**Clerking Competency Framework Compliance Audit**

**Fee Stagg NLG**

**Introduction**

This audit is based on the **Clerking Competency Framework** published by the Department for Education in April 2017. The opening paragraph of which states

*The Department for Education recognises the value of professional quality clerking to governing boards in maintained schools, academies and multi-academy trusts. As anyone who has experienced professional clerking will testify, it provides an invaluable contribution to the efficiency, effectiveness, productivity and compliance of the governing board. A professional clerk works in partnership with the chair to keep the board focused on its core strategic priorities, provides independent and expert advice and guidance to the board on its duties and functions, and delivers administrative support that makes everything work smoothly. Sir David Carter, National Schools Commissioner.*

It is worth reminding ourselves of the three core strategic functions of governance and which underpin this audit:

1. Ensuring clarity of vision, ethos and strategic direction;

2. Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and

3. Overseeing the financial performance of the organisation and making sure its money is well spent.

The toolkit is set out within the competencies identified in the Framework and encourages both self-reflection and evidence gathering. The audit is designed to be filled in by the Chair of the Board, the Headteacher or Principal or CEO as appropriate and by the clerk. Those questions which relate to the Board are highlighted.

The audit is a personal view; you may wish add your own actions or development points.

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PART A

1. About you and your clerk – Clerk self-review – Appendix 1
2. The Role of the Clerk
3. Professional clerking to enable effective governance

PART B

1. Knowledge, skills and effective behaviours

* Competency 1: Understanding governance
* Competency 2: Administration
* Competency 3: Advice and guidance
* Competency 4: People and relationships

Some of the key Documents you will need to complete the Audit are

* [Governance Handbook 2017](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf)
* [Competency Framework for Governance](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583733/Competency_framework_for_governance_.pdf)
* [Clerking competency framework](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609971/Clerking_competency_framework.pdf)
* [Academies Financial Handbook 2017](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633375/Academies_Financial_Handbook_2017.pdf)
* [what governing boards should expect from school leaders and what school leaders should expect from governing boards](https://www.ascl.org.uk/index.cfm?originalUrl=help-and-advice/help-and-advice.what-governing-boards-should-expect-from-school-leaders-and-what-school-leaders-should-expect-from-governing-boards.html) published by the NGA, ASCL and the NAHT
* [Nolan Principles](https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2)

If you are a clerk and are completing this audit you will also need

* your job description and the [National Governance Association](http://www.nga.org.uk/) offers a [sample job description](https://www.nga.org.uk/Guidance/Clerking-Matters/Clerking-as-a-Career/Clerking/Clerk-s-job-description.aspx)
* a set of minutes

By the time you have completed the toolkit you should complete a short action plan to help you define your future clerking needs and any development points for your clerk.

**Good Governance is**

**Accountable, Transparent, Responsive, Equitable and Inclusive,**

**Effective and efficient,**

**Participatory and democratic**

**and follows the rule of law and reflected in the minutes**

**Section 1 : About You and Your Clerk**

The DfE recognises that **professional-quality clerking is critical to the effectiveness of a governing board** in fulfilling its core strategic functions:

1. Ensuring clarity of vision, ethos and strategic direction;

2. Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and

3. Overseeing the financial performance of the organisation and making sure its money is well spent.

*Professional-quality clerking is about much more than taking minutes to record the discussions and decisions of the board. It is also about providing governing boards with expert advice on governance, procedures and compliance and directly contributing to its efficient conduct. [[1]](#footnote-1)*

One of the key aspects of effective governance is around thepersonal attributes and behaviours of the Board collectively and the individuals within in. Before you complete the audit it is important to consider the following behaviours[[2]](#footnote-2). These can be summarised as

* committed to the school or academy and to their own professional development
* confident in the discharging of the 3 core functions of governance
* curious in the questions they ask
* challenging and supportive in equal measure
* collaborative and work collectively
* critical by undertaking regular self- review
* creative and innovative

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| The Board Has | Evidence | Impact | Action and Next Steps |
| Undertaken self-review with the last 12 months | Yes  No |  |  |
| Completed a skills audit within the last 12 months | Yes  No |  |  |
| Undertaken an External Review of Governance | Yes  No | Clerking was noted as  Good  Causing concern |  |
| Support from a National Leader of Governance and/or National Leader of Education in any capacity | Yes  No |  |  |

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| Professional Clerking | Evidence | Impact | Action and Next Steps |
| The clerk has a job description | Yes  No |  |  |
| The clerk is performance managed | Yes  No |  |  |
| The clerk has undertaken or attended training | School based  LA or MAT  NCTL The Accredited Clerk  Other |  |  |
| The clerk attends external briefings and feedback to the Board | Yes  No |  |  |

**Section 2 : The Role of the Clerk**

All academy trusts and maintained schools must appoint a clerk to their governing board. This is set out in the Articles of Association or in government regulations[[3]](#footnote-3)

This section of the Audit is to completed by the Chair and Headteacher – the italics are a sample answer

Green – good understanding and can demonstrate expertise

Amber – understands and has developing expertise and training

Red – some understanding and needs support and training

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| Key attributes | Evidence | RAG | Actions – what we need to do next |
| *Offers administrative and organisational support* | *The clerk manages the business of the board in an effective and timely manner* |  | *Ensure governance files are up to date* |
| *Offers guidance on compliance and appropriate legal and regulatory frameworks* | *The clerk is cognisant with the Governance Handbook and Academies Financial Handbook and guidance offered is accurate* |  |  |
| *Understands the potential consequences of non-compliance* | *Is able to speak up when non compliance is an issue or cause for concern* |  | *Whole Board training* |
| *Advises on procedural matters regarding the operation of the Board* | *Able to articulate the board’s legal responsibilities and accountabilities so that all understand* |  |  |
| *Undertakes professional development and training and remains up to date* | *Certificates shared*  *Feedback to the Board is beneficial and relevant* |  |  |
| Recognises importance of confidentiality | *Regularly reminds Boards about confidentiality and remains impartial; does not discuss Board business outside of the meeting* |  |  |
| Respects and understands boundaries and is mindful of their responsibilities under equality legislation for example | *The relationship between the Chair, Head and Clerk is key to effective governance.* |  |  |
| Understands the impact of effective governance on the outcomes for children and young people | *Minutes record challenge correctly; data is presented in minutes clearly and accurately* |  |  |
| Is knowledgeable about the school context | *Understands leadership structures, a key cohort data, local context* |  |  |
| Is able to signpost Boards to appropriate external support if necessary or required | *Is knowledgeable about where to find support, training providers and has knowledge about CPD* |  |  |
| Remains impartial | *Is aware of boundaries within the school to school support system* |  |  |

**Section 3 : Professional Clerking to Enable Effective Governance**

Effective governance is based on the 6 key features set out in the[Governance Handbook 2017](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf)and the clerk has a key role in supporting each of the 6 features.

1. Strategic leadership
2. Accountability
3. People
4. Structures
5. Compliance
6. Evaluation

This section of the audit assess the skills and knowledge of the clerk in relation to the 6 features listed above.

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| **Strategic Leadership** | **Behaviours** | **Evidence** | **RAG** | **Action** |
| Support and challenge the Chair | Respects boundaries |  |  |  |
| Planning effective meetings |  |  |  |  |
| Organisational and administrative support |  |  |  |  |
| Writing effective minutes which are accurate, clear and transparent and capable of being scrutinised by external parties |  |  |  |  |

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| Accountability | **Behaviours** | **Evidence** | **RAG** | **Action** |
| Supporting governors to hold executive leaders to account |  |  |  |  |
| Information sharing and gathering |  |  |  |  |
| Complies with reporting requirements |  | eg register of business interest compiled, skills audits |  |  |

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| People | **Behaviours** | **Evidence** | **RAG** | **Action** |
| Relationships with leaders | Develops positive working relationship which is strong, respectful and effective  Welcomes challenge regarding behaviour |  |  |  |
| Relationships with Board |  |  |  |  |

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| Structures | **Behaviours** | **Evidence** | **RAG** | **Action** |
| Constitution of the Board | Understands roles eg chair, vice chair, Associate Members | Terms of office up to date  Advice on elections, |  |  |
| Terms of reference | Understands Scheme of Delegation |  |  |  |
| Link role descriptors | Offers advice on how governors can know their school better |  |  |  |
| Offers advice as appropriate to Chair, executive leaders and Board |  |  |  |  |
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| Compliance | **Behaviours** | **Evidence** | **RAG** | **Action** |
| Governance requirements of the organisation |  |  |  |  |
| Legal frameworks |  |  |  |  |
| Statutory policies are in place |  |  |  |  |
| Decisions are clearly attributable |  |  |  |  |
| Accurate reports are kept |  | External Review of Governance; Ofsted comments, LA Review, MAT level review |  |  |
| Aware of requirements of AFH, company and charity law | **Works with the CFO and COO, company secretary[[4]](#footnote-4) as appropriate** |  |  |  |
| Aware of the duties placed upon the Board under education and employment law as appropriate | **Knows where to access relevant advice and information** |  |  |  |

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| Evaluation | **Behaviours** | **Evidence** | **RAG** | **Action** |
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**Summary**

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**Appendix**

**Clerk self review**

If you are a clerk a sample action plan for a clerk is given below

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| **Action** | **Steps to be taken** | **Success criteria** | **Impact** | **Progress** |
| Process checklist  ensure that FGB agendas reflect both requirements of the Authority as well as the local school context | Attend the Clerks Briefing, develop relationship with CoG and HT to ensure relevant info is disseminated | That the minutes reflect the school context and are not ‘anywhere’ minutes | That there is an improvement in the quality of minutes which can be seen by Ofsted if required.  That this is clearly visible to any LA QA | ongoing |

Before you commence working through the toolkit think about

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|  | Evidence | Action |
| Are you an independent clerk ie you do not work in the school you clerk? | Have you got a job description? |  |
| Do you have another role in the school or academy? | Have you got a specific and separate job description |  |
| What do you understand your role to be? | Does it align with your current job description? |  |
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1. P4 of the Clerking Competency Framework [↑](#footnote-ref-1)
2. Governance competency framework page 7 [↑](#footnote-ref-2)
3. <http://www.legislation.gov.uk/uksi/2017/487/pdfs/uksi_20170487_en.pdf> and <http://www.legislation.gov.uk/uksi/2017/487/regulation/2/made> [↑](#footnote-ref-3)
4. CFO – Chief Financial Officer, Chief Operating Office [↑](#footnote-ref-4)