

**MINUTES OF PROCEEDINGS OF A BOARD MEETING HELD ON THURSDAY, 24 SEPTEMBER 2020 AT 2.00 PM** (blended meeting - in Antrim and by zoom)

**1. PRESENT** Ms S O'Connor (Chair)

Rev A Adams	Mrs S Kelly
Miss F Boyd	Sir Gerry Loughran
Mr D Cargo	Mr G Lundy
Mrs P Carville	Mr N McCausland
Mr J Craig	Dr A McMorrان
Mrs M Culbert	Mr O McMullan
Mr G Doran	Mr K Mulvenna
Dr M Dynan	Miss R Rainey
Rev R Herron	Ms N Toman
Mr M Johnston	

**2. IN ATTENDANCE**

Ms S Long, Mrs M Corkey, Mrs C Duffield, Mr D Hanna, Mrs U Turbitt, Mr S Wade and Ms L McCall.

Ms P Philpott, Board Room Apprentice, was in attendance.

**3. PROTOCOL FOR EA BLENDED AND REMOTE ATTENDANCE MEETINGS**

All present were observing the protocol.

**4. APOLOGY**

An apology had been received from Mr L Ó Flannagáin.

**5. DECLARATIONS OF INTEREST**

Members were reminded of the requirement to declare interests where appropriate during the course of the meeting.

**6. MINUTES OF BOARD MEETINGS**

**6.1 MEETING HELD ON 6 AUGUST 2020**

The Board approved the minutes\* (EAB/8/20/3) of the meeting held on 6 August 2020 on the proposal of Miss Rainey and seconded by Rev Adams.

**6.2 SPECIAL MEETING HELD ON 27 AUGUST 2020**

The Board approved the minutes\* (EAB/8/20/3) of the special meeting held on 27 August 2020 relating to EA's Standing Orders on the proposal of Miss Rainey and seconded by Mr Mulvenna.

**6.3 SPECIAL MEETING HELD ON 27 AUGUST 2020**

The Board approved the minutes\* (EAB/8/20/3) of the special meeting held on 27 August 2020 relating to Education Restart and the Interim Committee Structure on the proposal of Miss Rainey and seconded by Rev Adams.

## **7. MATTERS ARISING FROM THE MINUTES**

### **7.1 MEETING HELD ON 6 AUGUST 2020**

#### **7.1.1 EDUCATION TECHNOLOGY SERVICE (8.2)**

A presentation on the Education Technology Service had been provided to the Education Committee at its meeting on 10 September 2020.

#### **7.1.2 DEPARTMENT OF EDUCATION'S WORKING GROUP ON UNDERACHIEVEMENT (8.2)**

Ms Long said that that Chair had written to the Minister to convey the Board's interest to engage with the Expert Panel on Educational Underachievement. She also said that the Permanent Secretary had undertaken to forward the terms of reference for the Expert Panel to the Board in due course.

Ms Long said that a letter had been received from the Chair of the Expert Panel setting out the arrangements for EA's engagement with the Expert Panel. A copy of this letter would be circulated to Members. Ms Long asked Members to indicate their willingness to take part in attending an evidence gathering session with the Expert Panel.

***Actions:** Copy of letter from the Chair of the Expert Panel to issue to Members, and Members to indicate their willingness to engage in the evidence gathering session with the Expert Panel.*

#### **7.1.3 FINAL OUTTURN 2019/20 AND INITIAL BUDGET PLAN 2020/21 (9.1)**

A report on grant allocations to Voluntary Grammar and Grant Maintained Integrated (VG/GMI) schools would be presented to the Finance and General Purposes Committee at its next meeting.

### **7.2 SPECIAL MEETING HELD ON 27 AUGUST 2020**

#### **CCEA CONSULTATION ON PROPOSED CHANGES TO 2021 EXAMINATIONS (7)**

An informal meeting involving a number of Board Members and officers had taken place to discuss CCEA's consultation on proposed changes to the 2021 examinations. The response had been submitted to CCEA and circulated to all Board Members for information.

## **8. CHAIR'S BUSINESS**

### **8.1 BOARD ROOM APPRENTICE**

The Chair welcomed Ms Philpott to her first meeting of the Board as Board Room Apprentice.

### **8.2 MEMBERSHIP OF COMMITTEES**

On the proposal of Miss Rainey, seconded by Mr Lundy, the Board approved the appointment of the following Members to the Committees detailed below:

- Ms F Boyd - Education Committee and Children and Young People's Services Committee;
- Mr L Ó Flannagáin - Education Committee and Children and Young People's Services Committee;
- Mr M Johnston - Finance and General Purposes Committee, Education Committee, Shared Education Committee, and Children and Young People's Services Committee; and
- Ms N Toman - Children and Young People's Services Committee.

### **8.3 REMUNERATION COMMITTEE - REPORT ON MEETING HELD ON 26 AUGUST 2020**

The Chair said that the 2019/20 performance reviews for Directors and Assistant Directors had been undertaken in accordance with contractual pay frameworks to enable annual pay progression. She reported that the Remuneration Committee had met on 26 August 2020 to consider and approve proposals for Directors and Assistant Directors pay progression with effect from 1 April 2020. It was noted that, as at 1 April 2019, all remaining senior managers on the legacy ELB performance related pay arrangements had been aligned to the EA Performance Review and Pay Progression arrangements for Assistant Directors.

### **8.4 NIAO FOLLOW UP REPORT ON SPECIAL EDUCATIONAL NEEDS (SEN)**

Ms Long said that the NIAO SEN Report was due to be published on 29 September 2020. She advised that the report would set out 10 recommendations for improvement and was calling for a review of SEN provision. Media interest was anticipated following publication of the Report.

### **8.5 COMMUNICATIONS STRATEGY**

Ms Long said that a Board Member workshop on the draft Communications Strategy would be held in October. A date for the workshop would be circulated to Members.

*Action: Circulate date to Members for a workshop on the draft Communications Strategy.*

### **8.6 INTERIM STAFFING COMMITTEE**

The Board agreed to receive the report on this item at the end of the meeting.

## **9. CHIEF EXECUTIVE'S REPORT**

### **DELEGATED POWERS TO CHIEF EXECUTIVE**

The Board noted that the Chief Executive had ceased to transact business on the Board's behalf with effect from 1 September 2020 and that normal procedures had been implemented. Details were set out in the paper\* (EAB/9/20/8.1).

## **10. MINUTES OF COMMITTEES AND SUB-GROUPS**

### **10.1 EXPULSION COMMITTEE - MEETING HELD ON 8 SEPTEMBER 2020**

A Member received feedback from the Chair of the Expulsion Committee on the requirement to hold the meeting on 8 September.

Members again discussed the need for a review of the processes relating to the Scheme for the Expulsion of Pupils from Controlled Schools. They drew attention to the need for EA to consider the various support mechanisms available to schools to provide for earlier interventions for children and young people. They highlighted that a school's preparation for an expulsion should be part of the overall school improvement programme. They also highlighted the importance of ensuring that Boards of Governors and school leaders were trained appropriately when preparing for cases of expulsion.

Members again referred to a conflict of interest that existed for Board Members to serve on expulsion committees.

Ms Long said that a Board Member workshop on the expulsions process had been scheduled for early April 2020. However, due to the out-workings of Covid-19 at that time, the workshop had been postponed with the intention that a workshop would be held when it was considered appropriate. She advised that a date for the workshop would be circulated to Members.

The Board agreed that:

- a letter would be sent to DE officials seeking the timeframe within which DE's review of the policy for the suspension and expulsion of pupils from controlled schools would be completed; and
- NIAO would be asked to undertake a review of the expulsions process for pupils attending grant aided schools.

**Actions:** *Letter to be sent to DE seeking the timeframe within which DE's review of the policy for the suspension and expulsion of pupils from controlled schools would be completed; NIAO to be asked to undertake a review of the expulsions process for pupils attending grant aided schools; and circulate date to Members for a workshop around the expulsions process.*

## **10.2 EDUCATION COMMITTEE - MEETING HELD ON 10 SEPTEMBER 2020**

The Chair of the Committee said that the response to CCEA's consultation on proposed changes to the 2021 examinations had been submitted in the name of the Education Directorate. A copy of the response had been circulated to all Board Members. He advised that the Committee had considered the area planning framework for specialist provision in mainstream schools and had approved the arrangements to publicly consult on the framework in the Autumn term. He also advised that presentations had been provided to the Committee on C2K and the Education Technology Services Programme, including the risks associated with the programme.

A Member sought clarification on the development of the new on-line system for post primary admissions for 2021 which had been RAG rated as red in the Education Highlight report. It was noted that, as part of an agreed digital transformation strategy, the on-line admissions processes for pre-school and primary were already in place and the on-line post-primary admission process was scheduled for implementation for September 2021. The Member expressed concern that the compressed timeline for post-primary admissions for September 2021 could impact significantly on EA's normal routine business. Mr Hanna outlined the risks associated with the compressed timeline, particularly in the context of Covid-19, and the actions being taken by officers, in working along with DE, to mitigate against those risks.

A Member urged caution in respect of any potential association with unregulated test providers. A Member also urged caution in respect of GDPR considerations.

Mr Hanna said that DE was currently finalising the proposed timetable for post primary admissions with a view to publishing it in the coming days. This information, when finalised, would be shared with Members.

At the Chair of the Committee's request, Mrs Corkey provided an updated report on the Education Restart Programme. This included meetings involving officers of the Public Health Agency, the Chief Medical Officer, and EA on a twice weekly basis, the role of the link officer in engaging with school leaders, the most recent guidance issued to schools, the engagement with DE in respect of resources for schools and remote learning, as well as issues to be addressed concerning connectivity.

A Member queried whether the lessons learned from Education Restart could be identified and shared across the school community in order to share good practice. Mrs Corkey said that a lessons learned exercise was currently taking place involving school leaders. It was also hoped that locality networks would recommence which would facilitate the sharing of good practice.

A Member said that the Education Highlight report had referenced risks to schools in respect of recruiting specialised substitute teachers. She asked for a report on this matter to be presented to the Membership and Teaching Appointments Committee and, if appropriate, any other relevant Committee. This was agreed.

A Member outlined concerns that a small number of teachers were not observing the guidance around the appropriate wearing of PPE in schools which could result in children and school colleagues being put at risk. Mrs Duffield said that this issue had also been discussed with the teaching unions. She outlined the role of HR business partners and link officers to support schools in this area.

A Member referred to the rising number of partial school closures and queried the arrangements to track the educational days lost to pupils in these schools. Members were concerned at the impact of the disruption to the education of the current cohort of pupils. Mrs Corkey said that EA was monitoring the attendance of staff and pupils for its own information. A survey was currently taking place with schools to understand more fully the impact on teaching and learning. She also drew attention to the role of the Public Health Agency to manage data around the impact of school closures.

A Member expressed concern at the impact of Covid-19 on school meal provision, particularly with regard to those children with FSM entitlement. Mr Hanna outlined the work which had taken place with schools at the start of the academic year with regard to catering arrangements and the work which continued to ensure that schools would be back to normal catering arrangements as quickly as possible.

The Chair of the Committee queried the arrangements for coding pupils and members of school staff who were required to self-isolate. It was noted that special coding was being used for self-isolation in order that pupils would not be identified as being absent and to track costs for members of staff.

A Member commended officers for the interface with the Public Health Agency and the supports provided to schools.

On the proposal of Rev Herron, seconded by Mr Mulvenna, the Board approved the minutes\* (EAB/9/20/8.2) of the meeting held on 10 September 2020.

**Action:** Report to be provided to MTAC, and any other relevant Committee, on the challenges facing schools to recruit specialised substitute teachers at the current time.

### **10.3 CHILDREN AND YOUNG PEOPLE'S COMMITTEE - MEETING HELD ON 10 SEPTEMBER 2020**

The Chair of the Committee reported that all children with statements of educational needs had been offered a place in a special school or mainstream school, as appropriate, before September and that less than five children had remained without a confirmed place at the start of September. He said that work continued to reconfigure some classrooms to meet the needs of children in special schools.

The Chair of the Committee referred to additional arrangements that were being put in place in line with PHA guidance for a number of children at school requiring medical interventions involving an Aerosol Generating Procedure.

The Chair of the Committee drew attention to minutes of meetings of the Statutory Operations Members' Sub-Group held in June and September, the terms of reference for the Sub-Group, and the Strategic Assessment and Programme Mandate Proposal in

respect of the SEND Strategic Development Programme. He also drew attention to the range of improvements within the Statutory Operations Improvement Plan and the concerns raised by the Committee in respect of the need to implement more timely interventions at Stage 3 of the SEND Code of Practice to address the needs of children with SEN who were at risk of suspension or expulsion.

The Chair of the Committee said that the Committee had noted the Area Planning Framework for Specialist Provision in Mainstream Schools. This framework had also been considered by the Education Committee on 10 September.

It was noted that the Chief Executive, as part of her delegated authority, had approved statements of special educational needs on the Committee's behalf from April to August 2020, the details of which had been provided to the Committee.

On the proposal of Mr Craig, seconded by Miss Rainey, the Board approved the minutes\* (EAB/9/20/8.3) of the meeting held on 10 September 2020.

#### **10.4 CHILD PROTECTION AND SAFEGUARDING COMMITTEE - MEETING HELD ON 10 SEPTEMBER 2020**

The Chair of the Committee said that a matter involving an investigation had been discussed in committee and he outlined the actions agreed by the Committee. He also referred to guidance which had been implemented for EA Child Protection and Safeguarding Officers when conducting an Individual Agency Review (IAR), on behalf of the Safeguarding Board for NI, as part of a Case Management Review (CMR). Guidance had also been introduced for school safeguarding teams on IAR and CMR processes. It was noted that positive feedback had been received from stakeholders on the new guidance.

The Chair of the Committee extended appreciation to officers on their sensitive handling of a number of CMR cases. He said that the Committee, at its next meeting, would give consideration to relevant recommendations of completed CMR cases.

The Chair of the Committee reported on an incident involving a young person. He advised that officers had acted promptly in the matter and he outlined the action being taken by the Committee.

On the proposal of Mr Cargo, seconded by Mr Lundy, the Board approved the minutes\* (EAB/9/20/8.4) of the meeting held on 10 September 2020.

#### **10.5 COMMITTEE STRUCTURE REVIEW SUB-GROUP - MEETING HELD ON 14 SEPTEMBER 2020**

Ms Long said that the Sub-Group had considered a paper setting out the proposed functions for a new Committee structure and the approach to manage the delivery of EA's strategic priorities through the proposed structure. She said that, as agreed by the Sub-Group, this paper had been circulated to all Board Members. A Member referred to the need to give close attention to the model of representation for Committee membership.

Ms Long said that the Sub-Group had also considered the draft Scheme of Delegation. The draft Scheme would be presented to the Board, at either the October or November meeting, for consideration and approval.

On the proposal of Mr Johnston, seconded by Mr Craig, the Board approved the minutes\* (EAB/9/20/8.5) of the meeting of the Sub-Group held on 14 September 2020.

## 10.6 FINANCE AND GENERAL PURPOSES - MEETING HELD ON 16 SEPTEMBER 2020

The Chair of the Committee referred to the financial position for the four months ending July 2020. In July, EA had received additional allocations amounting to £15.6m (£12.5m for SEN and £3.1m for Rates), £35.7m for Earmarked allocations and £2.5m for Youth Earmarked programmes. He said that the July MEMR was showing an overall estimated funding gap of £77.352m, excluding Earmarked and Youth, and an estimated block grant funding gap of £77.163m after estimated savings of £17.611m. He advised that no costs had been included in the financial profile in respect of Education Restart. These costs would be forecast once they were finalised and agreed between EA and DE.

The Chair of the Committee said that the Committee had noted the Rural Needs Annual Report for 2019/20 which set out EA's compliance to its obligations under The Rural Needs Act (Northern Ireland) 2016. He referred to arrangements for the implementation of a Public Sector Resourcing Framework for contingent agency staff, which was in place for agency staff requisitions from 1 September 2020, and to the outcome of a review into EA's commercial insurance arrangements for 2020/21. He also drew attention to arrangements that were being put in place for a CPD collaborative contract across Government departments for the provision of natural gas, and to a review which was being carried out by DE into the future operation of the Mini Model Day Care Centre in Belfast.

Attention was also drawn to the report on tenders and land and property transactions.

A Member said that a number of educational provisions would be unable to avail of the benefits of the flexible contract for procuring natural gas as not all areas across the region would have access to natural gas. He also queried the number of policies that had been changed as a result of The Rural Needs Act. This information would be provided to the Member. Ms Long referred to the recent CPD collaborative contract using flexible purchasing for the procurement of electricity across the NI public sector. She said that all schools were able to avail of this flexible contract.

A Member received clarification on the preferred position of the Board of Governors of Belfast Model School for Girls with regard to the future operation of the Mini Model Day Care Centre. He said the purpose of the North Belfast City Learning Centre initiative was to provide holistic support to the children and families attending the Day Care Centre through a range of services involving a number of Government departments. He pointed out that the Centre was mainly used by families who did not attend the school. He asked for the review to focus on the holistic support provided by the Centre to this community.

A Member referred to the significant financial challenges facing schools in light of Covid-19 and particularly the costs associated with teacher substitution cover. Mr Wade referred to the additional £42m secured by the Minister to support Education Restart for term 1. He said that £11m of this allocation related to teacher substitution cover. Schools had been asked to use a discrete finance code for any additional costs incurred as a result of Covid-19. Schools would be monitored for these additional costs in term 1 and this information would support the Minister when submitting further bids for terms 2 and 3. He advised that further information on the detail of bids submitted for Education Restart and the level of funding supported to date would be provided to the Finance and General Purposes Committee.

In response to a Member's query, Mr Wade said that the additional funding secured by the Minister for Education Restart related to all schools, including VG/GMI schools.

A Member referred to the significant time spent by teachers for class preparation in the

context of Covid-19. Ms Long drew attention to the recent outcome of the negotiations into teachers' pay and workload conditions. One element of this agreement would ensure that teachers' workload would be monitored going forward.

The Board noted the report and the actions being taken by officers to work with DE in respect of profiled pressures. It noted that EA continued to operate at significant financial risk.

On the proposal of Mr Doran, seconded by Mrs Carville, the Board approved the minutes\* (EAB/9/20/8.6) of the meeting held on 16 September 2020.

**Action:** Member to receive information on the number of policies changed as a result of The Rural Needs Act (Northern Ireland) 2016.

## **10.7 MEMBERSHIP AND TEACHING APPOINTMENTS COMMITTEE - MEETING HELD ON 16 SEPTEMBER 2020**

The Chair of the Committee provided an update on the current position regarding reconstitution of Boards of Governors. This included the Committee's oversight of the increasing number of co-opted appointments to Boards of Governors, and its concern with regard to the increasing number of resignations across all constituencies.

The Board noted the minutes\* (EAB/9/20/8.7) of the meeting held on 16 September 2020, including the principal, vice principal and teacher appointments.

## **11. ANY OTHER NOTIFIED BUSINESS**

### **CODE OF CONDUCT FOR BOARD MEMBERS**

A Member referred to the Code of Conduct for Board Members and asked the Board to be mindful of the engagement between Members where meetings were conducted in person and by electronic means.

## **12. DISCUSSION IN COMMITTEE - INTERIM STAFFING COMMITTEE**

*Ms S Long, Mrs M Corkey, Mrs C Duffield, Mr D Hanna, Mrs U Turbitt, Mr S Wade, and Ms P Philpott withdrew from the meeting.*

On the proposal of Mr Craig, seconded by Miss Rainey, the Board agreed to discuss this item in committee.

The Chair of the Interim Staffing Committee provided a report on a confidential matter.

On the proposal of Mr Craig, seconded by Miss Rainey, the Board agreed to resume the meeting.

While in committee, the Board had noted a high level progress report on a matter being taken forward by the Interim Staffing Committee.

## **16. DATE OF NEXT MEETING**

The next meeting would be held on 22 October 2020.

The meeting ended at 4.15 pm.

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**Chair**

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**Chief Executive**

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**Date**

\*Paper issued with agenda

\*\*Paper tabled