

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 18 July 2019 at 10.00 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Martyn Holland, Hugh Irving (Vice-Chair), Geraint Lloyd-Williams, Arwel Roberts, Mark Young and Huw Hilditch-Roberts.

Co-opted members – Neil Roberts and David Lloyd.

ALSO PRESENT

Head of Education and Children Services (KE), Principal Manager – Modernising Education (GD), Education Planning and Resource Manager (IL), Scrutiny Co-ordinator (RE) and Committee Administrator (HB).

APOLOGIES

Apologies for absence were received from Councillor Huw Jones, Councillor David Williams, Kathleen M Jones and Councillor Peter Scott

1 APOLOGIES

Apologies were received from Councillors Huw Jones, David Williams, Peter Scott and Co-opted Member, Kathleen Jones.

2 DECLARATION OF INTERESTS

Personal declaration of interest were received for Agenda Item 5 - Management of School Governing Bodies.

- Ellie Chard – Governor at Ysgol Tir Morfa
- Arwel Roberts – Governor at Ysgol y Castell and Ysgol Dewi Sant
- Geraint Lloyd-Williams – Governor at St. Brigids School
- Huw Hilditch-Roberts – Governor at Ysgol Pen Barras
- Hugh Irving – Governor at Prestatyn High School

Together with:

- Co-opted member Neil Chambers Roberts – Governor at Ysgol y Parc and Ysgol Cefn Meiriadog
- Co-opted member David James Lloyd – Governor at Ysgol y Lllys

3 URGENT MATTERS AS AGREED BY THE CHAIR

Due to the absence Councillor Huw Jones who was chair of the Performance Scrutiny Committee. Councillor Hugh Irving, the vice-chair, would chair the meeting.

Members sent their sincerest best wishes to Councillor Jones for a full and speedy recovery.

4 MINUTES OF THE LAST MEETING

The minutes of the Performance Scrutiny Committee meeting held 13 June 2019 were submitted.

Page 10 – ‘measuring the mountain’ project – information and links to the national report were in the additional document provided.

RESOLVED: - that the minutes of the Performance Scrutiny Committee meeting held on 13 June 2019 be received and approved as a correct record.

5 MANAGEMENT OF SCHOOL GOVERNING BODIES

The Lead Member for Education , Children and Young People introduced the Education Planning and Resources Manager’s report and associated appendices (previously circulated) which outlined the Council’s role in the management of School Governing Bodies. He advised that the purpose of the report was to clarify the scope, remit and powers of the Authority in relation to ensuring that school governing bodies were compliant with mandatory training, fulfilling their duties to fill vacant school governor roles and compliant with the statutory expectations in relation to polices, finance and procedures. During his introduction he drew members’ attention to the data in the report on the number of governors and clerks who had completed their mandatory training courses. Whilst the numbers who had completed these courses seemed rather low side and was potentially a cause for concern, the actual completion rates may be higher because it was the Clerk to the Governors of each individual school who was responsible for collating and maintaining the register and therefore their accuracy was subject to human error or oversight. The role of the Clerk to the Governing Body was therefore crucial as not only did they hold responsibility for maintaining a register but they were also responsible for ensuring that governors did undertake and complete all training courses. In future the accuracy of training data should be recorded more accurately as a number of the training modules were now available via an on-line portal. Whilst current figures on completion of training courses did raise some concerns it was also important to have regard to the extremely positive feedback received from Estyn following its recent inspections of schools in the county (Appendix 2 to the report) where no governance recommendations were made. In addition, feedback received from governors during a recent county-wide training event had been positive with governors acknowledging that everyone within the field of Education was currently working within tight budgetary constraints. Referring to a recent article in the local press regarding concerns raised about the quality of school governors the Lead Member advised that overall governors were competent in undertaking their roles and sufficient support was available and accessible for those who felt they needed it.

Responding to members’ questions the Lead Member, Head of Education and Children Services, Principal Manager: Modernising Education, and the Education Planning and Resources Manager:

- confirmed that having an effective clerk to a governing body was key to ensuring the success of the governing body and the school as a whole. With a view to realising this mandatory training courses were provided for clerks to governing bodies on their role and responsibilities, how to undertake their role and what was expected of them. All clerks were expected to complete their mandatory training within 12 months of appointment;
- advised that the legislation relating to school governing bodies was complex. Whilst all governors were volunteers the responsibilities placed upon them were extensive, they were responsible for ensuring their school was governed and managed effectively. If they failed they would have to face the consequences;
- advised that the Council's role with respect of school governing bodies was laid out in the Government of Maintained Schools (Wales) Regulations 2005. The authority delivered support to governors through the limited accountability it had for school governing bodies, as did GwE;
- emphasised that school governing bodies were autonomous organisations. Whilst the Council could arrange training for governing body members and clerks and monitor schools' performance, it was the governing bodies who had overall power in relation to the day to day running of the school. The local education authority paid the staff's wages etc., but it was the governing body who was accountable for the performance of staff and any disciplinary matters;
- agreed that the strongest and most effective governing bodies were those whose members possessed a range of skill sets and expertise. With a view to supporting schools to ensure that a whole range of skills were represented on governing bodies the Council provided them with an audit tool. This computer software could be used to support schools' performance etc. but it could also be used to assist governing bodies to identify any skills gap on the governing body itself. This could be extremely useful when governing bodies were recruiting new members as it would identify the types of skills and knowledge that the governing bodies should be looking for when recruiting;
- confirmed that some schools did find it a challenge to fill all vacancies on their governing bodies and that the Council was willing to assist wherever possible, particularly if they were looking for governors with specialist skills e.g. HR skills;
- advised that not all parents wanted to serve on school governing bodies, but there were sufficient numbers of people willing to serve as community governors;
- advised that going forward school governing bodies would require to give careful consideration to how they monitored performance and outcomes, particularly in view of the changes afoot with respect of the school curriculum and accountability framework, as achieving GCSE level 2 inclusive would continue to be a priority and a requirement for all pupils who wanted to progress to the next level of education;
- agreed with members that the substantial changes that lay ahead in the field of education, including significant changes to the curriculum, the introduction of new legislation in relation to education provision for Additional Learning Needs (ALN), an increased demand from learners in relation to their education provision, coupled with ever diminishing resources to deliver

education services had the potential to develop into the 'perfect storm' if not managed carefully. The Association of Directors of Education Wales (ADEW) had identified this risk and was extremely concerned about how things were going to develop. Consequently Directors of Education were monitoring the situation very carefully as they felt that whilst the Welsh Government (WG) were looking to the future ADEW members were extremely conscious of its duties to current learners and their future;

- advised that whilst some governing bodies were not compliant with mandatory training requirements the Council had limited powers to take any action against them. Whilst it did, on a regular basis via the provision factsheets and the School Governors' Forum, remind Chairs and Clerks of governing bodies and the headteachers of the need for all governors and clerks to undertake the mandatory training and regularly encouraged them to complete on-line training modules, it was only the governing bodies themselves who had the powers to suspend a governor for being non-compliant;
- confirmed that the Council's HR Service kept records of all Disclosure and Barring Service (DBS) checks undertaken on school governors and clerks to governing bodies. Welsh Government (WG) had given an instruction to local authorities to undertake safeguarding monitoring and consequently clerks to governing bodies were required to initiate DBS checks on all governors and report them to the Council's HR Service. The Service in turn reported on the DBS statistics to the Council's Corporate Safeguarding Board;
- advised that the most effective governing bodies tended to have a business item on 'Training' as a standing item on their meeting agendas. This kept governors abreast of new developments as well as reminding those governors who were yet to participate in training and development activities of the need to do so forthwith;
- confirmed that upon completion of an on-line training course the individual would receive an e-certificate, and the clerk to the governors and the local education authority would be notified of the applicant's success;
- advised that all new governors, chairs, clerks and head teachers upon appointment, were notified of the need to register for on-line training material and of the requirement to complete the mandatory training within the specified timescales;
- confirmed that the Council's Education Service worked closely with the Internal Audit (IA) service and if they had any concerns regarding schools or school governing bodies they would draw them to IAs attention despite the fact that the Council had limited powers to intervene. Nevertheless, having IA focus on an area of concern could potentially draw failings to the attention of the governing body and mitigate against further slippages by enabling them to draw up measures to improve performance and reverse any decline;
- confirmed that, similar to local authorities, GwE had a role in supporting school governing bodies. It was the body responsible for school improvement and recovery and therefore had the expertise to help governing bodies to realise improvement. However, the governing bodies needed to take the necessary steps to access the services and support available;;
- advised that training for all governing bodies in the North Wales region had been designed jointly by all six local education authorities in the area. The

training portal was hosted by Cynnal to whom the local authorities and GwE paid a hosting fee;

- confirmed that a good working relationship currently existed between Denbighshire's Education Service and GwE. Nevertheless, both sides acknowledged that they foresaw testing times ahead due to the changes in the curriculum, introduction of new ALN legislation and diminishing financial resources;
- advised that whilst schools paid a subscription in order to access the service provided by Cynnal, the Council paid the support costs for the service as it saw this as a valuable service for the county's schools;
- advised that information provided by Governors Cymru on school governors included a role description for Local Education Authority (LEA) appointed governors. Whilst a small number of schools had chosen not to subscribe to Governors Cymru, they did have their own role descriptions for the different types of governors which mirrored those of Governors Cymru. Members asked to be sent a link to the Governors Cymru website and the page where the role descriptions were available ;
- the Council was monitoring those schools which were yet to sign up to the services provided by Governors Cymru and Cynnal in order to make sure that they were complying with relevant legislation and policies;
- confirmed that the Government of Maintained Schools (Wales) Regulation 2005 did not contain any provisions which would exclude county councillors from being parent or community governors on school governing bodies;
- advised that the Council's Section 151 Officer and Head of Education attended Head teachers meetings to explain all financial matters including the Council's budget allocation to schools, therefore county councillors serving on governing bodies should not be expected to explain the intricacies of the Council's financial budget for schools;
- confirmed that officers would welcome members' support to take forward work to define the roles and responsibilities of various bodies and organisations in the field of education;
- advised that the Council did not have the powers to undertake unannounced visits to schools and Estyn now were only required to give 15 days advance notice of their intention to undertake a school inspection;
- advised that school governors had access to the Audit Tool as did local education authority staff. It was also important for the governing body as an entity to undertake a self-evaluation assessment using this tool and not be reliant on the Headteacher to undertake it, as the Headteacher's perspective and analysis could well be very different to that of the governing body;
- confirmed that it was pleasing to report that no recent school inspections in the county had identified any governance issues which required addressing;
- confirmed that the County's Governors Association, which met three times a year, set its own agenda. Historically attendance of these meetings had been restricted to the Chairs of Governors only, but recently they had been opened up to all governors. Officers felt that it would be useful if a standing item appeared on the agenda of the first meeting of each academic year on the 'Roles and Responsibilities of Governors'. Following this Council Education staff could write to all governing bodies chairs emphasising to

them the importance of ensuring that their governing body had complied with all mandatory training requirements:

- advised that going forward officers hoped that some Governors Association meetings could be held at a time, and on a day, which was convenient for governors who were in full-time employment i.e. during the evenings, on a Saturday etc. They agreed that sufficient advance notice of meetings required to be given as well in order to help people make the necessary arrangements to enable them to attend;
- advised that each school governing body should have a Scheme of Allowances in which it would stipulate any circumstances when governors may be able to claim 'out of pocket' expenses i.e. childcare/carer costs incurred when undertaking governing body duties;
- confirmed that the Council was filling LEA vacancies on school governing bodies on almost a daily basis. Such appointments had to be endorsed by the Head of Education and Children's Services;
- confirmed that all school governing bodies were required to have an Instrument of Governance document, this document laid out the number of governors on the governing body along with a breakdown of the number of governors appointed to represent the different categories of governors i.e. parent governors, community governors, staff governors etc.; and
- advised that all schools, and their governing bodies, should be aware if they had pupils who were young carers. If councillors had any concerns in relation to this matter they should contact the Head of Education and Children's Services as a matter of urgency.

At the conclusion of an in-depth discussion the Committee:

RESOLVED: - to acknowledge that, in terms of school governance, for many of the areas highlighted within the report the local education authority was only able to influence and guide governing bodies, and that ultimately the responsibilities lay with the governing bodies themselves. Nevertheless, it recommended that the following steps be taken with a view to strengthening school governing bodies across the county and ensuring their compliance with mandatory requirements, that:

- (i) a link to Governors Cymru's documentation on the roles and responsibilities of the various categories of school governors be sent to committee members;***
- (ii) for the avoidance of ambiguity, the Governors Cymru document be adapted and tailored to reflect the roles of Denbighshire councillors and staff who serve on school governing bodies;***
- (iii) a request be submitted to Denbighshire's School Governors' Association that a standing item be included annually on the agenda of its first meeting of the academic year on the roles and responsibilities of school governors, including mandatory training requirements, and that the Association review the timing of its meetings with a view to making them more easily accessible to all school governors;***
- (iv) all school governing bodies in the county be requested to check their scheme of allowances to facilitate access to anyone who***

wishes to apply to serve as a governor, with a view to ensuring that no individual is disadvantaged from applying due to care costs, family commitments, or other responsibilities;

(v) all clerks to school governing bodies are reminded of their responsibility to ensure that all governors have undertaken their mandatory training within the stipulated timescales, and if individual governors have not complied with the requirements that they inform the Chair of the Governing Body with a view to instigating measures to ensure compliance or suspend the governor in accordance with the provisions of the legislation; and

(vi) the Council's Internal Audit service be requested as part of their regular audit work in schools to check their governing body records on compliance with mandatory training requirements

6 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator (SC) introduced the report (previously circulated) seeking Members' review of the Committee's work programme and providing an update on relevant issues.

Councillor Arwel Roberts raised an ongoing issue of dogs fouling in children's parks. The CDEPR advised that it would be the planning and public protection service, he also acknowledged that the service may have dropped due to the decision to stop using an external consultant.

The LA were in the process of procuring a similar agency but that was ongoing.

The CDEPR advised Councillor Roberts to complete the Members Proposal Form to request the item return to scrutiny.

Councillor Martyn Holland queried why the risk register was on both Scrutiny FWP and the Corporate Governance FWP.

The SC explained that performance scrutiny monitors only the performance aspect where corporate governance assures the appropriate risks are registered.

RESOLVED: - that subject to the above the Forward Work Programme be approved.

7 FEEDBACK FROM COMMITTEE REPRESENTATIVES

None.

Meeting closed 11:52