

**Minutes of the meeting of the Board of Trustees held on  
Tuesday 14<sup>th</sup> May 2019 at 18:30  
at Archbishop of York's CE Junior School**

**Present:** Mr I Dolben; Ms S Powley; Ms M Setty; Mr A Pennington; Mr J Williams (until 21:00); Mr T Flemming; Mr I Warman (Chair).

**In Attendance:** Ms L Savage (CEO, South York MAT);  
Mr S Bradford (CFO, South York MAT);  
Ms J Scholes (Facilities Manager, South York MAT) (until 19:00);  
Mr D Barton (Health and Safety Risk Manager, NYCC) (until 19:00);  
Ms C Lajoinie (Governance Advisor, City of York Council).

**1. WELCOME, APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

The meeting began at 18:40.

The Chair thanked Mr J Green, Headteacher at AYJS, for the tour of the school site and welcomed Mr D Barton (Health and Safety Risk Manager, NYCC) and Ms J Scholes (Facilities Manager, South York MAT), going on to thank them for finding the time to present information on Health and Safety to the Board.

Apologies for absence were received, with consent, from Ms C Graham-Brown and Mr M Horne.

There were no declarations of interest.

**2. HEALTH AND SAFETY PRESENTATION**

Mr D Barton, Health and Safety Risk Manager at NYCC  
Ms J Scholes, Facilities Manager, South York MAT

Mr D Barton introduced himself, and advised that he worked across City of York Council and NYCC providing a shared schools' Health and Safety traded service. The role was outlined as requiring a 'regulation seven' competent person to manage health and safety at work with respect to regulations and advice. Trustees were advised that they were ultimately accountable for health and safety at the Trust and that their role was vital in ensuring that the relevant policies, procedures, checks and balances were in place. Trustees were advised that they would be held accountable in the case of a claim or should the Health and Safety Executive (HSE) become involved. Mr Barton noted that trustees must be proactive with respect to their responsibilities, drawing an analogy to governance and trustees' roles in asking challenging questions and actively checking relevant matters. Mr Barton went on to advise that trustees' discussions at board level could then be minuted as evidence and the board would be able to demonstrate that the appropriate checks and challenges were taking place. Mr Barton outlined the current context with respect to HSE prosecutions and gave

examples which demonstrated the level of knowledge and oversight required of trustees, going on to advise that the level of awareness and knowledge needed was such that the LA would always recommend additional expert advice was sought by schools and MATs. Mr Barton then outlined elements related to general regulations and additional standards that also applied in educational contexts.

Mr Barton advised that local level policies were also required, which would serve to support the MAT level policy; going on to give examples, such as the Lone Working Policy, which would identify and address different risks in different locations. Mr Barton encouraged trustees to make active use of the service noting that the Trust had a dedicated advisor, in addition to a helpline and email support. He urged trustees to accept the advice given by the service regardless of cost implications, cautioning that the service might take on a prosecution role, in addition to a defence role, during any prosecutions. Examples were given of issues that had arisen in other settings when proper advice had not been followed due to cost implications.

Questions were invited from the board.

The CEO observed that there was an overarching MAT Health and Safety policy in place and additional academy level policies, going on to ask Ms J Scholes (Facilities Manager, South York MAT) to expand on current procedures in place. Ms J Scholes noted that Fulford School's Health and Safety Lead Governor would be visiting Fulford School in the following week for an initial visit. Mr Barton added that all schools in the Trust would now receive three visits per year which would focus on paperwork evaluation, premises and a fire risk assessment respectively.

In response to a question Mr Barton confirmed that his service could provide a pack of *pro-forma* risk assessments, checklists for termly inspections, fire safety notices, accident *pro-forma* and generic health and safety notices. Mr Barton cautioned that not all the *pro-forma* were applicable and added that they must be developed to be site specific, noting that advice could be given with respect to this. Mr Barton outlined the level of detail needed in a risk assessment and again stressed that advice and help was available through his service and the LA.

In response to a question from the Chair regarding transport on and off site, trustees discussed responsibility for home to school transport, current risk assessments in place, reporting and appropriate safety measures.

The Chair thanked Mr Barton and Ms Scholes for attending the meeting.

*Mr D Barton and Ms J Scholes left the meeting at 19:00.*

In response to a question, the CFO stated that he found the service good to work with and stated that they were quickly and easily available, were competent and had performed relevant visits on time since conversion and that all identified actions had been completed. The CFO then recommended that the Board now needed to identify how they would like to perform the appropriate level of oversight and on relevant reporting mechanisms. Trustees discussed these aspects and agreed that the Board needed to know that actions and statutory checks were being completed in addition to independent review and actions. The Chair requested reporting by exception to the Board in relation to outputs.

In response to questions from trustees, the CFO confirmed that there was a possible use for the newly purchased compliance software in monitoring the completion and review of risk assessments and observed that Fulford School had a review schedule for various health and safety checks, which were reported at the relevant Sub-Committee, in addition to an annual audit. Trustees discussed practice at the Trust's schools, the need for health and safety link governors and the Headteacher's responsibility in relation to the matter.

Trustees discussed appropriate oversight and reporting mechanisms and agreed to delegate this aspect to the Trust Finance and Resources Sub-Committee. Trustees discussed annual reports and randomised spot checks as possible useful approaches.

***Agenda – Finance and Resources Trust Committee:  
Health and Safety oversight and reporting mechanisms***

**3. MINUTES OF THE MEETING HELD ON 11<sup>th</sup> April 2019**

A trustee noted a typo on page 10 – 'excalate' instead of 'escalate'. The Chair corrected this in pen.

**Resolved:**

**Trustees considered and approved the minutes as a true and accurate record of the meeting. The Chair was duly authorised to sign the minutes.**

**4. ACTION PLAN AND MATTERS ARISING**

**Action Plan:**

With reference to the action plan from the meeting of 11<sup>th</sup> April 2019

AP1: *CEO to follow up on a response from the Finance Director at CYC to the letter/action outlined below:*

*Chair to contact City of York Council Director of Finance to request a meeting to discuss Pensions' matters related to the creation of SYMAT. Trustees agreed that the CFO would draft a letter to the Finance Director at CYC, which would be signed by the Chair of Trustees and copied to the relevant Elected Member.*

This action was marked as ongoing and delegated to the Finance and Resources Sub-Committee.

AP2: *Develop a Central MAT Budget and separate costs accordingly*

This action was marked as ongoing.

AP3: *CFO to contact academies and explain accounting practice in relation to School Funds.*

Trustees were informed that this action point and potential options had been discussed with the auditors and would be discussed further with the CEO before schools were informed.

AP4: *The Vice Chair agreed to submit his review and analysis of the Skills Audit/Matrix data and process at the next SCGR Cttee meeting.*

This action was marked as to follow at the next Standards, Curriculum, Governance and Risk Trust Committee meeting.

AP5: *Amend the Church Schools' Development Group Terms of Reference to show two meetings per year*

This action was marked as completed.

AP6: *Consider, review and amend the trust committees' terms of reference; chairs of all three committees/groups to confer on consistent formatting and structure.*

This action was marked as ongoing.

AP7: *Mr A Pennington to provide termly Trust update reports to the Members.*

Mr A Pennington stated that this was currently under preparation and would be shared with Members following this meeting.

AP8: *CFO to research Gift Aid in relation to donations received by individual schools.*

The CFO clarified that if a donation were received from a company then gift aid would not apply.

AP9: *CEO to ask Fulford Minds to present to the Full Board at the July meeting.*

This action point was to be confirmed at a later date.

AP10: *CEO to forward Ms M Setty contact details for Mr D Bodey and 'Fulford Minds'.*

This action point was marked as closed.

AP11: *The Clerk agreed to formally invite and collate information related to Trustees' attendance at the Curriculum Planning Day.*

The Clerk informed the Board of responses so far received. The CEO advised that due to unanticipated circumstances, she now advised that the invitation for trustees to attend this event had been withdrawn.

AP12: *The CEO agreed to forward a more up to date presentation on the new Ofsted Framework to the Clerk for circulation.*

This action was marked as completed.

AP13: *Clerk to amend the Scheme of Delegation with respect to the addition of Trust powers to take control of negative school budgets when necessary.*

This action was marked as completed.

AP14: *The Clerk agreed to forward Fulford School's School Improvement Committee Terms of Reference to all Trust Committee members for comparison.*

This action was marked as completed.

AP15: *Mr J Williams agreed to examine the Committee's Terms of Reference with the Chair.*

This action was marked as completed.

AP16: *The CFO agreed to ask E3Cube if there was the opportunity for a reduction in cost based on the lack of competitive tendering for the contract.*

The CFO advised that this action point be closed, noting that a new bid was now underway. The CFO went on to note a future value for money report related to the capital work completed at Fulford School and a future tender for further capital work at Fulford School at the next meeting.

***Agenda: Science Laboratories tender***

***Agenda: Value for money CIF report***

In response to a question from the Chair, the CFO stated that a proposal had been sent to the ESFA regarding the return of funds and that their response was currently outstanding.

AP17: *The CEO agreed to check the newly proposed meeting dates for the SCGR Committee.* This action was marked as completed.

**Matters arising:**

There were no matters arising.

**5. MATTERS REPORTED OR ESCALATED FROM LGBS**

The Clerk agreed to request positive confirmation if no response were received from the Headteachers or Chairs when contacted prior to the Board of Trustees meeting.

***Action: Clerk to request positive confirmation from Trust schools' Chairs of Governors and Headteachers if no reply were received regarding matters to report to the Board in advance of a meeting.***

**6. CORRESPONDENCE RECEIVED**

Trustees were informed that two letters had been received from two South York Partnership schools:

1. St Oswald's CE Primary School
2. Fishergate Primary School

; both of which informed the Trust of their respective governing boards' decisions not to convert to academy status at this time, and their intention to return conversion grants and remain as maintained schools. Both schools had stated a wish to continue close links and working practices with the South York partnership.

There followed a robust discussion which considered the reasons underlying these two decisions, clarity with respect to the benefits of joining the Trust, future steps and marketing outside of the current geographical grouping, opportunities within the current challenges, morale, positive relationships and their continuation, future strategy, reactive and more considered responses, place planning and its relation to possible expansion, delineation of benefits to maintained schools remaining in the wider local partnership and to those schools who had joined the Trust. Finally trustees noted the importance of maintaining good, open relationships with the schools in the partnership and discussed how and when key points would be communicated.

***Action: The CEO stated she would discuss Headteacher Strategy Group and Chairs' Forum meetings with the Trust's Headteachers and review meeting dates, proposing a move towards separate cluster Headteacher meetings as an initial change.***

Trustees then discussed how to move forward positively, embracing the challenges now faced. It was noted that there was an opportunity to deepen current relationships, consider

the meeting structures and workloads more actively and to consolidate progress and lessons learned.

## **7. CEO UPDATE**

The CEO gave a brief verbal update noting that a £20,000 donation had been received by Fulford School, as had the full amount of CIF funding that had been bid for. Trustees were informed that a productive dialogue was developing with and between the LA, Danesgate and the Trust with respect to various issues related to conversion.

The CEO advised of two possible funding agreements that would be considered by the Council's Executive in June for Danesgate and Fulford respectively. With respect to the Strategy Away Day, trustees were informed that Maxine Squire, Assistant Director of the Children, Education and Communities Directorate (Education) at City of York Council and Amanda Hatton, Director of the Children, Education and Communities Directorate.

The CEO noted a number of recruitment processes, currently ongoing and observed that the 'examination season' had started and was progressing smoothly at this time. Trustees discussed current numbers in Trust schools noting increases at secondary level and decreases in roll at the primaries.

## **8. STRATEGY AWAY DAY**

Trustees discussed the strategy away day, confirming invitees and topics for discussion. The following was agreed:

- Away day - 09:30 -16:00
- Pathfinder MAT presentation and questions – one hour
- LA presentation and questions – 60 minutes
- Staff Mental Health – 45 minutes
- Risk – process, division of responsibility, reporting – 60 minutes
- Trust development plan – 90 minutes

## **9. SUB-COMMITTEE REPORTS**

### **9.1 FINANCE AND RESOURCES SUB-COMMITTEE**

Previously distributed.

The Chair noted that the minutes from the meeting held on 28<sup>th</sup> March 2019 were attached and highlighted the following topics as having been discussed: Terms of reference, updated Finance Handbook, top slice and strategy away day planning.

*Mr A Pennington left the meeting at 20:20*

With respect to the most recent meeting of 8<sup>th</sup> May, the CFO gave a brief verbal update noting that the Trust had to report to the ESFA three times per year, and that the committee had met to consider the forecast outturn going on to add that the three year forecast would be considered in July. Trustees considered the CFO Report, circulated, noting headlines from the forecast outturn and current indicative outcomes related to the three year forecast. Trustees were informed that the three year forecast did not include the top slice, and costs were currently represented in Fulford School's budget. The CFO stated that he would be

visiting the Trust's schools individually to assess the impact of the agreed topslice on school budgets.

The Chair explored possible ramifications with the ESFA related to certain budgetary matters, asking for further clarification related to the levels at which key trigger points would become an issue.

***Action: The CFO agreed to ascertain which indicators would trigger the involvement of the ESFA at both MAT level and individual school level.***

The Chair asked that any actions planned in relation to a reduction in pupil numbers be represented in the CFO's report. The CFO observed that primary school budgets were very sensitive to minor changes, and gave an example of substantial change due to organic staff movement.

Mr A Pennington returned to the meeting at 20:25

The Chair of the Committee advised that the committee had also briefly discussed the Trust's website and had reached the conclusion that there needed to be a couple of incremental changes to the front page, but that the Trust should consider the development of an overall Communications Strategy which would also consider the development of the Trust's web presence in general, design and focus.

## **9.2 STANDARDS, CURRICULUM, GOVERNANCE AND RISK SUB-COMMITTEE**

Previously distributed.

The Chair of the Committee advised that there had been no further meetings since that related to the minutes, as distributed; going on to state that the main issue for the committee related to improving communication with LGBs, and the need to avoid duplication of key work, awareness of Headteachers' workload and the need to develop MAT wide processes of benefit to the Trust's schools.

## **9.3 CHURCH SCHOOLS' DEVELOPMENT GROUP**

The Chair of the development group had given her apologies, and so Mr J Williams development group member, gave trustees a précis of the recent meeting. He highlighted workload issues for Headteachers, diocesan expectations of governance at trustee level and explorations of how to improve and develop the relationship with the diocese by focussing on collective benefits and opportunities to share practice across the Trusts' schools. The CEO agreed that there had been concern expressed regarding the implications on Headteachers' workloads and whether the level of scrutiny asked for was appropriate.

Trustees engaged in a comprehensive discussion regarding reporting responsibilities, the appropriate amount of scrutiny at Trust Committee and LGB levels, the risk of duplicating reporting and the role of trustees in monitoring and challenging local governance's scrutiny as opposed to scrutinising key reports directly.

Trustees felt that further clarity related to outcomes would be established once the Trust Development Plan had been developed, agreeing that the Board should also consider progress measures and not seek to become a 'compliance committee'. The CEO observed that the value and quantity of information shared was critical to the functioning of the Trust

as a whole. Trustees were informed that the group had agreed key documents that would be considered in relation to a SIAMS Inspection.

The Clerk advised that the remit of the development group had been agreed at the meeting.

## **10. MAT-WIDE POLICY REVIEW**

### **10.1 TRUSTEE CODE OF CONDUCT**

Previously distributed.

Trustees were informed of some minor typographical amendments which were unanimously approved.

Trustees then turned their attention to a second issue which related to one Trustee's potential conflict of interest in relation to point 3.15. Trustees were informed of the context and potential issues which surrounded the conflict in general. It was noted that there was currently a lack of consensus in relation to the interpretation of the clause with specific reference to published academic research.

Trustees thoroughly discussed and explored nuances related to the issue and possible future implications. Aspects related to the difference between academic research and journalism were discussed, as were associations with the MAT, public perception, unknown research outcomes and conclusions, generalised frameworks in opposition to specific entities, academic freedom, difficulties in divorcing individual opinion from research conclusions and the related impact on the institution of which the individual might be a trustee, and implications for one Member in this regard as an academic institution.

*Mr J Williams left the meeting at 21:00*

Trustees discussed risks, in-built safeguards of academic research, recent analogous events in the third sector and the interpretation of 3.15 and the ethos of the Trust as a whole.

***Action: Trustees agreed to consider the interpretation of 3.15 with specific reference to where the Board would be comfortable in establishing a 'line' with respect to publications in the public domain.***

***Agenda: Trustees' Code of Conduct.***

## **11. MATTERS TO SHARE OR DELEGATE TO LGBS**

- Fishergate Primary and St Oswald's CE Primary Schools' decisions to return their conversion grants and remain as maintained schools at this time.
- Finance budgets – three year outturns.

## **12. MATTERS TO REPORT OR ESCALATE TO MEMBERS**

- Fishergate Primary and St Oswald's CE Primary Schools' decisions to return their conversion grants and remain as maintained schools at this time.
- Mr A Pennington's termly Report to Members.



**13. ANY OTHER BUSINESS**

Mr T Flemming proposed that other schools be invited to an orientation discussion with the Headteachers, Chairs of Governors and the Trust Board. Ms M Setty agreed and stated that the Board should aim to do this within the next six months.

**14. DATE OF NEXT MEETING TO BE HELD AT FULFORD SCHOOL**

July 16<sup>th</sup> 2019

The meeting closed at 21:30

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Mr I Warman  
Chair

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Date

**ITEMS FOR FUTURE AGENDAS:**

- Fulford School Science Laboratories tender
- Value for money CIF report
- Trustees' Code of Conduct

**ITEMS FOR FUTURE FINANCE AND RESOURCES TRUST COMMITTEE AGENDAS:**

- Health and Safety oversight and reporting mechanisms