Guidance on Governance in Controlled Schools during the Current Exceptional Closure Period

Issued - April 2020

1. Regular Meetings – Board of Governors and Committees thereof

In line with Current advice on social distancing, and in particular in light of the Prime Minister’s statement of 23 March 2020, schools should not be organising to physically meet as a board or as committees for the foreseeable future. It may be possible to conduct some urgent business using available technology, though it is imperative that the following points are given due consideration:

- Is it absolutely necessary for this business to be addressed at this time, or can the matter be postponed until normal meeting arrangements can safely resume? If the business can be postponed, it should be.
- If the matter cannot be postponed, then consider if there are sufficient/correct governors available to engage in the business using the technology available.
- If so, then consider if the technology is secure, and can the requirements of GDPR be satisfied?

2. Meeting the Requirements of GDPR

Where governors are endeavouring to progress or conclude certain matters at this time through the use of technology, the requirements of the GDPR regulations will still apply in the normal way.

Skype/Facetime/Video Conference etc\(^1\) – Governors should secure a private space from which to participate in the online meeting, and should ensure that the conversation cannot be overheard by anyone else in the household. The chairperson should remind governors of the importance of confidentiality in the normal way, and should seek additional assurance that no other parties are privy to proceedings in any way.

Electronic Documents – Governors are likely to be making greater use of email to keep in touch and to exchange documents and other information. Governors may also be using different email accounts, including work email addresses or those shared with family members. Governors should ensure that information shared between members of the governing body is only accessible to those entitled to access it, and that documents are password protected if necessary.

\(^1\) It should be noted that this is not practice EA would normally recommend for governor meetings, and schools should not expect to conduct meetings in this way once schools resume other normal practices.
3. Scheme for the Management of Controlled Schools (SOM)

The Scheme for the Management of Controlled Schools states a number of requirements that schools should follow each year, and most schools will have planned to meet these requirements at some stage in their school calendar. The SOM requires that the governors would meet as a board once a term. Many boards will already have met this term, though not all, and it is unlikely that all boards will be in a position to meet in the summer term.

EA would recommend that you consider:

- What urgent matters if any need to be addressed at this stage that cannot be deferred until the school resumes normal practices?
- Is there a quorum of governors who can ‘meet’ in a virtual way to address any urgent matters that cannot be deferred?
- Can certain matters reasonably and appropriately be delegated to the principal of the school as leadership matters?

When dealing with urgent matters, the use of Article 22 of the SOM may be appropriate. (See below).

If no meeting is required to progress any urgent business in the third term, no meeting should be held.

4. Article 22 of the Scheme for the Management of Controlled Schools

‘Power of Chairperson or Vice Chairperson of the Board of Governors to act in cases of urgency’

Article 22 makes provision for the chair or, in his/her absence, the vice chair, to act in the case of genuine urgency. This Article should only be enacted as follows:

- In cases of genuine urgency, and where the matter cannot be postponed until normal practice has resumed in the school.
- For matters detailed in Schedule 2 of the Education (NI) Order 1998, after obtaining advice from an appropriate EA officer.
- For any other function, after consulting with the principal.
- Until a meeting of the board can satisfactorily be convened.

5. Ongoing and/or New Procedures

Governors may be involved in progressing one or more procedures, such as staffing matters or handling complaints. In dealing with some matters, timeframes are clearly stated in the relevant procedure, and it is likely that proposed timetables will need to be reconsidered due to availability of governors and or other personnel involved.

*Given the current Governmental guidance on restrictions and social distancing, governors should not be arranging to meet unnecessarily, even in small numbers.*
Where possible, either the principal or the governors should contact all parties to advise that any delay will be unavoidable, due to the current exceptional circumstances. Correspondence should also advise that, it will not be possible to provide an indicative revised timeframe. The principal/governors should undertake to provide an update once the situation is clearer, and once a revised timeframe can be issued. This will no doubt be disappointing and frustrating for many, and it may be helpful to acknowledge this in the correspondence, though the priority is to communicate that the situation is exceptional, and that such action is unavoidable. Where appropriate, correspondence could also make reference to support available for EA employees e.g. Inspire Workplaces independent, free confidential support service which can be accessed on 0808 800 0002 or workandstudy@inspirewellbeing.org

6. Support For the Principal

While governors may not be meeting to conduct business for some weeks to come, it is important that regular contact is maintained with the principal to keep up to date and to provide ongoing support. Contact should be between the chairperson and the principal, unless the chair is unavailable, in which case the vice-chair should step in. The chair (or vice-chair) should keep other governors up to date as appropriate.

7. Appointments of Governors

There remain a small number of vacancies on some boards, and while EA will have to restrict all non-critical services, it may be possible to progress some appointments; especially to support schools with multiple vacancies.

See Below for Useful Contact Details
8. Useful Contact Details

<table>
<thead>
<tr>
<th>Locality South West</th>
<th>Locality North</th>
<th>Locality East</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fermanagh and Omagh, Mid Ulster, Armagh Banbridge and Craigavon</td>
<td>Derry and Strabane, Causeway Coast and Glens, Mid and East Antrim, Antrim and Newtownabbey</td>
<td>Newry Mourne and Down, Ards and North Down, Lisburn and Castlereagh, and Belfast</td>
</tr>
</tbody>
</table>

Further advice information on effective governance, in particular the Scheme of Management.

<table>
<thead>
<tr>
<th>Operations and School Governance</th>
<th>Email: <a href="mailto:govsupport@eani.org.uk">govsupport@eani.org.uk</a></th>
<th>Ann Lindsay <a href="mailto:Ann.Lindsay@eani.org.uk">Ann.Lindsay@eani.org.uk</a> and Louise Burke <a href="mailto:Louise.Burke@eani.org.uk">Louise.Burke@eani.org.uk</a></th>
<th>Teresa McCrory <a href="mailto:Teresa.McCrory@eani.org.uk">Teresa.McCrory@eani.org.uk</a></th>
<th>Neil McGivern <a href="mailto:Neil.McGivern@eani.org.uk">Neil.McGivern@eani.org.uk</a> and William Anderson <a href="mailto:William.Anderson@eani.org.uk">William.Anderson@eani.org.uk</a></th>
</tr>
</thead>
</table>

Ongoing or New Procedures

**For example**
Disciplinary, Grievance, Dignity at Work/Bullying and Harassment, Performance Management & Probation

<table>
<thead>
<tr>
<th>Human Resources</th>
<th>Human Resources</th>
<th>Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Relations Specialists</td>
<td>Employee Relations Specialists</td>
<td>Employee Relations Specialists</td>
</tr>
<tr>
<td>Email: <a href="mailto:ER-Casework@eani.org.uk">ER-Casework@eani.org.uk</a></td>
<td>Email: <a href="mailto:ER-Casework@eani.org.uk">ER-Casework@eani.org.uk</a></td>
<td>Email: <a href="mailto:ER-Casework@eani.org.uk">ER-Casework@eani.org.uk</a></td>
</tr>
<tr>
<td>Tel: 028 9041 8012</td>
<td>Tel: 028 9041 8012</td>
<td>Tel: 028 9041 8012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Eugene McDermott</th>
<th>Janelle Russell</th>
<th>Helen Mills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keith Farrell Tel: 028 3751 2416 Email <a href="mailto:keith.farrell@eani.org.uk">keith.farrell@eani.org.uk</a></td>
<td>Philomena McKenna Tel: 028 8225 3383 Email <a href="mailto:philomena.mckenna@eani.org.uk">philomena.mckenna@eani.org.uk</a></td>
<td>Donna Kearney Tel: 028 9056 6255 Email <a href="mailto:donna.kearney@eani.org.uk">donna.kearney@eani.org.uk</a></td>
</tr>
</tbody>
</table>