



ERG Revised Guidelines - Additional Guidance for Specific Schools

<p>Voluntary Schools (schools with a separate Foundation or Trustees and foundation governors, including all denominational schools)</p>	<ul style="list-style-type: none">• Reviewers should understand the particular responsibilities of governors in voluntary schools and specifically that foundation governors have additional responsibilities to ensure that:<ul style="list-style-type: none">○ the character of the school (including any religious character) is preserved and developed, and○ it is conducted in accordance with its foundation’s governing documents, including any relevant trust deed.• In VA (voluntary aided) schools and many voluntary academies foundation governors will be the majority group, and in others they will be a minority but must give specific approval to certain decisions. In addition to talking to the school’s foundation, it would be good practice to include a foundation governor in at least one of the interviews.• In denominational schools the reviewer should be aware of the link between the areas covered by Ofsted and the areas considered in a section 48 (denominational) inspection.• In church schools it is important that reviewers have a good working knowledge of governance in this sector, including the roles and responsibilities of bishops, dioceses and trustees. Guidance on governance and foundation governors in Anglican schools can be found here and in Catholic schools can be found here• In Anglican and Catholic schools, the Diocese has statutory recognition as the appropriate diocesan authority, and the reviewer should contact the relevant Diocese. The name of the Diocese can be found on Edubase.
<p>Special Schools</p>	<ul style="list-style-type: none">• Reviewers need to be aware of some the unique features of a special school. These can be residential as well as day schools.• The data pack will look different from that of a mainstream school as the focus will be on progress. It is important to understand the governance arrangements for the school and ensure the review takes into account the unique characteristics of special schools.• Reviewers may wish to seek guidance or advice from colleagues involved in special schools.

<p>Local Governing Bodies (LGBs) in Academies that are part of a Multi Academy Trust (MAT)</p>	<ul style="list-style-type: none"> • When a reviewer is working in an academy which is part of a MAT the following should be requested to understand where the specific academy fits into that model: <ol style="list-style-type: none"> 1. Details of the structure of the MAT governance 2. The scheme of delegation • Reviewers should ensure that the LGB is commissioning the review with the approval of the MAT directors who have ultimate legal responsibility for governance. • There may well be distinct differences such as no committees. Often the LGB of an academy which is part of a MAT has a level of governance somewhere between what is usual for a full governing body in a single establishment and that of a committee. This will be due to a number of governance functions (e.g. overall financial control) sitting with the directors of the trust. The LGB has no legal authority and is a committee of the board of directors. • Reviewers need to be mindful of this when reviewing documents, interviewing governors and conducting the self-review process, and may wish to speak to one or more of the MAT trustees as part of the review process.
<p>Stand-Alone Academies</p>	<ul style="list-style-type: none"> • Reviewers need to understand the differences in governance and legal structure for an academy over a maintained school, such as governors also being directors of a company and charity trustees.
<p>Free Schools</p>	<ul style="list-style-type: none"> • Free schools can be autonomous or have been set up by an existing provider such as a MAT. It is important that the reviewer establishes an understanding of the governance arrangements for such schools and where the governance accountability lies. • If the school has been established by an existing education provider then the reviewer will need to understand how monitoring will take place and where the accountability lies in the system.
<p>Sixth Form and FE Colleges</p>	<ul style="list-style-type: none"> • The guidelines for conducting an external review of governance are applicable to Sixth Form Colleges. Reviewers should be aware that the governance framework for Sixth Form Colleges is largely set out in the Further and Higher Education Act 1992 (as amended) and in each College's Instrument and Articles of Government, which differ between colleges. There are a number of voluntary Sixth Form Colleges with foundation governors, where trustees as well as the governing bodies have responsibilities: the comments above about voluntary schools will also apply to these colleges. • In order to inform their judgement on how the college operates, it would help the reviewer to enquire whether the college subscribes to one of the voluntary governance codes, e.g. the English Colleges' Code of Good Governance

or the UK Corporate Governance Code.

Pupil Referral Units

- Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. Any school that is established and maintained by a local authority to enable it to discharge this duty is known as a [pupil referral unit](#)
- The guidelines for conducting an External Review of Governance are applicable to Pupil Referral Units. However, under the current legislative framework PRU's are constituted differently and do have different responsibilities with regards to reporting to the local authority and meeting the needs of the community/local schools with regards to excluded children. Reviewers should be aware of these differences when conducting reviews.