

## CORONAVIRUS (COVID-19): INFORMATION FOR GOVERNING BOARDS

### Guidance on the staffing functions of the governing board Appendix: Q&A document

The following represents a cross section of the questions NGA has received from governing boards on fulfilling their responsibilities as employers and carrying out important staffing functions during COVID times. Some of these questions were submitted at the recent NGA webinar "[Governing boards as employers: What does COVID-19 mean for you?](#)" which is available on our website. Whilst the responses to the questions attempt to convey common sense guiding principles, they may not take into account the particular circumstances or issues in your school or trust. Our GOLDline advice service is open to all if you have a specific query. Please email [gold@nga.org.uk](mailto:gold@nga.org.uk) or call 0121 237 3782.

#### **One of our concerns relates to the health and safety of our staff, many of whom we may soon be asking to return to school – what about their safety?**

Re-opening a school is an operational decision which is taken by school leaders. Clearly any decision made by school leaders will need to take into account the [DfE guidance](#) to prepare for wider re-opening from June 1st, applying it to the school's individual context. We expect school leaders to consult with their governing boards who have a role as employers (or in place of employers) and a duty of care to pupils. The headteacher (or possibly another executive within a multi academy trust) will need to undertake a full risk assessment before making a decision, and it would be wise for them to bring that assessment to their governing board. At the heart of decision-making is the safety and welfare of the pupils and staff. If the DfE guidance cannot be safely applied in their school, **school leaders retain the power to make decisions that are based on their individual risk assessments.**

#### **How do we continue our responsibilities most appropriately, especially with regards to financial budget and how the current COVID-19 situation has impacted upon pay matters?**

The impact of COVID-19 and the partial closure on the school's resources, including budget and premises issues, should be considered as urgent/essential business for governing boards at this time. This may require governing boards to review and amend their levels of delegation to enable fewer governors/trustees to make business critical decisions. [Guidance](#) on maintaining the urgent business of the governing board is available on the NGA website.

#### **My headteacher's understanding was that the DfE advice was not to re-set objectives but instead to look at evidence up until school closure. Your view appears to be different?**

The key message here is to take a pragmatic approach, seek professional advice as appropriate and decide the best way forward with your headteacher/CEO. This may well result in you deciding to retain objectives and look at evidence up until school closure, or you may decide between you that it is better for the process as a whole and the evaluation if the objectives were changed or re-worded to reflect the circumstances.

#### **What role, if any, does the governing board have in the decision to furlough staff?**

This is an operational decision taken by school leaders that should be reported to the governing board as an issue arising from the partial closure of schools. In reporting the decision, you would expect the headteacher/CEO to explain the reasons behind it and for the governing board to seek the clarity it requires. Regardless it is unlikely that the school/trust would furlough or make redundant any employee where the majority of their salary is covered by public funds. This includes agency staff where you are paying a

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contractor with public funds. Furloughing is possible in the rare cases where salaries are majority funded by private streams, e.g. extracurricular activities or wraparound care which parents pay for.

#### **On the recruitment side of things, how would we ensure compliance with Safer Recruitment requirements?**

Changes have been made to the [Disclosure and Barring Scheme ID checking guidelines](#) as a result of the coronavirus outbreak. These changes take into account issues created by social distancing and the public is being advised to work from home where possible.

#### **What do we do when the headteacher is reluctant to share staffing morale issues?**

The short, broad answer to the question is that the headteacher has a duty to report to the governing board on matters relating to the board's core strategic functions and statutory responsibilities. This includes matters relating to the welfare and wellbeing of the staff. However, this does not take into account the context behind the question or consider the possibility that the headteacher may not identify or agree with the assertion on which the question is based. Now is the time for governing boards and school leaders to reflect how the culture of their school or trust promotes the wellbeing of everyone involved in making it what it is. Reviewing the school's staff wellbeing policy in light of the current circumstances provides an opportunity for the governing board to consider how its own independent monitoring complements and corroborates the feedback it receives from the headteacher. Having considered the workload and wellbeing implications for the headteacher, the governing board may request that they carry out a routine survey of staff workload and wellbeing. Feedback from the survey should be shared with the governing board and used to scope the approach towards improving the working environment. [Guidance](#) is available for NGA members on the role of the governing board in managing staff workload and wellbeing.