

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

NGA has made its [GOLDline advice service](#), provided to GOLD governing board members, available to all governing boards that have questions relating to governing during the COVID-19 period. You can contact GOLDline by emailing [gold@nga.org.uk](mailto:gold@nga.org.uk) or by calling 0121 237 3782. NGA GOLD members are asked to make a request through the usual route.

### Governing during COVID times – guidance on carrying out the staffing functions of the governing board

The following guidance aims to support governing boards to minimise the impact of COVID-19 restrictions on fulfilling their responsibilities as employers and carrying out important functions in relation to staffing at their school/trust. It also highlights how governing boards can lead the way as exemplary employers by prioritising the health and wellbeing of headteachers/CEOs and their staff teams during this difficult period and in the months ahead.

**A Q&A document on employment and staffing matters is included as an appendix to this information briefing.**

Department for Education (DfE) [guidance](#) for schools on the COVID-19 outbreak also includes advice on a range of workforce issues including staffing and deployment, recruitment and pay.

### Overcoming disruption to employment processes

The impact of COVID-19 on the human resource (HR) processes of a school/trust will vary on a case-by-case basis. However, in all cases it is likely that the governing board will seek professional advice to inform their judgement when deciding if a particular process can take place within the normal timescale, and the alternative means by which it can be carried out. Such decisions should be carefully considered and kept under review.

- **The performance management and appraisal of school leaders** – The overwhelming majority of school leaders will have their performance objectives (which assume the normal operation of the school/trust) reviewed by the governing board on an annual basis in line with the requirements for maintained schools or the process adopted by the academy trust. The annual review is part of the performance management cycle, a substantial part of which will have been adversely affected by the partial closure of schools. We encourage governing boards to bear this in mind and take a pragmatic approach when reviewing the performance objectives that have been set for their headteacher/CEO. It is appropriate for those governors/trustees who are tasked with carrying out the process, and the headteacher/CEO to meet, take stock of how objectives/success criteria have evolved and decide a way forward.
- **Pay progression decisions taken by the governing board** – Whilst taking into account the [statutory guidance on pay and conditions](#) for teachers and the school/trust's own policy on performance and pay progression, governing boards should ensure that their decisions relating to the pay progression of staff take into account the disruption caused to the performance management cycle. The decisions taken should not result in staff suffering a detriment because the partial closure of schools has meant that they have been unable to meet their performance management/appraisal objectives.
- **Recruiting a headteacher/CEO** – School closure and social distancing rules have implications for governing boards seeking to recruit a headteacher/CEO. It will require the use of technology such as

video conferencing and will almost certainly lead to changes being made to the process and how it is approached. We recommend that governing boards seek professional advice, and remember that any selection tasks they set are not simply chosen because they can be carried out remotely, but are designed to test the competencies of the candidates against the job description and person specification. If the governing board decides that the risk of using technology to recruit successfully outweighs the risk of delaying the appointment, **the governing board may decide to delay the recruitment process**. In such cases we advise that the decision is informed by careful consideration of the contingencies that need to be put in place (e.g. interim leadership capacity).

- **Notice periods and offers of employment** – We recommend that governing boards take a sensible, considerate and flexible approach towards discussing required notice periods with school leaders and staff who are intending to leave the school/trust on the 31<sup>st</sup> August, when it is clear that the required period of notice has not been given because of circumstances relating to COVID-19. Schools/trusts are not expected to rescind offers of employment which have previously been made.
- **Staff restructuring** – Given the requirements around consultation, it is our view that it may be prudent to pause any staff restructure until schools have re-established normal operations. However governing boards should also consider the wider budgetary implications of taking this course of action and where appropriate seek the [short-term financial support](#) that is available from the DfE.
- **Employment panel hearings** – Including those convened under disciplinary, capability and ill health policies and procedures. The advice from the DfE is that employment hearings should take place within the normal timescales using technology such as video conferencing. **However, it is for governing boards to decide if it is necessary to delay them**. It would be reasonable to delay an employment panel hearing if there was agreement with the parties that the use of technology does not provide sufficient opportunity for all parties to engage appropriately or reliably in order for a fair process to be undertaken. This is more likely if the hearing is of a complex nature and, involves several witnesses and/or extensive examination of evidence. Any decision to delay an employment hearing should be kept under review with the parties involved, giving due regard to the wider implications (wellbeing, financial etc.) of lengthy delay in completing the process.

### Protecting the wellbeing of school leaders and staff

The impact of COVID-19 will continue to be felt for some time to come and focuses governing boards on the duty of care they have to school/trust leaders and their staff. The logistical, safety and safeguarding issues attached to providing reduced provision and the gradual re-opening of schools may well increase levels of pressure and anxiety. It is likely that your headteacher/CEO will have reported on these issues from their operational perspective, but they may be less forthcoming about any personal issues and their own wellbeing. Now is the time for governing boards to reflect how the culture of their school or trust promotes the wellbeing of everyone involved in making it what it is. We encourage governing boards to consider their wellbeing strategy in the light of current circumstances and how it:

- encourages senior leaders to prioritise their own wellbeing and look after themselves;
- highlights and responds to specific pressure points and risks that need addressing;
- communicates (and demonstrates) the commitment (e.g. to reducing working hours);
- allocates resource to providing confidential external support for those who need it, and
- is monitored, discussed and informed by feedback.

### COVID-19: Previous information briefings for governing boards

The following information briefings along with guidance on business continuity and holding virtual meetings are available on the [COVID-19 resources page](#) of the NGA website.

- Information briefing 1: 12.3.2020 – Your school's response to COVID-19
- Information briefing 2: 18.3.2020 – School closures due to COVID-19
- Information briefing 3: 19.3.2020 – Immediate priorities for governing boards
- Information briefing 4: 24.3.2020 – Safeguarding information for governing boards
- Information briefing 5: 30.4.2020 – Supporting schools to deal with bereavement