

# Clerking Essentials programme

## Session 2 Pre-Work

### What you need to do before Session 2

Complete Activities 1, 2 and 3 below.

#### Activity 1 Clarification of learning from modules 1-4 **5 minutes**

Write a short question asking for clarification of any one thing about clerking or governance you didn't understand from e-learning modules 1-4. You only need to choose one thing that you would like to clarify the most so you can raise it in Session 2. If there is nothing, then that's fine!

#### Activity 2 Familiarisation with key sources **20 minutes**

Download from RESOURCES in module 4. How to: find and use key sources for governance a copy of the "Document checklist".

Then annotate it, highlighting, for a single clerking role you currently hold\*:

- A. the documentation and sources you think you need for that role
- B. any documentation and/or sources you haven't located or accessed and why that is
- C. any major problems you've experienced using any one document or source

\*If you aren't currently in a clerking role then choose any school organisation setting and instead of B. identify how you would go about accessing the relevant documents and sources and instead of C. identify one document or resource you don't understand how to use.

#### Activity 3 Meeting the chair **5 minutes**

It's important to meet with your chair when you start clerking or their governing board for the first time. Using the knowledge gained from the modules you have studied and any experience you have gained from clerking so far, think about that first meeting, what you would want the meeting to achieve and how you would approach this. You could consider:

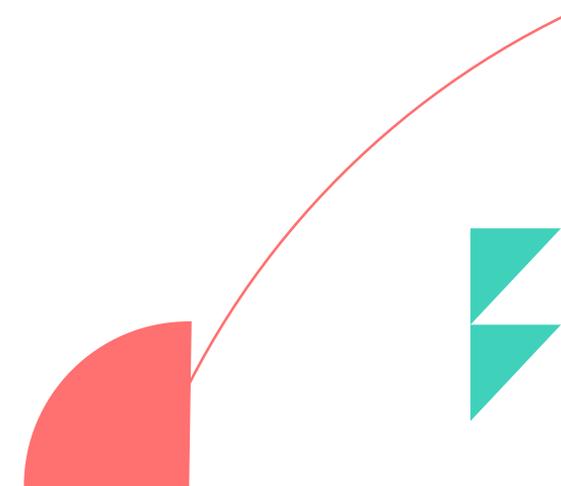
- how you set the meeting up
- how you would like the meeting to be held
- what you would like to discuss in the meeting

Make some brief notes of you thinking and be prepared to share this in Session 2.

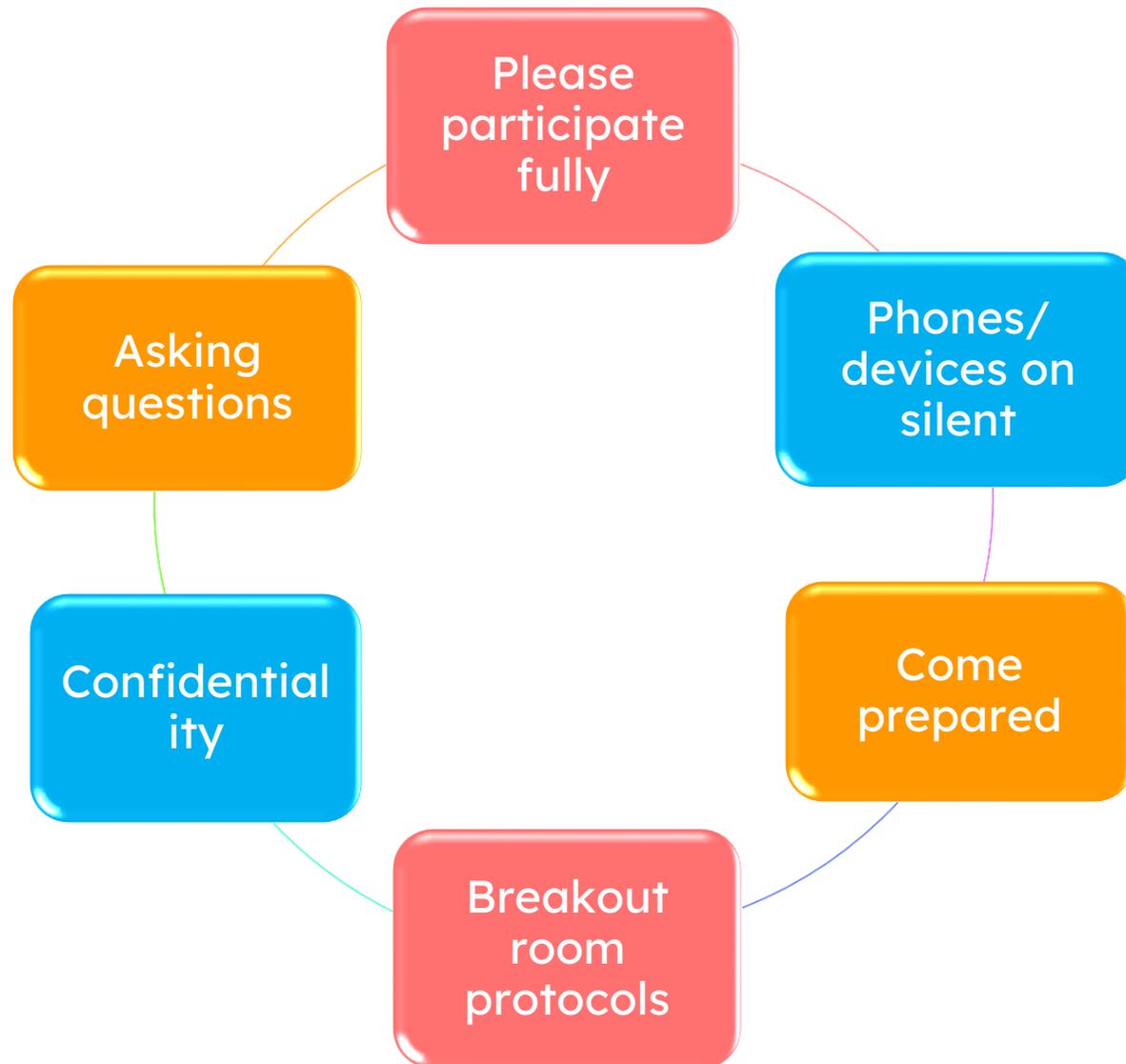
# **Clerking Essentials: a practical introductory programme for clerks**

## **Session 2 : Understanding your clerking environment**

# Welcome and Introductions



# Workshop protocols and tips – reminder



# Using Canva

Throughout the workshops you will come across this icon



Canva is an interactive online tool which will be used to capture group feedback.

Demo!

# An outline of today's session

We will be covering the following areas.

1. Building your understanding of governance, how it works and why you need to understand it
2. Exploring what is expected of you as a clerk when you are new to the role – what to prioritise at the start and what support you can reasonably provide when new to the role
3. Developing your understanding of the setting(s) one can clerk in and how to access and apply the relevant:
  - internal governance documentation
  - law and regulation
  - sources of guidance
4. Considering how to work well with your chair, senior leader and board
5. Thinking about next steps

# Welcome and introductions continued

Go to  
Poll #1



# Welcome and introductions continued

Go to  
Poll #2

Do you have any questions arising from the modules?

Is there anything you did not understand?

## Where do you as the clerk fit in?

Let's consider for a moment where you fit into your school organisation structure as an employee, a self-employed person or through a clerking service and what this means.

- Q 1 Who does the clerk work for – will this vary according to context? What do you understand about being part of the team?
- Q2 The DfE governance guides refer to the board having 'independent advice' from the clerk or governance professional – how does this work if you are employed directly by the school or trust?
- Q3 How might this be complicated if you are also employed in another role at the school or trust?

# 1. Understanding governance and why you need to understand it



# How are governance decisions made and by whom?

- The e-learning modules set out the core functions of the board. The DfE Governance Guides set out the responsibilities at board level for maintained schools and academy trusts.
- Boards have a collective responsibility to discharge their functions but can delegate decision making and functions to committees (and individuals)
- So, as the clerk will be expected to help plan meetings and draft agendas, the clerk needs to know who can make a decision – is it the full board, a committee or an individual and how should a decision be made if there is not unanimity?



“ How will the different governing board committees or individuals know what responsibilities they have and what decisions they can make?”

# How to support effective decision making

## Scenario A ADVISING

At the first board meeting of the academic year the committee structure, membership and individual board member responsibilities are being reviewed, including the link roles for safeguarding and SEND. The meeting is running a little behind at this point so the chair says he will take “chair’s action” and decide on the committees and link roles as he sees fit and inform everyone once he has done this.

As clerk what would you do in this situation?

## Scenario B PLANNING

You’re helping your new chair with the planning of board business and agendas over the year ahead. One things mentioned are approval of a safeguarding policy.

How would you work out what role the board and any committees of the board have (if any) in relation to this.

How could you support your board with this?

# How should your governing board members behave?

I'm not going to vote for something that negatively affects my son's class.

"I'm sorry I haven't had time to prepare again I've just been so busy at work and I won't be able to make the next meeting"

The staff here are all rubbish - when I was a headteacher I'd have sorted them out.

I don't agree with this decision about school uniform so I'm going to tell parents I didn't agree.

"We shouldn't share our meeting minutes with anyone else, why do they need to know"

"If any member of staff asks if there are to be job cuts, I say we just make something up"

Blah blah  
blah....blah  
blah blah  
blah blah

No  
comment

I can't see how that Inadequate Ofsted judgement is anything to do with us.



# Managing board member behaviour and the clerk's role

Selflessness

Integrity,

Honesty

Objectivity

Accountability

Openness

Leadership.



## Model code of conduct

For those who govern in an academy trust

Governing boards should use a code of conduct alongside [role descriptions](#) to ensure those who govern understand what is expected of them.

The NGA model code of conduct is anchored in the Seven Nolan Principles of Public Life. The code is also aligned with the [Framework for Ethical Leadership in Education](#) which outlines principles that support ethical decision-making and challenge unethical behaviour.

### How to use the model code

This code has been designed such that multi academy trusts (MATs) can use it for both their trust board and academy committees (local governing bodies). It should be adapted to reflect your context and delegation arrangements, as set out in your [scheme of delegation](#).

The model code has been updated for 2022 – new and amended statements are marked (\*).

### Reviewing your code of conduct

Boards should review and approve their code of conduct annually, normally at the first meeting of the autumn term. When reviewing your code, reflect on the events of the previous year and consider if any changes are required.

NGA recommends that boards publish their code of conduct on their school/trust website.

### Using your code to support induction and development

When [recruiting new volunteers](#), we recommend that boards refer candidates to their code of conduct (and role description) to ensure that potential new members have a good understanding of expectations before being appointed. New members should agree to the board's code of conduct on being appointed as part of their [induction programme](#).

Chairs may also use their code of conduct to support discussions such as annual governor performance reviews. In doing so, the code of conduct becomes a tool to help boards and individuals develop their governance practice.

### Using your code of conduct to support effective teamwork

Effective governance requires effective teamwork: working collaboratively as colleagues with understanding and respect for each other's roles.

NGA's [Effective teamwork](#) guidance sets out an approach to dealing with conflict or tension using a measured and conciliatory approach. The guidance advises that the most direct way to clarify the expectations of those governing is through a code of conduct.

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Does your board have a code of conduct?

If yes, have you read it?

If not, how can you help?

If there is a breach, should you do anything?

## 2. What is expected of you as a clerk when you are new to the role



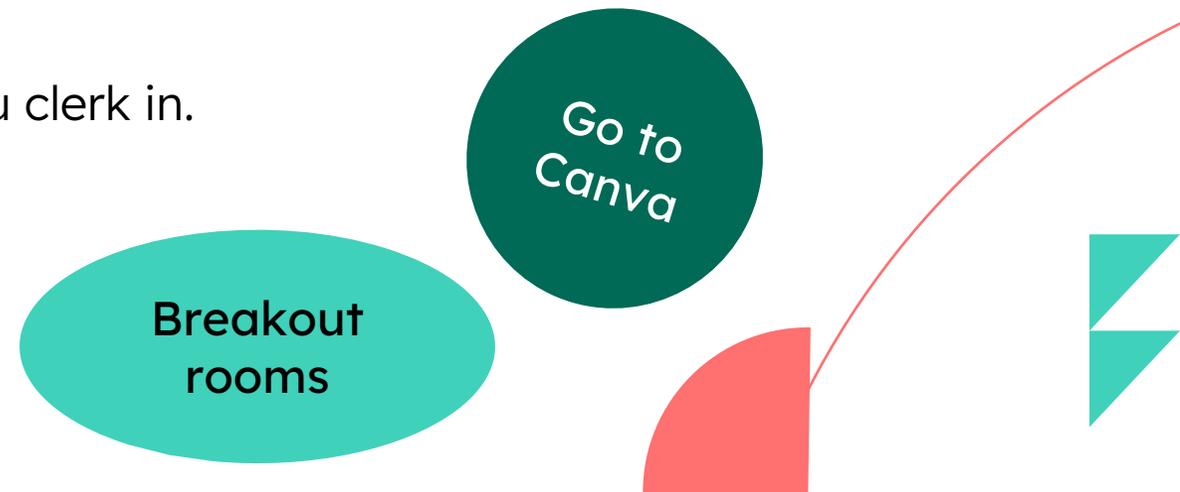
# Ground zero

You have just been appointed as the clerk. There was no hand over from the previous clerk and no-one seems to know what the previous clerk did other than attend meetings and take minutes. You have no experience of governance and feel completely in the dark – you are at ground zero. You know there is a board meeting scheduled in 3 weeks' time.

From your understanding of the first 4 e-learning modules, discuss in your group

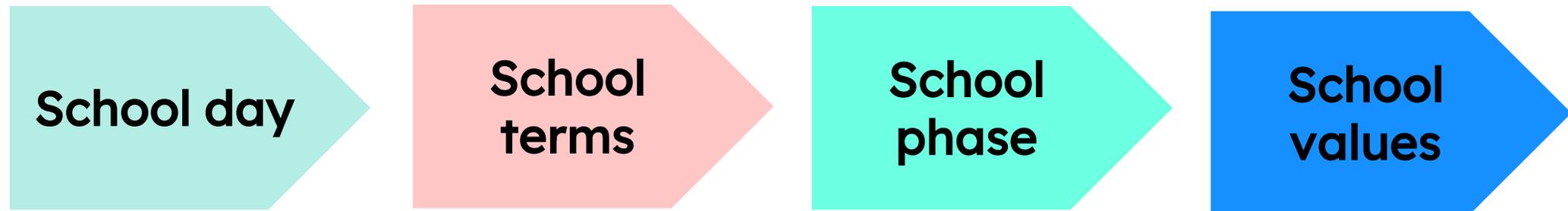
1. Do you need to clarify the scope of your role and who could help you with this?
2. What internal and external documentation could help you to understand who the board members are and how would you find it?
3. How would you find out what you need to do next to meet your governing board's short, medium and longer-term needs?

Your responses may vary depending on the context you clerk in.



# Your school organisation environment

Your board operates within a school environment. Consider what impact or restrictions the following factors might also have on the work of you and your board.



### **3. Understanding your setting and how to access and apply the relevant**

- internal governance documentation**
- law and regulation**
- sources of guidance**



# How to access and apply the relevant internal governance documentation, law and regulation and sources of guidance

## How to: find and use key sources for governance

### Checklist of sources for different settings

The table below contains a non-exhaustive list of some key sources of rules and guidance relevant for governance in different school settings. It shows the types of school organisation for which the source is relevant, the type of source it is and whether it must or should be followed or whether it's advisable or helpful. In some cases, there are sources that are themselves just collections of links to other MUST, SHOULD, ADVISABLE and HELPFUL sources and in these cases, we have categorised these as ALL. You can use this list in lots of different ways to create your own list or electronic library containing generic sources as well as sources specific to your schools and trusts like constitutional documents.

Source name	Type	MUST/ SHOULD/ ADVISABLE/ HELPFUL	Maintained Community School	Maintained Voluntary Aided School	Maintained Voluntary controlled	Maintained Foundation school	Maintained school federation	Multi Academy Trust (MAT)	Single Academy Trust (SAT)	Purpose
Instrument of government for your school	Constitution	MUST	Y	Y	Y	Y	Y			Legal document establishing the composition of your governing body.
<a href="#">Academy trust governance guide</a>	Non statutory guidance	ALL	Y	Y	Y	Y	Y	Y	Y	Essential guidance on board responsibilities and competencies needed to be effective.
<a href="#">Maintained schools governance guide</a>	Non statutory guidance	ALL	Y	Y	Y	Y	Y	Y	Y	Essential guidance on board responsibilities and competencies needed to be effective.
<a href="#">NGA skills audit</a>	Guidance	HELPFUL	Y	Y	Y	Y	Y	Y	Y	A tool to determine gaps in expertise and development needs.

# How to access and apply the relevant internal governance documentation, law and regulation and sources of guidance

For Pre-work Activity 2 you were asked to look at the documentation and resources you need to access and use in your clerking role. In groups now share your findings in relation to the following:

- A. the documentation and sources you think you need for that role
- B. any documentation and/or sources you haven't located or accessed and why that is

Breakout  
rooms

Then in plenary we will discuss any challenges experienced with locating or accessing these and how you might overcome them.

Lastly we will consider

- C. any major problems you've experienced using any one document or source

## Your board's setting and why it is important.

The role of the board and the rules that it must work within will depend on your setting: MAT trust board, MAT local governing body, LA maintained school (or federation) or SAT trust board

Let's do a quick poll to see if you can remember which rules apply to which setting from your e-learning modules and the previous activity.

**Go to  
Poll #3**

# Where will find the following information for your setting?

	Maintained school governing body	Trust board	Local governing body
The constitution			
Membership and terms of office			
Term of office for the Chair			
Information on statutory policies			

# Where will find the following information for your setting?

	Maintained school governing body	Trust board	Local governing body
The constitution	Instrument of Government	Articles of Association	Terms of reference for the LGB
Membership and terms of office	Board internal records School website / GIAS Local Authority	Board internal records School website/ GIAS Companies house	LGB internal records School/trust website/GIAS
Term of office for the Chair	2013 Regulations Maintained Schools Governance Guide Standing Orders	Articles of Association	Terms of Reference for the LGB
Information on statutory policies	Maintained Schools Governance Guide	Academy Trust Governance Guide	Will be led by the Trust Board based on the Academy Trust Governance Guide

## 4. How to work with your chair, senior leader and board



# How to work with volunteers with important responsibilities

In breakout rooms, spend a few minutes to consider any

- benefits
- challenges

that might arise from working with your volunteer governors and trustees.

How might these benefits and challenges affect how you approach the establishment of a good working relationship with your governors and trustees?

Go to  
Canva

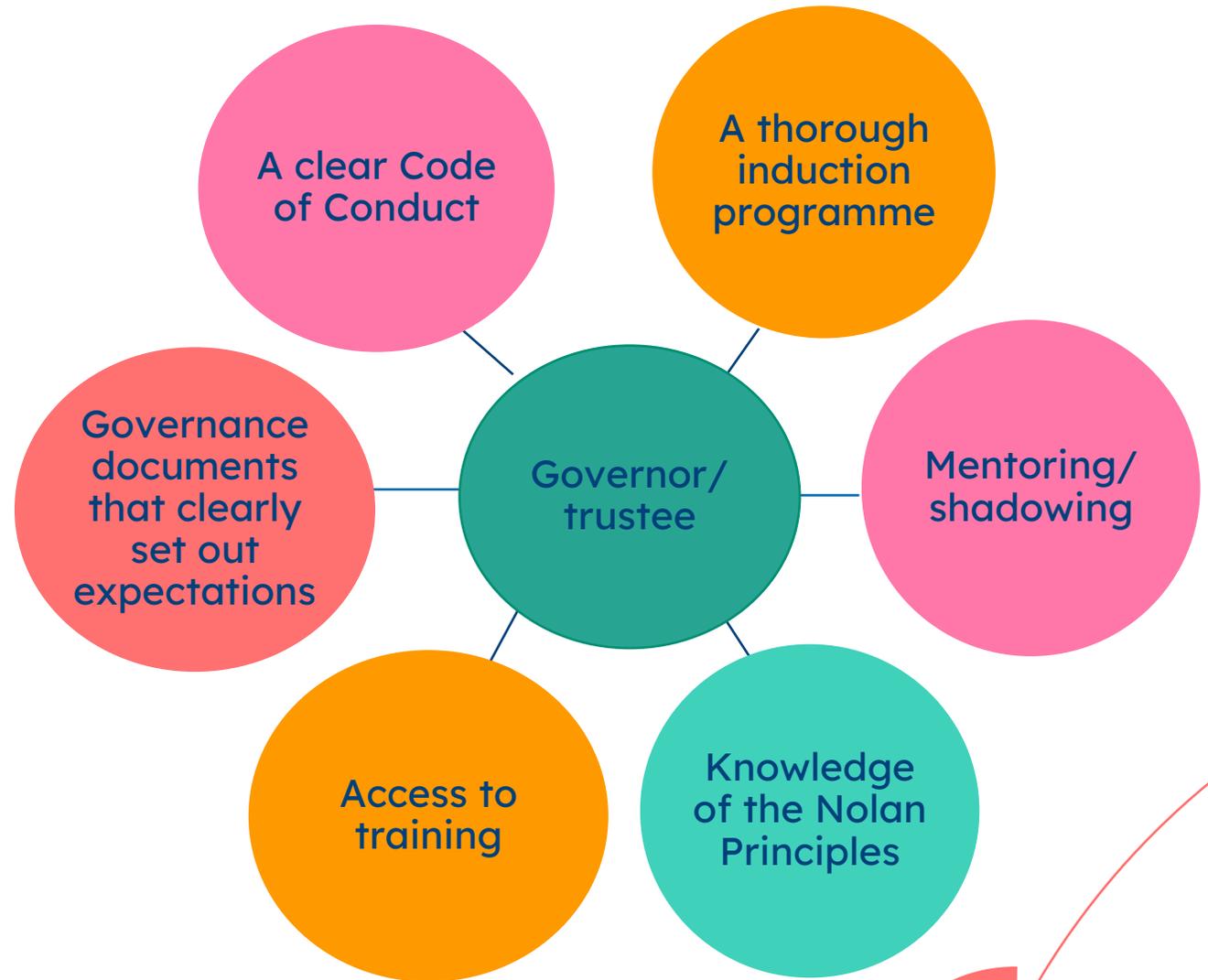
Breakout  
rooms

# Supporting governors and trustees to fulfil expectations

Whole group discussion.

Which of these might encourage and support our governors and trustees to fulfil their role and how?

What is your role?



## Working with your chair and SEL/HT

- In your role as clerk, how do you think your working relationship will differ between these two key people?

Headteacher/  
SEL

Chair of the board

- How might this structure differ working for a school in a MAT?

## Working with your chair and senior executive leader/headteacher

Following on from the previous slide, go to the poll to see if you are clear on who below might fulfil the listed responsibilities

Headteacher/  
Senior  
executive  
leader

Chair of the  
board

Governance  
lead/CEO in a  
MAT

What should you  
do if staff reports  
to the board are  
frequently late?

Go to  
Poll #4

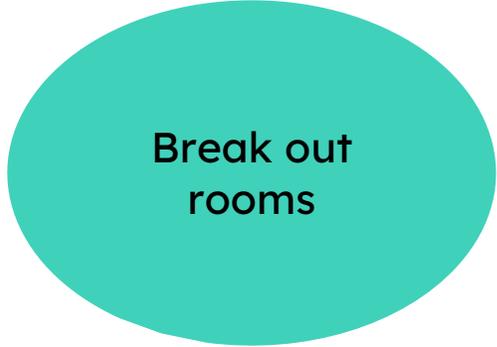
# Establishing a working relationship with your chair

In your Pre-work Activity 3 you considered how you might approach your first meeting with your chair.

In groups discuss and compare your thinking and be prepared to share your conclusions and any disagreements in relation to

- how you would set the meeting up
- how you would like the meeting to be held
- what you would like to discuss in the meeting

Then in your groups try to agree main things you would want to include in a draft agenda setting up the meeting



Break out  
rooms

# What about the rest of the board?

## Scenario.

A co-opted governor emails you for advice. They tell you that chair has emailed the board to say that she and the vice chair have discussed their roles, and both will continue in these posts for another year so the board will need to vote them in again. You were not included in this email. The governor says he would like to stand for chair and Holly, the associate member, would like to stand for vice chair as they feel they could take the board forward as the chair and vice chair had been in post for a long time, but due to this email they feel that they cannot stand.

- As clerk, you will work closely with the key people we have identified.
- However, you are there to support all board members as governors and trustees have a collective responsibility to fulfil the board's function

# What about the rest of the board?

Break out  
rooms

Go to  
Poll #5

Which of the following would be appropriate actions?  
(you may choose more than one):

1. Tell the governor that the chair leads the board and if she wishes to continue that is her call.
2. Explain to the governor that any eligible governor may put themselves forward as it is up to the board who they elect as chair. However, the associate member cannot stand as they are not a governor
3. Say you will get back to them and meanwhile contact the chair and tell her that this governor is trying to oust her.
4. Prior to the meeting when sending out the agenda, circulate the nomination forms to return to you with a reminder that any eligible governor (not staff or associate members) may stand.

# Working with the rest of the board

Break out rooms

Go to Canva

Scenario 1	Scenario 2	Scenario 3
<p>You asked the board to complete their annual updates for the pecuniary interest register with a deadline. A reminder was also sent.</p> <p>One board member has not completed this task despite being sent two more emails with a reminder that this is a statutory requirement, and this is now a month overdue. You know he is accessing his emails.</p> <p>What might the next steps be and who would you involve? Can you identify which internal and external governance rules might apply in this situation?</p>	<p>You have just started as clerk.</p> <p>A parent you know comments that the newest board member has been talking to other parents about an item that was discussed at the last board meeting before you started and how different people had voted. They had been quite vocal about the fact they had voted against the decision.</p> <p>How do you think you might approach this and with whom and what documentation might you need to refer to?</p>	<p>You have recently been appointed as the clerk.</p> <p>One board member is constantly emailing you for governance information which is readily accessible on the governance portal. They are also showing impatience that you are not responding immediately, even though you are contracted for limited hours.</p> <p>How might you approach the situation with this person?</p>

## 5. Next steps - looking ahead to the next elements of the programme and

- things you might want to do further study on
- work based actions using what you have learnt



# What is next on the programme - further study

## E-learning

There are 4 more e-learning modules to complete prior to Session 3:

- 5. How to: arrange meetings - 45 min
- 6. How to: minute a meeting effectively - 45 min
- 7. How to: manage information and documents - 45 min
- 8. How to: support the recruitment, appointment, election and retirement of governors and trustees - 45 min

You also need to prepare for Session 3. You will have been sent the materials for Session 3 by email. Follow the instructions in the materials on how to prepare for Session 3 and make sure you have the materials easily accessible when you join Session 3.

# Optional post Session 2 activities

