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Governance of Risk: what is it and how can you demonstrate it..

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Today's session

- What do we mean by governance of risk?

- What effective risk governance looks like

- Worked examples of risk management and governance – VAT on fees and safeguarding

- Discussion and questions

Governor's duties

Overarching principles

If the school is also a charity:

- Objects

- Carrying out purpose for the public benefit

- Managing resources responsibly

- Managing risks

Governor's duties

Risk related requirements

- As a charity trustees should regularly review and assess the risks faced by their charity in all areas of its work and plan for the management of those risks – (see Charities and risk management (CC26))

- Incorporated into management processes and clear risk management policy

  - Identify, assess and manage risk linked to achieving the objects

  - Covering all areas of risk including financial, governance, operational, law and regulatory compliance, and reputational

  - Keeping risks under review

  - Risk management is ongoing and embedded in management and operational procedures.

Governor's duties

Development of approach to risk

- Analyse the risks

- Prioritise those risks

- Determine the appetite for risk

- Reduce and control the risks

- Give assurance

- Monitor and review risks.

Governor's duties

Areas of risk

- VAT on school fees / recession / affordability

- Safeguarding / pupil welfare

- Health and safety / site

- Data protection

- Regulatory compliance (ISSR, NMS, EYFS, Charity Commission, UKVI, DfE e.g. material change)

- Litigation threat (contract, negligence, Equality Act)

- Complaints

- Recruitment and retention?

- Financial compliance risks: AML, consumer credit

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Governor's duties

Areas of risk

- VAT on school fees / recession / affordability

  - Identify the key risks to the school

    - Demand/price elasticity

    - Cost model

    - Existential?

  - Assess the risks

  - Validate the assessment

  - Ownership

  - Addressing the risks

  - Ongoing monitoring

Governor's duties

Areas of risk

- VAT on school fees / recession / affordability

  - Addressing the risks:

    o Review of all aspects of operations

    o Educational model

    o Staff – including pensions

    o Collaborations and partnerships

    o Merger

  - Ongoing monitoring

    o Frequency

    o Responsibility

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Safeguarding

Key principles

- Those with leadership/management roles must "**_actively promote_**" the wellbeing of pupils

- Whole school **culture set from the top -** but visible at all levels

- Three levels: outward; day-to-day; minority who may be impacted by damaging behaviours and <u>require effective mechanisms such as in safeguarding, behaviour, bullying and complaint logs</u>.

- ISI Framework s1: consider a range of evidence, including how those with governance responsibility assure themselves that leaders and managers are fulfilling their responsibilities to ensure that the standards are met

- Leadership should ensure **effective self-evaluation**: to assure the proprietor that the Standards are met consistently, and that the wellbeing of pupils is actively promoted

Governor safeguarding duties

ISI Framework September 2023

ISI: Understanding and management of risk

- Leaders must have the skills, knowledge and understanding to actively promote the wellbeing of pupils

- Strategic, comprehensive and inclusive approach to identifying and managing the risk of harm to pupils' wellbeing, including taking appropriate action to reduce risks identified

- May include adapting existing risk strategies to identify and manage the risk from harmful behaviours and attitudes

- Leaders must appreciate and understand the prevalence of potentially harmful behaviours

- To fulfil responsibilities effectively and consistently leadership should be aware that positive feedback from the majority can mask smaller groups of pupils who have harmful, but hidden, negative experiences.

ISSR: Draw up and **effectively implement** a written welfare risk assessment policy + action

Governor safeguarding duties

ISI Framework September 2023 - evidence

- Self-evaluation across all areas – consider external and internal

- Welfare in its widest sense, including mental and emotional, health and safety etc.

- **Pupil voice** – harder to hear voices? How demonstrate this?

- Discussions: pupils and staff to evaluate how well leaders have created a **positive culture**

- **Trends** in complaints that might indicate areas of concern

- How leaders address any concerns / evidence of negative aspects of culture

- Leaders' assessment of risk and mitigation including safeguarding, and any **contextual risks**

- Managing conflicts of interest **evidence**

- Putting child first **e.g. over reputation of school**

- Minutes of meetings demonstrate strategic challenge / **holding leaders to account**

Governor safeguarding duties

ISI Framework September 2023 - evidence

- What does school data tell you?

- What evidence is gathered and how? *e.g. CPOMS, behaviour logs, near miss reporting, complaints, risk assessments?*

- Is the school giving credence to the pupil voice?

- Where a pattern of concern is identified, what is the school doing in response?

- Sharing trends with safeguarding partners?

- Evidence of steps to mitigate risk (e.g. training, additional resource) + evidence of impact and adjustment of strategies

- Are relevant policies, procedures and practices being regularly updated to reflect lessons learnt?

- Regular review of decisions and actions

Inspection

Examples of regulatory failure

*"Arrangements for handling allegations against staff […] have not always been followed correctly..referral has not always been made to relevant external agencies including the LADO and the police, when concerns have been identified about adults working in the school. **Leaders and governors are not clear about their responsibility to report any person whose services are no longer used to the appropriate statutory bodies such as to the DBS and TRA***

[…]

*The board lead responsible for safeguarding meets regularly with the DSL and deputies. Reports are given regularly to [the Proprietor] by the DSL, including as part of an annual review of safeguarding by [proprietor] representatives. **However, oversight of safeguarding is not sufficiently effective in ensuring all requirements are met***

*the school does not always conduct and record effective risk assessments relating to pupils' safety and welfare. In particular, the school did not explore **potential transferable risk of harm when information was received which suggested that pupils may have witnessed inappropriate behaviour.*"** (ISI inspection report, 2022)

Inspection finding: regulatory requirements relating to safeguarding, risk assessment and leadership and management <u>not met</u>

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Governor safeguarding duties

Positive examples:

- Plans consider associated risks and unintended consequences.

- Evidence of consideration of harder to spot risks such as those linked to pupils' emotional wellbeing and mental health, and because the staff know the pupils well, any arising concerns are dealt with swiftly on an individual basis.

- Evidence of planning processes based on self-evaluation and lead to improved outcomes in terms of pupils' wellbeing

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Questions?

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