

## **Governance in a post-COVID age: Issues facing governors of independent schools**

### ***Background***

The global pandemic served as a wake-up call for the governance of all organisations, whether charities, corporates, or public sector bodies. Existential questions needed to be addressed in short order. The financial consequences of a school being closed for a year or more; the ability of the school to rely on fee income at previous levels; the capacity to move to online learning, at pace.

Risk assessments had a swathe of hazards added, with control measures to be put in place, by reference to changing Government regulation and guidance. Governors needed to meet more frequently, and remotely. Strategic response groups were formed, often meeting at least weekly in the early phases of lockdown.

Every school's situation is different, but the impression gained by observers of the sector is that the pandemic was navigated well, especially in terms of maintaining the core education and learning offering. Schools themselves might have a different view as to how well it went. But that was then; and this is now.

This paper considers what issues governing bodies might reflect on and what a lessons-learned review might address, while at the same time having to face the front on a new suite of issues post-COVID-19, especially economic and political pressures.

### ***Strategy and decisions***

Governance reviews usually comment on how a board engages with strategy development and implementation. Schools inevitably found that the pandemic shortened the time horizons. Projects, especially building projects, were often deferred, although those in progress tended to proceed, subject to restrictions on the construction industry. Steering through the pandemic, however long that might have lasted, was the priority. Now emerging from this time, governors need to re-engage on strategy with senior leadership teams and pick up where they left off.

### ***Meetings and meeting processes***

No history of the pandemic will be complete without commentary on cloud-based video conferencing. Zoom and equivalents transformed the ability to meet during lockdown, often with all participants being remote. It takes deft chairing to make

these meetings work well, but during the pandemic the sheer ability to get together was the key factor, without which the world would have come to a standstill. Hybrid meetings came later, enabling those who couldn't participate in a physical meeting to be present on terms that keep the lawyers happy that there was proper contemporaneous communication. However, hybrid meetings are more challenging than fully remote meetings for the simple reason that there is not a level playing field for participants.

Boards need to reflect on their use of hybrid meetings going forward. They ought to be an excellent use of time, are environmentally friendly, but don't lend themselves to working together well as a team. However, Microsoft reports that the average meeting has actually grown in duration, increasing from 35 – 45 minutes. For a board meeting that might normally last up to three hours, with a break, this suggests up to an additional hour. By contrast, JWA Governance has observed board committee meetings at schools that have been shortened by the use of technology.

What is clear is that a key determinant of the quality of remote meetings is the quality of the technology used, both video and audio. Harvard Business Review has published some excellent thought pieces on better virtual meetings.<sup>1</sup> Common sense advice includes asking the question 'do we need a meeting?' Too many meetings (or parts thereof) end up being updates on projects or other work-in-progress. An email would serve the same purpose.

### ***Engagement***

Governors bring valuable professional, educational and other experience, but are often 'time poor.' The expectations on them in their role of governor vary from school to school, but one obvious consequence of the pandemic was that there was no school in action to visit and observe, particularly during the first national lockdown.<sup>2</sup>

The challenge for governors is how to revert to the status quo ante. There is no substitute for visiting and observing a school in action (particularly in a field where the governor has a special interest or portfolio) but AGBIS is quick to point out that 'regular attendance at school is to be welcomed but does not alone determine the quality of a governor's contribution.'<sup>3</sup>

### *Safeguarding*

Ask any group of governors what the key issues are that should feature prominently and routinely on board agendas and they will put safeguarding at or near the top. Others might include equality, diversity and inclusion, health and safety, net zero, and financial sustainability. Safeguarding, however, is the one area that consumes significant attention, as readers of this note are likely well aware, with all schools required to carve out specific responsibilities for safeguarding governors and those charged with pastoral care and wellbeing.<sup>4</sup> Not only must some schools continue to deal with non-recent abuse cases, but parents and future parents rightly demand assurance, especially in the area of potential peer-on-peer (more properly child-on-child) abuse, quite apart from pupils themselves. The pandemic may not have changed much in this area (although online concerns have been heightened during COVID-19) but JWA Governance believes this is the time to review how governors engage with this issue, which is clearly more than just a compliance matter.

Boards of governors need to ensure there is an evaluation to establish their collective capacity to carry out their safeguarding duties and responsibilities. Individual governors need to be able to say with confidence they are well sighted in this area, which may mean they need to invest time personally in, for example, meeting with groups of pupils, staff (academic and non-academic) and others, to corroborate what they know from reports to the board.

### *Forward Issues*

Just as the challenges of COVID-19 have been largely surmounted, the sector is now facing an onslaught of new issues, largely economic and political. Most current governors of schools have never served in a time of inflation, or the challenges of fuel costs more than doubling. The impact of that on fee-paying parents and others, and the implications for procurement processes, from utilities and catering to hiring coaches, needs careful analysis, as does the capacity of the school to increase fees. Pressure on the surplus has profound implications for delivering the strategic plan, and how it is funded.

The sector continues to face the political threat of a challenge to its charitable status. This issue is one that is largely handled by such bodies as ISC and HMC, advocating on behalf of the sector, but the

time might be right for governors to review their school's public benefit statement and its engagement with the community in academic, cultural, sporting and other areas.

### **Conclusion**

The challenges for school governors post-COVID are being exacerbated by the economic conditions now clearly evident. Any hope that after navigating the pandemic there would be a resumption of business as usual, or at least a congenial new normal, is fast evaporating. Boards need to build on their nimble decision-making skills gained of necessity over the last two years, and ensure they adopt an intentional strategic focus. Keeping their governance arrangements under regular review is one way of ensuring overall effectiveness. JWA Governance believes the sector overall will have been seen to have emerged from this period stronger, having demonstrated that it can deliver teaching and learning of the highest quality under the most adverse conditions. That will make it attractive to new parents. It remains to be seen how many of those can meet the affordability requirements under current conditions.

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30 September 2022

***JWA Governance has recent experience of facilitating board effectiveness reviews and undertaking wider governance studies for major charities and independent schools and is currently advising the Headmasters' and Headmistresses' Conference (HMC) on governance reforms.***

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#### **Notes**

<sup>1</sup> <https://hbr.org/2021/02/3-steps-to-better-virtual-meetings>

<sup>2</sup> First UK national lockdown was officially from 23 March – 1 June 2020, when there was a phased re-opening of schools in England. The second national lockdown ran from 31 October – 2 December 2020, when a stricter three-tier system of restrictions was introduced.

<sup>3</sup> AGBIS *Guidelines for Governors* (March 2019).

<sup>4</sup> The precise details, for example, of the designated safeguarding lead, and the safeguarding governor, are outside the scope of this paper.

See <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> KCSIE (effective 1 September 2022).