

THE WILTSHIRE GOVERNOR

Newsletter

January 2019

Wiltshire School Governance Team – helping governors and trustees become more effective

Declaration of Conflict of Interest

It is a legal requirement for school governors in maintained schools (Roles, Procedures and Allowances Regulations 2013) and academies (Articles of Association) to declare any conflicts of interest.

Governors and Trustees have a legal duty to act only in the best interests of their schools. Where a situation arises in which they cannot do this due to a personal interest they have, steps should be taken to identify, prevent and record the conflict.

There is a requirement for all governors/trustees to provide and publish details relating to their declared interests relating to:

- Ownership or partnership of a company or organisation which may be used by the trust/school to provide goods or services;
- Goods or services you offer which may be used by the trust/school;
- Any close relation you have to someone who satisfies either of the above;
- Any close relationship you have to someone who is employed by the trust/school.

Pecuniary interests – generally, governors should not participate in any discussions in which they may directly or indirectly benefit from a pecuniary interest. A direct benefit refers to any personal financial benefit and an indirect benefit refers to any financial benefit you have by virtue of a relationship to someone who stands to gain from a decision of the governing board. Both direct and indirect interests must be declared.

Conflicts of interest/loyalty – on occasion there may be a non-pecuniary interest whereby the governor/trustee does not stand to gain any benefit but a declaration should still be made. Examples might be:

- When a governor/trustee has a family member working in the school and whilst they might not benefit personally, their judgement could be impaired if something was brought up that would affect the family member;
- Where a family member raises a complaint against the school and a governor/trustee might use their position to influence the outcome of a decision;
- When split classes are being discussed and a governors/trustees child might be affected.

It is not simply a question of whether an individual actually benefits from their position, but where s/he could. It isn't about whether A or B would never use their position for benefit – it's about whether they could do so and how the world outside the board might perceive it.

Checklist –

- Ensure all governors/trustees understand what constitutes a conflict of interest.
- At the beginning of each meeting remind governors/trustees of the need to declare any conflicts and to offer to leave the meeting for any such discussion.

- If there is any question of a conflict then the board should discuss it and vote on whether the person should remove themselves.
- In a meeting when any conflict is disclosed it must be recorded in the minutes and also recorded when the conflicted governors/trustee removes him/herself from the room.

If a conflict of interest is not avoided it can mean that there is the impression that the board have acted improperly and that the actions or decisions taken are not in the best interests of the school.

Recruiting a new governor

Governing boards should regularly evaluate their composition, highlighting where there are gaps in knowledge, skills or experience. Where these are identified, governing boards should look to recruit candidates that will fill in those gaps. It is essential that the governing board is satisfied that any new governor possesses the correct skills needed for the board, and that they will make a valuable contribution.

For support and ideas for recruiting new governors please see 'Succession Breeds Success' which is available on the Right Choice website here: <http://rightchoice.wiltshire.gov.uk/P10491>

The following article provides example interview questions for a prospective governor, aligned with the seven Nolan principles and 'A Competency Framework for Governance', to allow you to effectively assess a candidate's suitability.

During the interview process, the interview panel should:

- Explain the ethos and values of the school (or group of schools if it's in an MAT).
- Explain the structure of the governing board, including any committees or panels.
- Outline the strategic priorities of the governing board.
- Highlight the distinction between the strategic role of the governing board and the operational role of the Senior Leadership Team (SLT).
- Explain the challenges the governing board faces.
- Explain the responsibilities of the role, training requirements, time commitment and the need for an enhanced DBS check and a section 128 check.

Interview questions should be relevant to the role and skills your governing board needs, but some examples are provided for you.

- Why are you looking to be a governor?
- What attracted you to the governor role at this school?
- What experience, knowledge or skills could you bring to this role?
- How would you support our school in our goal to improve educational provision for pupils?
- What experience do you have of contributing towards the development of an organisation?
- Which professional or voluntary role have you enjoyed the most and why?

Wiltshire School Governance provides a range of Training and support for all governors and an Induction day for New Governors. For further details of all training opportunities please see Right Choice.

Keeping Children Safe in Education 2018 Section 128 checks for governors

A requirement of Keeping Children Safe in Education (KCSiE) 2018 is for **all governors appointed since August 2015, including those of maintained schools, to undergo a section 128 check.**

Who am I required to check about a Section 128?

A Section 128 direction prohibits or restricts a person from taking part in the management of a school.

The Section 128 check checks the names of individuals who have been prevented from taking part in the management of a school or academy.

School	Academies, Independent and Free schools		Maintained schools	
Role	Management positions, trustee/governor/member of the proprietor body, headteachers, members of SLT and heads of department.		Governors only	
Regulated activity?	Yes	No	Yes	No
Action required by the school:	This S128 check has already been covered by the barred list check if 'Children's workforce independent Schools' was specified in the parameters for the barred list check.	School to complete check	This S128 check has already been covered by the barred list check if 'Children's workforce independent Schools' was specified in the parameters for the barred list check.	School to complete check

When did checking for Section 128 directions become a requirement?

These checks have been a requirement since August 2015.

How do I check for a Section 128 direction?

There are two methods:

As part of an enhanced DBS check: if a check for a Section 128 direction is made through a DBS application, you must include on the DBS application form, within the position applied for the words 'Children's workforce independent schools'. The DBS would then be able to confirm, on the DBS certificate, if a section 128 direction has been made; or

Separately using the TRA Teacher Services secure access: if a DBS application form is submitted without this wording and a Section 128 check is required, a separate check can be made using the TRA Teacher Services secure access.

For qualified teachers, the prohibition check that you have undertaken will show all relevant sanctions, including any Section 128 directions.

Does the Section 128 check need to be recorded on the Single Central Record?

Independent schools (including academies and free schools) must record that the Section 128 check was done for relevant members of staff. The school should record the date that the check was completed on the Single Central Record.

Note: If the check for a section 128 direction has been made via the DBS check, then the date of issue of the DBS certificate should be used.

What do we record on the SCR for staff/volunteers/governors who were appointed before we were required to complete a particular check for the role they undertake?

The SCR has been a statutory document for schools since 2007 and governments add new requirements to the SCR, as legislation changes.

While there is generally no requirement to carry out retrospective checks on current staff, Wiltshire Council recommends the following:

Check	Date from which the check has been required	What to record on the SCR for any member of staff/governor in current post prior to this date	
		Record date that the check was subsequently made.	Record see comments . In comments section add the letter of the relevant cell and 'appointment predates requirement'
Disclosure and Barring Service clearance (DBS)	01/12/2012	×	✓
Section 128 check	01/08/2015	×	✓
Right to work in the UK	29/02/2008	✓	×
Prohibition from teaching check	01/09/2013	×	✓
Disqualification under the Childcare Act 2006	11/06/2006	Record date of most recent check (recommend check done annually)	
Barred list check (which replaced List 99)	01/05/2002	✓	×
Information for any cell labelled as Mandatory or Mandatory* not listed above	01/09/2007	Undertake appropriate checks and record according to the notes on the SCR for each cell provided or Record see comments and in comments section add the letter of the relevant cell and note whatever action taken eg risk assessment done – see staff file '.	

Schools financial benchmarking 2017/18

The schools financial benchmarking website has been updated with the 2017/18 financial year data. The ESFA have released the following information statement:

We have updated the schools financial benchmarking service with new 2017-18 data for local authority maintained schools. You can use the benchmarking service to compare a school's finances with similar schools. The service allows you to:

- *make a wide range of comparisons across different categories of expenditure, revenue and workforce data*
- *choose the criteria to identify schools to compare with produce customised reports*

We continue to develop and improve the benchmarking service based on user feedback. Please complete our schools financial benchmarking survey to let us know what you think and how we can improve this service.

We have also emailed benchmarking report cards to local authority maintained schools on 10 December 2018. They were sent to the contact email address recorded on Get Information About Schools (GIAS).

Based on data from the 2017 to 2018 financial year, the report cards contain highlights of a school's spending compared with statistically similar schools, in terms of levels of deprivation and special educational needs.

Please note that evidence of financial benchmarking is a requirement of the Schools Financial Value Standard (SFVS) which has to be returned to the LA by 31st March each year.

The benchmarking service can be accessed at: <https://schools-financial-benchmarking.service.gov.uk/>

Wiltshire School Leadership Conference 26 February, 09:15-15:00, The Corn Exchange

Following the success of the recent School Leadership Roadshows, we are holding a School Leadership Conference on Tuesday 26 February, 09:15-15:00 at the Corn Exchange in Devizes. This is a day for all leaders across Wiltshire to come together to network, share effective practice and learn about national and regional initiatives.

The conference will be opened by Caroline Dulon, Regional HMI lead for Wiltshire, who will provide an update on developments to the inspection framework and the Wiltshire context. There will also be the opportunity to attend a number of workshops - please see the attached for more details.

Event code: E&S-0219-T001 <http://rightchoice.wiltshire.gov.uk/T86342>

There is no charge to attend the conference, but a cancellation fee of £30.00 per delegate will be applied as per our cancellation policy.

Simon, Sandra, Debra, Julia, Ruth and Gill
The Governor Services Team



[Right Choice for Your School](#)