of study.
- (iii) “Oral” language should be a “strong feature” of the curriculum.
- (iv) Key Stage 3 should reduce to the first two years of secondary education, i.e. years 7 and 8 for 12 and 13-year-olds, and Key Stage 4 expanded to three – i.e. years 9, 10 and 11 for the 14-to-16-year olds.
- (v) National curriculum levels – with each level representing two years of attainment - should be replaced with more precise attainment targets.
- (vi) All pupils should be cognisant with the elements contained in a body of subject matter before they move on to the next – based on ‘ready to progress’ measures.
- (vii) The current four year Key Stage 2 – years 3 to 6 for pupils from 8 to 11 years old – should be sub-divided into lower KS2 and upper KS2, to overcome a “lack of pace and ambition” in years 4 and 5 for pupils of 9 and 10. Years 3 and 4 will then gain their own programmes of study, statutory teacher assessments and performance tables.

Meanwhile, Academies and Free Schools will retain their existing freedoms to depart from the National Curriculum where they consider it fit. However, they will continue to be required by law to teach a broad and balanced curriculum like other state schools and be accountable for their performance in tests and examinations based on the National Curriculum.

Owing to the far-reaching and complex nature of the Expert Panel’s recommendations, Gove has decided to defer the introduction of the new national curriculum from 1 September 2013 to 1 September 2014, thus allowing more time for debate among the stakeholders before implementing any changes.

(2) Reactions

Gove mentioned that the Expert Panel recommended that “we learn from the approach to assessment and pupil progression used in many high-performing jurisdictions, including the most successful South-East Asian education system, which ensures that all pupils have mastered the subject content before the class moves on to tackle the next part of the curriculum”.

He went on to add that the Expert Panel argued that England narrowed its curriculum for the majority of pupils too early.

- (a) In Singapore, educational leaders had higher expectations of what pupils should attain in English, mathematics and science. For instance, pupils in year 4 (i.e. those attaining the age of 9 in the academic year) know their times tables and related division facts while these are the national expectations of those who are 11-year-olds. The Singaporean youngsters also learn about plant and animal cells – including how cell division forms the basis of growth – by the age of 11, while English pupils do not tackle this before they start secondary school.
- (b) Alberta, in Canada, and the US state of Massachusetts have separate sections on grammar in the curriculum with clear standards which must be met.
- (c) In Poland, pupils are expected to read Homer, Chekhov and Shakespeare alongside great Polish literature.

While Gove acknowledged that it would be improper to transplant practice without preparing the educational soil to accept different practices, the findings challenge our system.

Schools and their professional associations and unions are concerned that the requirement that the foundation subjects be taught up to year 11 will suffer from a shortage of special teachers. This will result in non-specialist taking subjects such as geography. Professor John Howson, managing director of DataforEducation.info, warned that extra languages teachers would be needed for KS4 and could be tempted away from working with primary schools where the proposal is that modern foreign languages be made compulsory at KS2.

On the subject of assessment, Russell Hobby, general secretary of the NAHT expressed alarm at the prospect of the profession having to deal with yet another league table for the end of the lower KS2. With the new assessment for reading in year 1, this will mean that children will have assessments in year 1, year 2 (end of KS1), year 4 and year 6 publicised. Will schools, and particularly pupils, be damaged by having assessments and league tables coming out of all the orifices of their educational beings? Please don't answer just yet. Time only will tell.....



V Semi-Independent State Schools

The number of Academies and Free Schools has continued to burgeon.

Formerly community, voluntary aided and foundation schools under the local authority umbrella, Academies now come directly under the control of the Department for Education (DfE) and receive their funding from the government albeit in accordance with a formula locally set. The difference in regard to the allocation of resources is that they receive their share of central (local authority) funding (retained for other non-Academy schools) called the Local Authority Central Spend Equivalent Grant (LACSEG). This funding would normally have been used to provide services such as Human Resources, Payroll and Legal.

As of 1 December 2011, 1,460 Academies had opened and another 316 had been approved, which would have opened by 1 January 2012. The rapid increase in number has taken even the DfE by surprise as a consequence of which some academies are having their budgets adjusted – some as much as £150,000 downwards. Some Academies are still waiting to learn about what their final budgets are.

Free Schools are (mainly) new schools created by people in local areas based on perceived needs. Some groups have established or are planning to establish Free Schools because they consider that the number of places is insufficient; others because they are dissatisfied with the quality of the local provision.

In a few cases, independent schools have been successful in changing to Free Schools or Academies.

In September 2011, 24 Free Schools had opened and 63 had been approved to open from 2012 onwards. Of the 63, 12 are faith schools and two independent schools. Altogether, 33 have been established by local groups including parents and teachers.

There has been considerable criticism by opponents of Free Schools that these institutions have been created to benefit the middle classes. Accordingly, the New Schools Network (NSN), a charity mainly funded by the DfE, is offering extra support to 20 groups to open Free Schools in deprived areas from September 2013. These groups will receive funds to generate evidence from the communities to show there is sufficient demand for the schools and be given access to legal and business expertise. A fund of £250,000 has been set up for this purpose from corporate and philanthropic donors.

Meanwhile, Free Schools have spawned books providing advice on how to go about the business of establishing them. Two stand out. The first, *How to set up a Free School*, was written by Toby Young, a journalist who established the West London Free School (according to him) “the first grammar school for all”, and the second, *The six predictable*

failures of Free Schools and how to avoid them, by Laura McInerney, a teacher and policy development partner for educational consultancy, LKMco.

VI Are the unions on the cusp of signing a pensions deal?

The National Union of Teachers (NUT) went on strike on 30 June 2011 because the government signalled its intention of accepting the proposals of Lord Hutton (who, as a Labour MP began his work on pensions during the tenure of the last government). Essentially, there were three aspects to the proposals which were to

- (a) increase the contributions of members by about 50%;
- (b) raise the retirement age from 60 to 65 (in the first place) and later to 68; and
- (c) allocate a pension based on the average life-time salary rather than the highest salary paid during the employee's last three years of service.

Because of the perceptions of some of the school-based unions that the negotiations since 30 June 2011 had stalled, the number taking strike action on 30 November 2011 swelled considerably.

Since then, progress has been made despite the Secretary of State observing that there was "no magic pot of gold we can plunder".

- (i) Teachers who retire between the ages of 65 and 68 will see less of a reduction in their pensions than had originally been envisaged. For each year of retirement before the state pension, the income will drop by 3% instead of 5% as originally proposed.
- (ii) The accrual rate, i.e. the rate at which pensions increase in value, will be improved from 1/60th to 1/57th.
- (iii) Teachers at independent schools will be able to remain in the teachers' pension scheme.

Half of the unions represented at the talks, the ASCL, ATL, the NAHT and Voice, signed a "heads of agreement" promising to consult their executives on the deal. The other four, the NASUWT, NUT, the University and College Union and the Welsh teachers' union, UCAC, are awaiting further details before the make up their minds.

Education Act 2011

The Education Act 2011, conceived as a White Paper, *The Importance of Teaching*, and unveiled by the government on 26 January 2011 as the Education Bill 2011, morphed over a 10-month-gestation period into legislation to become the Education Act 2011 receiving the Royal Assent on 15 November 2011. Its provisions will impact on schools, Academies, Sixth Form and Further Education College and Universities over the current year and beyond. It has 10 Parts and 18 Schedules.

I Part 1: Early Years Provision

Part 1 of the Act provides for local authorities to educate pupils who have attained the age of three by 1 September to receive 15 hours' free nursery education in maintained and independent schools. Further, regulations will also enable them to educate pupils from two years from disadvantaged families.

II Part II: Discipline

(i) Barred articles

The headteacher and staff of a school have been given powers to search pupils and their possessions for prohibited articles, which will include items that may be used to commit offences or cause injuries and those that pupils are not allowed to bring into schools as specified in the behaviour policy.

The current arrangements are that only a staff member of the same sex as the pupil, in the presence of another staff member, may carry out the search. This can now be overridden if it is impracticable because of the urgency of such a search being carried out without which pupils and staff could come to harm.

Staff members will have to seize weapons, drugs, alcohol, stolen goods and items that may be used to cause offence. They may also confiscate electronic devices, including mobile phones, and may erase data or files if there are good reasons to do so.

From now on, schools will have the power to detain pupils without giving their parents 24 hours' notice.

(ii) Exclusions

Independent Appeal Panels for permanent exclusions will be replaced by Review Panels. (See pages 34 and 35.) Following review of a case, the panel may

- (a) uphold the decision of the headteacher to exclude the pupil;
- (b) recommend that the governing body reconsider the decision; or
- (c) quash the decision and direct the governing body to reconsider it.

Section 7 of Part 2 repeals the requirement for a school to enter into a behaviour and attendance partnership with other authorities in the local area.

III School Workforce

- (i) The General Teaching Council of England (GTCE) will be abolished on 31 March 2012. Its functions will be taken over by the Secretary of State who is in the process of setting up the Teaching Agency for this purpose. One of the key duties involves investigating complaints about the professional misconduct by teachers and deciding on whether or not they should be barred from the profession.
- (ii) New restrictions will be imposed on the press and public vis-à-vis allegations against school staff made by or on behalf of pupils, where no charges have been made. The restrictions will be lifted once matters are taken to court for the alleged offences.
- (iii) The Training and Development Agency (TDA) for Schools in England and Wales will also be scrapped on 31 March 2012 and its functions to promote initial and inservice training for teachers will be taken over by the Teaching Agency – an arm of the DfE – although it will retain a distance from the department.

IV Part 4: Qualifications and the Curriculum

- (i) The Secretary of State has given himself powers to direct schools to take part in international surveys.
- (ii) Ofqual will be able to compare qualifications that it regulates with international qualifications.
- (iii) The Qualifications and Curriculum Development Agency (QCDA) will be abolished on 31 March 2012 and its functions taken over by the DfE.
- (iv) Maintained schools will be required to secure independent careers advice for pupils in years 9 to 11 (i.e. those who are 14 to 16 years of age).
- (v) The Diploma entitlement for pupils in Key Stage 4 and the 16-to18-year olds is now abolished.

V Part 5: Educational Institutions – Other Provisions

- (i) The requirements for governing bodies to prepare and publish school profiles and have School Improvement Partners have been scrapped.
- (ii) School Admissions Forums have been abolished.

- (iii) The restrictions on who may refer objections to the Schools Adjudicator have been removed giving all and sundry opportunities to object to the admission arrangements of state-funded schools.
- (iv) The Schools Adjudicator will not be able to specify changes to the admissions arrangements for any one particular school or area, but will still have the authority and power to consider and decide on objections to the admissions arrangements.
- (v) The charges for school meals can no longer be greater than the cost of the meals. In addition, schools will be able to introduce differential charging for different groups of pupils to support those who are in need.
- (vi) A local authority will be required to seek proposals for the establishment of an Academy if it considers there is a need for a new school in the area. An LA will be able to publish proposals for a community or foundation school only if no Academy proposals have been made or approved.
- (vii) There will be changes to the constitution of the governing bodies of maintained schools. There will no longer be a requirement to have community governors for non-voluntary aided schools. However, the requirement for staff and local authority governors will continue. Other categories of governors may be prescribed by regulations. The headteacher will continue to have the right not to be a governor though will attend meetings of governing body and its committees if she/he so wishes.
- (viii) Certain schools will be exempt from inspection. These 'outstanding' schools will be prescribed by regulations. (See page 5.)

Inspectors will have to report on

- (a) the achievements of pupils in the schools;
 - (b) the quality of teaching and learning;
 - (c) the quality of the leadership and management; and
 - (d) the behaviour and safety of the pupils.
- (ix) The Secretary of State has been given powers to direct the closure of schools not only in special measures (as judged by Ofsted) but also those given notices to improve.
 - (x) Parents and members of the public previously had the right to complain on certain matters to the Local Government Ombudsman about the internal running of schools under Sections 496 and 497 of the Education Act 1996. They must now do so to the Secretary of State. Further, the Secretary of State will also consider complaints related to the curriculum under Section 409 of the Education Act 1996, which previously came within the remit of local authorities.
 - (xi) Schools will be able to charge for Early Years education in excess of that provided free of cost under the Childcare Act 2006. For instance, if a school wishes to charge for education additional to the 15 hours provided for pupils who attain the age of 3 by 1

September, it may now do so. This will bring maintained schools into line with the private and voluntary sector providers.

- (xii) Pupil Referral Units (PRUs) will be funded by local authorities by way of budget shares similar to those of other schools. Also, the change of their names to short-stay schools is repealed.

VI Part 6: Academies

- (i) The requirement for an Academy to have a specialism has been removed.
- (ii) The Academies Act 2010 will be amended to provide for three types of Academies:
 - (a) Academy Schools
 - (b) Academies for the 16-to-19-year olds
 - (c) Alternative provision Academies – presumably for PRUs
- (iii) Schools overseen by trust or religious bodies will have to consult with them where they propose to change to Academies.
- (iv) A school may consult before or after an Academy Order is made. However, it must consult before entering into the Academy arrangements. Consultations must be carried out by
 - (a) (for schools eligible for intervention) the governing bodies or persons with whom the Secretary of State proposes to enter into the Academy arrangements and
 - (b) (for other schools), the governing bodies.

The consultations must seek the views of such people as the person/body thinks appropriate.

- (v) The local authority must pay boarding fees at an Academy if a pupil cannot otherwise access suitable education and must pay part-fees if necessary to alleviate hardship.
- (vi) The remit of the Schools Adjudicator is extended to consider objections to the admissions arrangements of Academies. The Secretary of State will also be able to refer to the Adjudicator any case he considers necessary and appropriate if an Academy's admissions arrangements are not in line with the funding agreement.

VII Part 7: Post-16 Education and Training

- (i) The Young People's Learning Agency (YPLA) will be abolished as from 31 March 2012 and its functions transferred to the Secretary of State. He has already created the shadow Education Funding Agency to do this work for him.

- (ii) The statutory school leaving age (as previously planned) is being raised to 17 as from 2013 and 18 as from 2015.

VIII Part 8:

The local authority may make direct payments in respect of special educational needs provision for children and young people with statements. These payments may only be made in accordance with pilot schemes that can run for two years initially and be extended to a maximum of four years. Also, direct payments cannot be made against parental wishes. Fuller details will be unveiled in the pilot schemes.

IX Part 9: Student Finance in England and Wales

Under this section, the Secretary of State is given more powers to set the interest rates that are being charged for student loans made to those starting courses on or after 1 September 2012, the day on which the level of tuition fees is permitted to increase to a maximum of £9,000 annually.

Section 77 provides for limits on the amount a higher education institution can charge students undertaking courses on a part-time basis to ensure that they are in line with the charges for full-time students.

X Part 10: General

This section tidies up the mechanism for the introduction of different sections of the Act and gives the Secretary of State power to do so through one or more Statutory Instruments.

XI Commentary

The government has proclaimed that four principles drive the Education Act 2011.

- (i) The first is related to good student behaviour and discipline through (mainly) improving the quality of teaching and learning. In addition, the legislation gives more powers to headteachers and staff to deal with youngsters behaving badly and bringing the wrong “objects” into school.
- (ii) Ministers are keen to sharpen accountability.
- (iii) They wish to reduce bureaucracy, freeing up time for those running schools and give them more flexibility to do what they should.
- (iv) Finally, the government wants to allocate resources more fairly.

Espousing principles is much easier than translating them into legislation and then good practice. The debate will run and run about whether the Education Act 2011 epitomises the principles that underpin the legislation.

The Act has not only consolidated but also amended earlier legislation. For instance, while it has tidied up the funding arrangements for the Early Years and strengthened the powers of teachers to take disciplinary measures against challenging pupils, it will formally cause pivotal bodies such as the GTCE, QCDA and YPLA to cease to exist, transferring powers to the Secretary of State.

The legislation enables increasing numbers of schools to convert to Academies. The 1,460 established by 1 December 2011 have grown at such a rate that even the DfE has come unstuck with the funding arrangements. The numbers are likely to grow more furiously, emasculating local authorities. It is difficult to see how this aspect of the educational landscape can be reconciled to one of the key principles of accountability embraced by the government. Even the Sir Michael Wilshaw, the new Chief Inspector is concerned. In his valedictory speech as Director of the Ark Schools, he floated the idea of establishing local commissioners or district superintendents who would not be political but directly accountable to the Secretary of State.

On a tangential matter, there is a presumption that Academies will cooperate with one another. However, the increasing reliance on league tables throws schools more into the competitive marketplace touting for pupil numbers. They will, consequently, not be that inclined or partial to cooperating with one another. Yet, if institutions don't hang together, they will be hanged separately.

The accretion of powers to the Secretary of State and the accompanying evisceration of local authorities do not augur well for the future. Gove has dispensed with a number of quangos but is replacing them with executive agencies – so it is difficult to accept that the situation is any better than what it was before, except that the Secretary of State will have more direct powers over them. However, the track record of ministers in other government departments managing large executive agencies in high profile fields is poor.

Besides, the creation of these executive bodies to replace the quangos means that no resources, in reality, are saved.

Finally, it is worth making one last observation. Ministers – whatever their political persuasion – cannot resist meddling with the educational arrangements in place, and I am still struggling to find a good reason for this. Those involved in education have been waiting in vain for the opportunity of embedding changes. But hardly has one initiative been introduced than it is replaced by another 10. It appears that our political masters and mistresses feel that they are not earning their keep unless they are constantly legislating. However, is that desirable for our educational institutions and does it square with the Minister's third principle which is about reducing bureaucracy to give professionals more time to engage in their core business of promoting high standards for our youngsters and developing their potential through good teaching and learning?

I Exclusions: Government consults on draft statutory regulations and guidance

On 16 December 2011, the DfE issued draft statutory regulations and guidance on exclusions which will be applied to all maintained schools, Academies and Free Schools. It has invited responses from stakeholders, which includes headteachers, school governors, local authorities, independent review panel members, clerks, special educational needs experts, parents and voluntary and community organisations, among others. The consultation closes on 17 February 2012. New regulations will be laid before Parliament in April 2012 and the revised arrangements will take effect from 1 September 2012.

The proposals and on-line arrangements for responding to them can be accessed at <http://www.education.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1795&external=no&menu=1>

Summarised below are some of the key differences between the proposals and the current arrangements affecting the players.

(i) The Headteacher

The information that the headteacher must provide the parents of a child following her/his exclusion will be different and probably more detailed.

There will now be a legal requirement for the headteacher to arrange a reintegration interview with a pupil returning from a fixed-term exclusion and statutory guidance for it.

(ii) The Governing Body

The current time limits on when a committee of the governing body must convene to consider an exclusion decision will change.

The information that a governing body must provide the parents following a decision to uphold the permanent exclusion of their child will be modified.

The process by which a governing body's committee decision to uphold (or not) a permanent exclusion will be reviewed.

The statutory guidance to the governing body on exclusions will be altered.

(iii) The Local Authority/Academy Trust

Some of the essential training requirements for independent review panel members will be different to those for the current independent appeal panels.

Where requested by a parent, the local authority or Academy Trust will need to appoint a special educational needs expert to attend an independent review panel meeting.

The local authority will need to arrange for a school's budget to be readjusted if a governing body is directed to reconsider a permanent exclusion and does not subsequently offer to reinstate the pupil.

(iv) Individuals who have been independent appeal panel members or clerks

The basis on which a review panel makes a decision about an exclusion and the powers of the panel will be different from the current appeal panels.

Individual who have previously performed the roles of independent appeal panel (IAP) members and clerks to the IAPs will require training in the new requirements of independent review panels.

(v) First-Tier Tribunals for Special Educational Needs and Disability

The revised system will enable cases alleging disability discrimination to be taken to the First Tier Tribunal for Special Educational Needs and Disability (SEND). The time limit for a school to provide a response in a disability discrimination case involving an exclusion will reduce from 30 to 15 days. Parents will continue to have six months in which to make a claim to the First-Tier Tribunal of SEND but can also apply to an independent review panel to look at the case within 15 school days. Where parents indicate that they have also applied to an independent review panel, the Tribunal route will temporarily be closed until it (the Tribunal) is informed of the outcome of the panel hearing and the parents confirm that they wish to progress the case.

For the purposes of timelines, the days from 25 December to 1 January and the days in August are not counted in the calculations (because of school holidays).

(1) New Admissions Code of Practice to take effect from 1 February 2012

Admissions policies and arrangements

The new admissions Code of Practice, which was published on 1 December 2011 (see <http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00199845/depart-mental-response-to-the-consultation-on-changes-to-the-admissions-framework>), will come into force on 1 February 2012 and will apply from the academic year 2012/13. The provision within the Code will affect admissions authorities of maintained schools including Academies and Free Schools, governing bodies and local authorities (when not admissions authorities), School Adjudicators and the Admission Appeal Panels.

If they object to an admissions policy or are concerned with the admission arrangements of either a maintained school or an Academy, stakeholders - including parents - may refer them (these arrangements) to the Schools Adjudicator, whose decisions are binding and enforceable. The Secretary of State will also have the power to refer admission arrangements of any school to the Adjudicator if he considers that an admissions authority is not complying with the mandatory requirements of the Code.

An admissions authority must publish its admission arrangements annually. If changes are planned, the authority must consult on them. If no amendments are proposed, the admissions authority will be required to consult once every seven years. Previously, where there were no changes, the consultation was required once triennially.

As part of the admissions arrangements, authorities must set out the planned admissions numbers (PANs) for the relevant age group. An authority does not need to consult if it intends to increase the PAN. However, the local authority must consult the governing body of a community or voluntary controlled school if it intends to increase its PAN. Admissions authorities must notify their local authority of their intentions to increase the PANs. Also, where an admissions authority intends to decrease its PAN, it must consult as it does for any changes to its admissions criteria.

(2) Consultations on Admission Policies

Admission authorities must consult on their policies with the parents of children from ages 2 to 18, other persons in the relevant areas who in the opinion of the admissions authorities have an interest in the proposed admissions arrangements, all other admissions authorities within the relevant area (except that primary schools are not required to consult secondary schools), governing bodies and local authorities if they are not admissions authorities, any adjoining neighbouring local authorities, and, in the case of faith schools, bodies or persons representing the religions and religious denominations that those schools espouse.

The consultation period must last at least eight weeks and take place between 1 November and 1 March of the year before those arrangements will apply. For example, consultations on a policy that would take effect on 1 September 2012 for pupils entering a school on 1 September 2013 will have to be concluded by 1 March 2012.

Admissions authorities must determine admission arrangements by 15 April each year. Where an admissions authority decides to increase its planned admissions number (PAN) for the school, it must inform its local authority and make reference to the change on the website.

Stakeholders (including parents) will be required to refer any objections to the School Adjudicator by 30 June. The deadline has been moved forward from 31 July to enable admission authorities to respond to them before the summer holidays.

(3) Criteria for admissions

Every admissions authority will be required (as previously) to have a set of criteria for admissions to deal with applications if a school is oversubscribed in each relevant age group. Top priority must be given to looked-after and previously looked-after children. Previously looked-after children are defined as those who have been adopted and those who have become subjects of residence or special guardianship orders.

The current Code mirrors the previous one in proscribing a raft of measures from which admissions authority must desist when drawing up their criteria for admissions. These include

- (i) taking into account previous schools children attended, unless they are named (maintained) feeder schools;
- (ii) naming independent schools as feeder ones;
- (iii) giving priority to children on the basis of their parents/carers have given associated organisations, including religious bodies, financial succour;
- (iv) giving priority to children according to the occupational, marital, financial or educational status of the parents applying;
- (v) taking account of reports from previous schools about the children's past behaviour, attendance, attitude or achievements or that of any other children in their families;

Admissions authorities will be required to be explicit of what they mean by siblings if they are to give them priority, establishing beyond measure of doubt that cousins are not siblings, as is the case in some families that originate from South-East Asia. However, they can include step-siblings, foster siblings, adopted siblings and other children living permanently at the same address or the siblings of former pupils of the school.

Where schools have arrangements of selecting up to 10% by aptitude, the admissions authorities may do so for the following purposes only:

- (i) physical education or sport or one or more sports;
- (ii) the performing arts or any one or more of those arts;
- (iii) the visual arts or any one or more of those arts;
- (iv) one or more modern foreign languages;
- (v) design and technology and information technology.

Admissions authorities may give priority in their criteria to the children of staff members who have been employed at the schools concerned for two or more years at the time at which the applications are made or where the schools have had difficulty recruiting staff members and failing to admit the children will mean that the schools will be denied the opportunity of employing their parents as staff members.

(4) Arrangements for the allocation of places

The parents/carers of the child may apply for at least three schools, including those outside of their local authority. Where a school of choice is undersubscribed, the admissions authority will offer a place. Where places are not available at any of the schools, parents/carers and a student (if 18 and over) will have the right of appeal. For the secondary stage, an offer is made on or about 1 March (known as the National Offer Day) and at primary level, the offer is to be made on or about 16 April in the year in which the child is to be admitted.

The size of an infant class must be 30 pupils with a single school teacher. Additional children may be admitted exceptionally, the circumstances being as follows.

- (i) Children may be admitted outside the normal admissions round with statements of special educational needs specifying the school/s.
- (ii) Looked-after and previously looked after children admitted can be admitted outside the normal admissions round.
- (iii) Children can be admitted after the initial allocation of places because of procedural errors.
- (iv) Children are admitted if their parents win appeals.
- (v) Children of those serving in the armed forces who move into the area are to be offered places even when the magic number of 30 is exceeded.
- (vi) Children whose twin or siblings from a multiple birth will also fall into this category.

Admissions authorities must make arrangements for the children of parents who have requested that the dates of their children’s admission be deferred until later in the academic year – i.e. the term in which their children reach compulsory school age. The legal school age for a child is the term following her/his fifth birthday. Parents may also request that their children take up part-time places until their children reach compulsory school age.

Each admissions authority must maintain a fair, objective waiting list for at least a term during the academic year of admissions. Priority on the basis of the dates of applications is banned.

Meanwhile, schools will be able to take direct applications from parents to help reduce delays in finding school places once the academic year has begun when the Code is in operation. This is a change from the previous arrangements where the local authority was not only responsible for organising the arrangements for admissions for the coming academic year but also in-year applications as well.

(5) Fair Access Protocol

An admissions authority is not required to comply with the parental preference of its school for a child who has been permanently excluded from two or more schools for a period of two years from the time of the last exclusion, albeit this does not apply to a child who is below statutory school age, one who has been reinstated following a successful exclusion appeal or a child with a statement of special educational needs.

Each local authority must have a Fair Access Protocol to provide for children who have been permanently excluded and other unplaced children, especially the most vulnerable. Such a protocol must ensure that no school is required to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour. Schools in the area are required to comply with the Fair Access Protocol.

Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even where places are available, it must make the case to the local authority. (This, of course, will not apply to looked-after or formerly looked-after children or those with statements of special educational needs if the school that is objecting has been named in the statements.)

The local authority has the power of direction, but may use it only after it has consulted the governing body of the school, the parents of the child and the child if she/he is over the compulsory school age. The governing body can appeal to the Schools Adjudicator within 15 days of receiving such a direction. It must inform the local authority that it has done so. The Adjudicator's decision is binding provided that he/she avoids breaking the rules on infant class sizes and the admission will not prejudice efficient education or the efficient use of resources.

Where a local authority considers that an Academy is best suited to meet the needs of the child, it can ask the Academy to admit. However, if the Academy refuses to do so, the LA can ask the Secretary of State to intervene.

Glossary of Terms Used in This Issue

ASCL	Association of School and College Leaders
DfE	Department for Education
DSG	Dedicated Schools Grant
FSMs	free school meals
GTCE	General Teaching Council of England
HMCI	Her Majesty's Chief Inspector
IAP	Independent Appeals Panel
ICT	Information and Communication Technology
IPPR	Institute for Public Policy Research
KS	Key Stage
LA	Local Authority
LACSEG	Local Authority Central Spend Equivalent Grant
LCVAP	Locally Coordinated Voluntary Aided Programme
LDD	Learning Difficulties and Disabilities
LGA	Local Government Association
NAHT	National Association of Headteachers
NASUWT	National Association of Schoolmasters Union of Women Teachers
NCSL	National College for School Leadership
NGA	National Governors' Association
NPQH	National Professional Qualification for Headship
NSN	New Schools Network
NUT	National Union of Teachers
Ofqual	Office for Qualifications
Ofsted	The Office for Standards in Education
PAN	Planned Admissions Number
PISA	Programme for International Student Assessment
PRU	Pupil Referral Unit
QCDA	Qualifications and Curriculum Development Agency
Quango	quasi-autonomous non-government organisation
SATs	Standard Assessment Tests
SEF	Self-Evaluation Form
SEND	Special Educational Needs and Disability
SLT	Senior Leadership Team
TDA	Training and Development Agency
YPLA	Young People's Learning Agency