



House of Commons
Education Committee

The Role of School Governing Bodies

Second Report of Session 2013–14

Volume II

Oral and written evidence

*Additional written evidence is contained in
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at www.parliament.uk/educom*

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The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and its associated public bodies.

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Taken before the Education Committee

on Wednesday 30 January 2013

Members present:

Mr Graham Stuart (Chair)

Neil Carmichael	Ian Mearns
Bill Esterson	Chris Skidmore
Pat Glass	Mr David Ward
Siobhain McDonagh	Craig Whittaker

Examination of Witnesses

Witnesses: **Emma Knights**, Chief Executive, National Governors' Association, **Fergal Roche**, Chief Executive, Ten Professional Support, **Frank Newhofer**, School Governor, and **Richard Gold**, School Governor and Education Lawyer, gave evidence.

Q1 Chair: Good morning and welcome to this meeting of the Education Select Committee, as part of our inquiry into the role of school governing bodies. We do appreciate you giving up your time to be with us today, particularly when you are nursing an injury, Fergal. You have come here heroically anyway, so thank you. We tend to be quite informal here and use first names, so I hope you are all comfortable with that.

The role of the chair of a governing body is pretty important to the effectiveness of that group—you can always tell me if you disagree. How likely is it that someone who is a weak chair will leave office? How does one get rid of a weak chair of governors, given how critically important they are to the effective functioning of the governing body?

Emma Knights: In practice it has been quite difficult for governing bodies to address that issue. That is why we were really, really pleased that the Government raised the whole issue of the importance of chairs. The fact that the National College has had the chairs development programme, albeit it is still quite small and in its infancy, has really raised the profile of chairing, which is an incredibly good thing because, as you say, it is absolutely key to effectiveness. One of the implications we are noticing on our advice line is that more governing bodies are now ringing us and saying, "Oh no, people have not volunteered. Someone stepped down this September and when we looked round the governing body, nobody put their hand up." But actually, I think that is probably right and proper, because in the old days, as it were, people did feel obligated to do it and perhaps they did not have the right skills, the right knowledge or the right time. It is important we are now moving into a system where people really do value chairing and we make sure we get people doing that role who really can chair well.

Fergal Roche: I am very familiar with the poor chair role. I was persuaded to get involved with a governing body in Lambeth when I really was not in a position to do so and it was pretty disastrous. The head was very strong, but the governing body was extremely weak. I agreed to do it for a few months and that was about four years ago. The only way I have been able

to perform the function of chair is by making sure that the three committee chairs are very strong. We have got the development plan, which is based on Ofsted criteria, and the committee chairs have to satisfy themselves that the school executive are giving them evidence that they are moving towards improvement in each of those areas. We have got a structure where it is much simpler to run the governing body, so my role is not anything like as onerous as it used to be, and I think it can be done.

Q2 Chair: Is there any way of getting rid of a chair who is alone in thinking they are doing a good job while everyone else thinks they are not? Should there be?

Richard Gold: Eventually you can get rid of the chair because the chair comes up for re-election every year. The underlying question is whether the governing body is strong enough to do that. A weak chair, to my mind, is often a symptom of a weak governing body anyway; that is much more of a problem.

Q3 Chair: What I have noticed in politics is if you get an idle or particularly poor Member of Parliament, of whichever party, people will resign from the party because they have got a lousy Member of Parliament and leave him in place, rather than encourage their friends to join to get rid of him. There tends to be this tendency to walk away rather than to replace the person who is causing a problem.

Richard Gold: Yes, but I think the bigger problem is not so much the weak chair of governors as the over-dominant chair of governors; it is the chair who regards the school and the governing body as his or her own fiefdom and will not brook opposition. That can be very intimidating. It can make it very difficult for perhaps the minority of governors—perhaps new governors coming in—who do not like what they see, to get some action together and get the chair voted off.

Frank Newhofer: It does also indicate the importance of some external body that has the capacity to monitor the school on a regular basis and knows the school and can intervene from an external perspective. I think Emma is right in what she said. There very often are weak governing bodies that have put up with

incumbent chairs for too long and it does require external intervention to bring that to the surface.

Fergal Roche: We have agreed that we will do a 360-degree appraisal on the chair every year. I thought that was a great idea and someone said, “When are you going to have it done?” so I had it done a few months ago. I have put my response to it in my evidence. Having to go through that process means a chair has to account for weakness. Every chair is going to have some area of weakness, so you would hope that that might be a device that could be quite useful.

Emma Knights: Absolutely. I was going to mention that the chairs development programme has that as the first step. The National College use the word “diagnostic” rather than “360 review”, but that is what it is, and we are really keen to encourage chairs to do that, because I completely agree with Fergal. I would also like to say that there are some chairs who are absolutely fabulous at chairing their governing bodies, and good governing bodies have succession plans; they look to who else they have got on the board that they could train, develop, use as vice-chair or chair of a committee, and all sorts of other ways. I would not want you to be left with the impression that it is all impossible and terrible. There are ways of making this happen if you think about it.

Q4 Mr Ward: I am intrigued by the word “weak”, because a very weak chair of governors may be regarded by the head teacher as being wonderful, because “they always agree with me” and in fact are seen by the governing body as being a very good chair because everything is going very well and everybody is very happy. This idea that this weakness is really apparent and open for everybody to see is not my experience.

Emma Knights: I agree. Often the word “cosy” is used by all sorts: that cosy relationship between an often long-standing chair and a head. Heads can be very pleased to be governed in that way and the rest of the governing body perhaps does not feel able to challenge that duo. Having said that, one tends to generalise terribly when talking like this; on the other hand, there are some very good heads who positively want to be challenged and understand that, in order for their school to be a secure place, governance needs to be right and proper.

Q5 Siobhain McDonagh: Richard, do we really need school governors? Do they really contribute to the success of a school?

Richard Gold: They contribute to the success of a school in an intangible way. The involvement of people who are not professionally connected with the school is beneficial. The “critical friend” function is a very valuable one, and good head teachers and good senior leadership teams value that, because they have relatively disinterested but interested people that they can use as a sounding board. When you get down to the detail, unless you have got governors who have particular skills, no, they probably do not make a huge difference. As I said in my paper, my concern is that the weight of responsibility and the weight of the workload makes it difficult to recruit good quality

governors and appropriate governors for their community in the areas where they are most needed, which are the areas of deprivation and the areas where schools are weak and struggle.

Fergal Roche: I am a chair of governors in something like the fourth most deprived ward in the country and I have found quite the opposite. It is in London, I should say, and therefore people might argue it is easier to recruit professionals because they are relatively nearby, but they all live pretty much locally. We have got a top lawyer; we have got a couple of really good educationists; and we have got one woman who is brilliant on HR and who actually went to the school.

Q6 Siobhain McDonagh: Would any of them like to go just down the road to Mitcham and Morden and come and be on some governing bodies there?

Fergal Roche: They are around. Firstly, I completely feel that there is a very strong role for boards in schools. There needs to be a bit of distance between the executive and the board. That is why in my evidence I have said I do not agree with staff being governors. I think there are weak arguments for that. There needs to be distance. The only person that bridges that gap should be the head or the principal. I used to be a head teacher under the old charity law, when I was not able to be on the governing body. The governors said, “That means you do not stand accountable in the way that we do”, and they were frustrated that I could not stand up there. I do not think the head should be given the option to be a governor; they should be a governor. The governors, if they have got access to the right degree of information and guidance, which is not mediated through the head, are properly empowered and they can then hold the executive to account and set the strategic agenda. But they need that, and I think that is very hit-and-miss at the moment.

Frank Newhofer: I certainly think all of us are particularly committed to doing as much as we can to improve the education for children in our schools. Governors have a very important part to play in that, from two perspectives: one is the stakeholder side of it and the other is the monitoring side. The stakeholder side is something of particular interest to me and something we really do have to hold on to, because it signifies the way in which our schools are held accountable to their local communities; it signifies how schools can be seen to be democratic institutions; and it signifies how there can be some common ownership of the values, ethos and curriculum of the school. It is vital, it seems to me, to include all those who have a legitimate voice in a school in that process. As I said in my submission, I do think the Taylor Committee got it right, albeit it might have been 35 years ago. That function of drawing people together—parents, local community representatives and staff—so that they have some ownership over what goes on in that school is a vitally important process in school.

Fergal Roche: Only if it works.

Frank Newhofer: I think there is good evidence that it does work. I am not saying there does not need to be more done to ensure that there is wider and more

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appropriate representation in schools, but as a principle, it is a really important one to hold on to.

Emma Knights: We might be in danger of muddling up the need for an accountability model with doing it well. I would argue you absolutely have to have some form of accountability and holding schools to account—we could discuss at what level. If you look across this country, whether at the private sector, the public sector or the charitable sector, we all tend to have boards of some sort or other. Absolutely, yes, you do need those people holding school leaders to account, whether you call them governors or something else. Then there is the issue of how we do it well. We do know how we can do it well, but it is not always done well in every single governing body. That is the big thing we need to tackle: how we make sure that all governing bodies do it well.

Q7 Siobhain McDonagh: Is there a radical alternative to the current system of governance? How would you do it differently?

Emma Knights: Again, if you are asking whether we need a radically different model, I would say no. In fact, there are huge numbers of models out there and often people do not realise how many models they can use. There is now lots of flexibility, obviously within the academy sector but now increasingly, with the new changes, in the local authority maintained sector and with federations. I do not think there is enough talk about how we govern groups of schools, whether that is in multi-academy trusts or in local authority maintained federations. That is the real interesting discussion to be having: how we can do that well. That is almost quite radical in itself.

Frank Newhofer: I absolutely agree with Emma. I do not think we need radical alternatives; we need to do what we are already doing better than we are doing it. The two functions I referred to before, in terms of the stakeholder function and the monitoring function, need to be done better and I think there are issues to do with that, but I do not think we need a radically different alternative model.

Richard Gold: The multi-academy trust is one radical alternative that is working its way into the system.

Q8 Siobhain McDonagh: Emma, is there a shared view among governors of what the role of a governor is, or what good governance constitutes? Does the new Ofsted description of governance clarify this? What else is needed?

Emma Knights: Yes, at the high level, I think most governors understand in principle what they are there to do. The new Ofsted framework is incredibly helpful. I am very pleased that they have spelled out what they expect of us, because schools—and particularly school leaders—will listen to Ofsted. Whereas before it was little people like us saying, “Excuse me, governance is really rather important”, now that Ofsted says it, it has made it important. The work that they are doing is getting to those governing bodies that some of the rest of us might not reach. But not every governing body understands how to govern well, and that is the mission I think we should all be on: to spread good practice.

Q9 Siobhain McDonagh: Frank, the DfE’s evidence refers to the additional responsibilities for some governing bodies as employers, admission authorities or charitable trustees and company directors. It says that these responsibilities “are aligned with, and in no sense contradict, the core functions” of governing bodies. Do you agree?

Frank Newhofer: I do. The important thing to hold on to here is, in a sense, what we referred to earlier on in terms of the important role of a chair of governors as a critical friend. Headship is very often a very lonely and difficult job. In the old days, local authority advisers used to be there as a sounding board for head teachers. Increasingly, it has become the role of the chair of governors to do that. That is an important role. It may be that partnerships can fulfil that function as well, and I am encouraged by the development of multi-academy trusts and by the movement towards federations, but realistically there are geographical and other sorts of considerations that may not make that possible all over the country. The partnership role of the chair of governors and the development of partnerships are really the important things to hold on to in terms of the additional responsibilities that governors now have.

Q10 Siobhain McDonagh: Emma, in your written evidence you refer to “a host of statutory responsibilities” and operational tasks that “should be removed from the governing body”. Can you elaborate on this?

Emma Knights: Yes. We have had constant dialogue, as you might imagine, with the DfE over the last two years about this. They have gone a little way along this line by being helpful in terms of the latest list of policies that are expected at school-level by saying, “You can delegate these to the head teacher”. A lot of them in law say the governing body, but in practice most of them we can delegate. However, not every governing body does delegate as much as perhaps we would like them to, and instead they clog up their meetings looking at policies in minutiae that are really about procedures and should be delegated to school leaders. Some of that perhaps is about practice. Richard mentioned the example of admissions. In schools that are their own admissions authority, governors themselves are supposed to do some of that operation. That is a nonsense. The DfE has accepted that is a nonsense, but annoyingly has not managed to get the regulations through Parliament to prevent us having to do that. Some of it is down to us delegating more and having the confidence in our school leaders and their teams to delegate more, but some we would like the Department to remove from regulations.

Richard Gold: One of the difficulties here is that, as Emma says, the legislation talks about the governing body’s responsibility, but that is because the governing body is the corporate entity of the school. If the terminology was different and we were talking about “the school must”, it would be clearer to governors that there are many tasks that they can delegate. Governors sometimes—particularly in a weak governing body—are reluctant to delegate, because they feel that if they delegate, they are losing control but retaining responsibility. Individual

governors feeling responsible for what goes on is often one of the contributing factors to difficulties that schools get themselves into because they intervene and meddle too much.

Q11 Mr Ward: The information that governing bodies receive is obviously crucial. As somebody who has been daunted myself by the information that is provided and feeling, however long I have been a governor, that I was very much a layman, is the right information provided to the governing bodies and do they have the capabilities to interpret it?

Fergal Roche: I should declare an interest here. I was a head teacher and five years ago set up a service to answer questions from school leaders, working with the TDA and the National College at the time to set that up. You have no information at all; you wait for questions to come in from school leaders around the country, you go and get the information and you give it to them and you publish it in a way that everybody else can read it. We were working with Manchester City Council and they said, "Governors need this". We said, "Well, they can use the stuff we have got for heads". They said, "No, no, no; it has got to be in a different format with different questions", so then we set up a similar service for school governors, where any school governor can ask a question, if their school buys them the membership. It is called Ten Governor Support; we have used Michael Bichard to help us set the thing up. For example, there was one question that came in that said, "We have got falling rolls but the standards have been getting better and better. Should we be giving the head a pay rise or not?" That is very difficult. You cannot ask the head, can you? At least you know what the answer will be. That is an example of a question that would not really fit into the other service. That has gradually got bigger and bigger.

Q12 Chair: So that is information morphing into advice.

Fergal Roche: It is not advice. We will not give consultancy; we will simply answer the question. We work alongside organisations like Emma's. There is information and guidance out there, but I do not think there is enough of it and the market probably needs to provide that, rather than Government.

Frank Newhofer: This is a really important area, because it links into a number of other issues before your Committee. First of all, I think it needs to be said how important clerks are. A good clerk can really make a difference to the effectiveness of governing bodies in terms of the advice they provide and the way they help with agendas, minute-taking and so on. Good quality clerking services, in my view, are absolutely vital in terms of their development.

Q13 Chair: Who is most likely to provide that? I do not want to go off on too much of a tangent, but it is pretty important.

Frank Newhofer: At the moment, some local authorities—at least certainly the one I work in—do a fairly good job of making clerking services available on a purchasing basis to schools. There certainly is a quality-assurance need that somebody needs to fulfil to make sure that clerks are as good as possible. The

information is one thing; training in how to use that information is something else. As Fergal said, it is the training that these organisations like the NGA and the local authority government support services give that is really vital for governing bodies. If you do not have that, what you tend to get is wheels being reinvented all over the place. People have great problems interpreting and making use of good benchmarking information.

The other point I want to make is it is really interesting at the moment to look at the success of the London Challenge. One of the markers for me of the evaluation that was done on the London Challenge is how important it was to have very context-specific information channelled through into the school. It is the recognition that every school is different and every school has its own individual strengths and weaknesses; it is how you identify those, how you provide the requisite information and how you enable people to interpret that that makes the difference in the end.

Q14 Mr Ward: You are referring to the information going to the school. Richard, you have referred to this "hourglass" analogy, where the information may come in to the school but not necessarily get through to the governors.

Richard Gold: I was not thinking so much of the information coming in externally; I was thinking of the information that the school itself generates, which then gets passed down to the governors through the head teacher. That constriction can cause problems, because it is very difficult for a governing body to have methods of externally validating the information that they are providing. There is a huge amount of paper that comes in from the outside. I am a governor of a voluntary-aided school, so we do not in fact get a great deal of paper from the local authority, but one of my colleagues showed me the local authority briefing report for this term that she gets as a governor of a community school, and that is 25 pages, with a lot of references and further reading. The issue there is not so much the information coming to the governing body; it is how the governing body then manages that information.

Q15 Chair: Before you move on to that, can I pick you up on this information getting to the governing body? I have heard that the feedback from Ofsted on the individual teachers when they have come in and done an inspection is often not shared with governors, and that the head can say, "Well no, that was a briefing for me" and not pass that on to the governors.

Richard Gold: Correct.

Emma Knights: I think that is perhaps changing. HMCI has made it very clear that he wants governors reported back to, and we understand in practice at least the chair of governors is turning up to that end-of-inspection meeting. We would encourage more governors to do that. We did say to HMCI, "Please can you have them at six o'clock in the evening? It would be easier for us," and he said, "I may have a bit of a workforce issue if I take that back", but those sorts of discussions are going on. I agree with you that it is incredibly important that governors are there

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to hear what is said in a way that is not quite after the event. We are really, really keen on the whole issue of the right information going to governors at the right time, so they can prevent problems occurring. I completely agree with Frank that it is the clerk's job to make sure not all those 22 pages go to the governing body. The trouble is that not all of the clerks are of the calibre to ensure that happens. Sometimes they are minuting secretaries. What we need is proper legal advisers, akin to company secretaries. In some places we have those and in others we do not. That would make governing bodies much more effective.

Q16 Chair: Would more effective clerking be one of your top three things to improve?

Emma Knights: Absolutely; it is. Indeed, we have our eight elements of effective governance, and clerking is in there, as well as chairing and better information to governing bodies. We are also doing quite a bit of work with the Department and others looking at what governing bodies get as part of the national stats.

Chair: I am sorry, Emma, I am going to have to cut you off, because we have so much to do and we have got no time to do it.

Frank Newhofer: Chair, we do know a lot about what actually works in terms of raising achievement, but we do not get that information through to governors so that they can make use of it. I think that is a crucial issue.

Q17 Neil Carmichael: As Emma knows, I am quite interested in this subject. Before I start on corporate governance, one of the interesting things is that when you see an IEB in place, you often see rapid improvement. Does that tell you something about the structure of governing bodies and the kinds of issues that we have about weakness versus competence and so on? What do you think about the use of IEBs being increased?

Emma Knights: I think where schools are failing, governance has failed. An organisation does not fail if its governance is effective.

Chair: For the sake of *Hansard* and anyone outside who is not familiar with these acronyms, what does IEB stand for?

Neil Carmichael: Interim executive board.

Emma Knights: It is interesting, in that it is an executive board. It is different from your pure governance; it is almost "governance-plus". That is the interim bit. There will come a point, one hopes, where that school has recovered and is providing a good education for its children, when it can go back to being simply governed rather than having an executive board.

Fergal Roche: The point underneath that is not the impact of the interim executive board itself; it is the accountability and the urgency with which it carries out its job. It is my opinion that every governing body in the country should be absolutely accountable and transparent. I like what the DfE said in their submission: transparency, accountability, financial probity and urgency are absolutely watchwords. I have got kids in one of the schools that I am governor of and I want to know that every teacher in that school

is outstanding. That sounds a bit strange, I know, but that is what I want and I want it to happen yesterday. IEBs come in when disaster has struck, but wouldn't it be fantastic if every school governing body had that urgency?

Q18 Neil Carmichael: The very reason I have asked that question ahead of the topic, which is corporate bodies versus governing bodies, is precisely the answer you have just given. That is a very helpful point, so thank you. The evidence is now stacking up. Is it therefore realistic for a governing body to expect to have all the skills it needs to have on it? I do not want to go down a numbers-game route; I just want to talk about the realism connected with skills.

Frank Newhofer: I am glad you raised the issue of reality, because that is a really crucial one for me. Let me ask you a question.

Chair: We will have questions going one way only, Frank. I like the anarchic element you bring, nonetheless, we have so little time and we need short, sharp answers.

Frank Newhofer: I do want to try to help us focus on the business of reality, because I think it is an important issue. There is a limit to how much you can expect a working person, in terms of their commitment to their school, to give. Skills are one issue, but it is the deployment of those skills and the time that it requires to understand the complexity of a school that I think is the real problem.

Q19 Neil Carmichael: I did spend 15 months almost as a full-time chair of governors on a very complicated issue, so I am familiar with the point you are making.

Emma Knights: Nevertheless, the skills issue is important and I think for people who focus on this, there is the wherewithal to bring in skilled people. Again, as Fergus says, it is about the urgency. If chairs of governors understand that that is what they should be doing, they can make concerted efforts to do that. You are absolutely right: there are corporate boards; there are also charitable boards. That is the sector I work in and a lot of the same issues apply. In charities, we manage to recruit trustees and they find the time to govern us.

Q20 Neil Carmichael: This is an interesting issue, because it is the board of directors versus the governing body. Are we wanting very competent people, perhaps fewer of them, able to make strategic decisions with that sense of urgency, or are we saying we need somebody to help with the accounts, somebody to help with the building and maintenance, and so forth? Where on that scale do you place yourselves?

Fergal Roche: I think the latter is far more important—the skills—but if you can also make it a representative model and have your lawyer who is also a parent, or your accountant or your business person who also happens to be a local community leader or whatever, then that is fantastic. The 20 questions that your APPG produced, Neil, is a fantastic way of auditing what your skillsets are. You should, by going through those every year, say, "We

are a bit weak in this area; we need to bring in an extra person in this particular area.” That is a really useful model. What I do not agree with is mandatory training from particular organisations. It is like saying you cannot drive a car unless you have had 20 lessons. You ought to be able to drive a car if you can prove that you are safe and the rest of the world can be unhindered by your driving. I think there are several bits of evidence there that say, “It has got to be mandatory training”. No, you have got to make sure you have got the right skills.

Chair: Emma is struggling to control herself.

Emma Knights: I am, because this is where we have got lots and lots of survey evidence that shows Fergal is very much in the minority as a governor. Nine out of 10 governors regularly say that this job is important enough to require training.

Fergal Roche: I did not say that people do not need training. I do not think it should be legislated for. You need to have the skills; how you get them will include training.

Emma Knights: But nine out of 10 governors support mandatory training. I really would like this to be taken seriously. One of the reasons why governance is not taken as seriously as board governance is because we are called “governors”. We are not thought about as non-exec board members; we do not have the same expectations placed upon us when we are recruited that, for example, a magistrate would. I can send the Committee the little potted summary of what magistrates are expected to do before they are allowed on the bench.

Q21 Neil Carmichael: The question, though, is central to this whole inquiry, as far as I am concerned, because it is the quality of the governors and their capacity to react, to decide and to be strategic. The difficulty of the stakeholder model is simply this: if you have a parent who happens to be a lawyer, first of all, is that governor really speaking as a parent, or is he speaking as a lawyer? Even if he is speaking as a lawyer, what kind of law is he speaking about? That is the skills question that you have to really think about. Is it not better to simply have somebody who knows what a good lawyer should be doing, as opposed to having somebody talking from his own experience as a lawyer? That is the issue that needs to be teased out.

That brings me on to the size of governing bodies. There is a numbers game here; the Government has relaxed certain rules, but there are still expectations for governing bodies to be quite large and we know of governing bodies in excess of 20. Is that going to be a reactive, decisive body or not?

Richard Gold: You have got an awful lot of issues rolled up in here. The corporate model with the small governing body with significant skills, assuming that you can recruit—in some areas you will be able to recruit and in other areas you will not—is a good model, but it works right against the stakeholder idea. There was an interesting thought in the NAHT submission to you of a different model of bringing in community representation—some sort of advisory council—which I think is worth looking at further. Another problem that you have is that the structure is

very, very rigid. Governors are on fixed terms of four years. It is very difficult to remove a governor who is unwilling to go. You may have a skills shortage on your governing body, but being able to replace someone is another issue entirely.

Q22 Neil Carmichael: That is linked, of course, to the stakeholder issue, is it not?

Richard Gold: Yes.

Neil Carmichael: Therefore, are you suggesting that the Government should be much more prescriptive about who should be on a governing body, or do you think it should be giving more powers to the governing body to deal with those problems?

Richard Gold: I think it should be left to individual schools. Only the school knows how it should be governed. There is an ethos issue very often around the school as well. The question comes down to resources. You were talking about IEBs, but an IEB is selected for its skills and there is power to pay an IEB. You cannot pay governors. I do not think you should be paying governors, but if you are looking at a corporate model with executive and non-executive directors, I think remuneration is reasonable, but that is going to need additional money, because you do not want to take that money out of the classroom.

Frank Newhofer: But the trick of effective governance still does seem to me to be to do with delegation. In my experience, the majority of effective governing bodies have good systems of delegation and good committees with clear terms of reference. To come back to your question, I cannot see how most governing bodies can function with much fewer than 12. That gives them the capacity to have three committees of about four people. Coming back to the reality question, given the time that people have, for me, that has always been a fairly reasonable way to proceed.

Emma Knights: Can I make a very quick point that people sometimes misunderstand? I would just remind the Committee than when a governor is governing—when they are around the table—they are all there in the same capacity, i.e. they are there to govern the school in the interests of the children; they are not there to represent a group. They are not there to represent parents or staff; they are simply bringing a different perspective to the discussion and we are all there for the children.

Fergal Roche: Could I just make the point that there is a basic relationship between whoever is funding a school to provide excellent education for the local young people and children? That should be the basic relationship. The funder says to the school, “Right, we want you to do this. Here is the money. Now you prove to us that you are doing that.” In my submission I say every year there should be a complete account given, but the funder should not say, “And, by the way, you have got to have two parents and you have got to have two members of staff and you have got to have this and that”. I agree with Richard; I think you just stay back from that and let the school decide.

Q23 Ian Mearns: I think, Emma, there was a shorthand for what you were just outlining in terms of governance responsibilities; we used to call them

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Nolan principles at one time, and we need to just remember that there is a fairly easily established set of principles by which people should act in a corporate body of that nature.

Emma Knights: Absolutely.

Ian Mearns: If it comes to paying governors back-pay, I am in line for my 29 and a half years' back-pay as a governor. Are governors in converter academies clear as to what their role is? Richard, you have called for statutory guidance on the division of functions in academies. Do others agree?

Emma Knights: I am glad you have raised academies again, because I was being concise when Siobhain asked me whether governors understand their responsibilities. I think there was quite a bit of confusion in converter academies; people did not properly do their homework as to what those changes were going to be. One would have hoped that their legal representatives explained what being a director of a company and a trustee of a charity meant, but sadly, we are getting very, very basic questions from people who should know better; they have already been governing, supposedly, for a year and a bit.

Q24 Ian Mearns: Are they experts who have not been trained? Is that what it is?

Emma Knights: Absolutely. Thank you for that. They have not. If they had been trained as they took up their posts, they might have understood their responsibilities.

Q25 Ian Mearns: Richard, did you want to say something?

Richard Gold: It is an issue for some but not for others. Foundation and voluntary-aided schools are already charities and the only additional responsibility that converters have is as company directors. I think it is important that governors understand that, but it is also important that the added responsibilities are not over-stressed, because they will get out of proportion to the real issue. Where the problem comes is with community schools that convert, where I think there is a very steep learning curve. It is not just for the governors in terms of their responsibilities; it is the school itself in terms of what it is taking on and what it means to break the umbilical cord with the local authority.

Q26 Ian Mearns: The DfE intends to consult on proposals to repeal terms of reference regulations for maintained schools to give them similar freedoms to academies. Are you concerned that the role of governors may become less clear as a result?

Richard Gold: Can I come in on that? I saw that and I feel very, very strongly about it. The terms of reference regulations were the best thing since sliced bread as far as governing bodies were concerned, because they defined what the governing body was there for and they defined what the head teacher was there for. Maintaining that focus on the strategic function for governors and having it laid down as a requirement is critical.

Q27 Chair: Does anyone disagree with that?

Emma Knights: We have been involved, as a number of organisations have, in this process and it is not going to fundamentally change. It is about a rewriting of the regulations—a sharpening of them. I would say in a way it is peripheral; it will not make much difference to what we do in practice.

Q28 Ian Mearns: In terms of where the world is going and the way things are lying, do you think the Government should encourage more federated structures of governance for maintained schools?

Chair: Emma is a yes. Does anyone think that is a bad idea?

Richard Gold: It depends on the school. One of the problems about federation—you see it with multi-academy trusts—is the loss of individual autonomy for the school. There have to be choices to be made there.

Q29 Chair: Is that more applicable in primary than secondary? One always makes these generic remarks and then always has to remember the different phases.

Emma Knights: Yes.

Richard Gold: Yes.

Frank Newhofer: And different in rural areas.

Emma Knights: Yes, and particularly for smaller schools. What the sector and the Department are not putting enough focus on is what a sensible unit is, not just to govern but to lead as well. Do we have enough excellent school leaders to be leading every single tiny school that we have in the country? That should be the debate we are having.

Frank Newhofer: There are more advantages for teachers in federations, I would argue, than for governors in terms of learning from good practice.

Fergal Roche: I completely agree with all that. I found out yesterday that 70% of the schools in Somerset have their heads about to retire. Trying to recruit into that must be horrendous.

Ian Mearns: It does strike me, though, that with the school structures that we have at the moment, we need something like a third of a million governors to staff it all up. That is a lot of people.

Q30 Craig Whittaker: I know Emma said earlier that she welcomes Ofsted's new focus on governance; I think what you said is that it spells out clearly what is expected. Is there anybody who feels differently from that?

Richard Gold: I think it is right that Ofsted should focus on governance. I am just concerned about their ability to judge it in individual cases. I am not sure about their approach to governance. I noticed one thing in the Ofsted submission talking about effective governing bodies being driven by a small number of key members. That was being put forward as a strength; I actually think that is a weakness. I would invite Ofsted to do some rethinking on that area.

Frank Newhofer: I would agree with that. It is very difficult for Ofsted to make a constructive, valid judgment based on the evidence they are currently getting from schools, which tends to be, certainly in my experience, little more than a brief conversation with the chair and a scrutiny of some minutes. I do not see how that provides sufficient evidence to make

a reasonable judgment. The assumption still is that a failing school must have a failing governing body and a successful school must have a good one. I am not sure about that.

Q31 Craig Whittaker: Even though Emma says it gives the governing body a very clear view on what is required?

Frank Newhofer: The criteria are okay; it is how you get the evidence for whether the criteria are functioning.

Emma Knights: There is an issue about consistency of inspection and certainly inspections led by HMIs always seem to go down better than those led by other inspectors.

Q32 Craig Whittaker: Do you have any evidence for that? We have heard this a couple of times but nobody has ever brought any pure evidence to say that is the case.

Emma Knights: Not quantitative; it is all anecdotal evidence.

Q33 Craig Whittaker: Is it actual hard evidence to say that is the case?

Emma Knights: Yes, they are reports from our members to us about how their inspections went, and we do not tend to get complaints when HMIs lead inspections. The sheer fact that the criteria are spelt out in the questions makes them really good questions. In the old days, a head could brief their governing body to go in and give the marketing spiel about the school. You cannot do that anymore, because the inspector is saying, "Do you know the strengths and weaknesses of the school?" If you say, "It is all marvellous and our teachers and our teaching are terrific" and they have just gone and seen a whole bunch of lessons that were not, they are immediately going to think, "Ah, these governors do not really know what they are talking about".

Fergal Roche: I have some issues with that. Were Ofsted to come to our school in Lambeth and have interviews with, say, a couple of the assistant heads, the assistant heads would talk about the fact that a governor had done a learning walk with them to check whether they were actually putting in place the corridor behaviour system they said they were going to do, and they would make various references to governors checking that what was in the development plan was actually happening. That would send a message to Ofsted that there is a strong accountability framework in the school and that it is being monitored carefully by the governors, ergo you have got decent governors.

Q34 Craig Whittaker: Can I just ask you, then, Fergal: do you think it is fair that volunteers are put under so much scrutiny by Ofsted?

Fergal Roche: That is playing to whether we believe governors have to move away from this "worthy amateur" status to actually having to stand up and take the rap along with the head if things are getting tough, or take the credit when they are going well. In my evidence, I said that the governors have to be very transparently the governors—or directors; whatever

they get called—and stand up alongside the head and be seen.

Q35 Chair: Does that work when you have a governor who is unpaid and a head in London on £190,000 standing beside you, so there you are, working every hour God gives to support the school, and the person beside you is on £190,000 a year?

Fergal Roche: It is a good point, but you have to bear in mind where the economy is. I said in my submission that I think there should be some sort of stipend for chairs and chairs of committees, but I suppose the only reason I put that in is because I want the chairs of governors and chairs of committees to have to recognise that you are being paid by the Treasury, effectively, to do this role.

Emma Knights: There is a whole sector in this country where that happens: trustees. Sure, trustees do not have Ofsted knocking on their door, but trustees have to be accountable and carry the can. If governors are made aware of that at the beginning—if they volunteer on that basis—they are volunteering to do that.

Q36 Craig Whittaker: How best can governing bodies judge their own effectiveness and identify areas for improvement? I know, Frank, you mentioned earlier having one or two governors that led the pack.

Frank Newhofer: There are very good self-evaluation tools around. The National Governors' Association produces one; various organisations do. It is certainly part and parcel of the annual regime of a good governing body to engage in such self-evaluation and there are good systems and processes around for doing that.

Q37 Craig Whittaker: In terms of governing bodies' responsibility for financial management and ensuring value for money, are local authority accountability mechanisms comparable with the DfE's mechanisms, particularly for academies?

Emma Knights: They are different, but that is one of the things about becoming an academy; you are opting into a different financial regime with different financial reporting mechanisms, so they should not be the same. In a way, the whole issue of more autonomy, as you have in the academy sector, by definition means more risk and it therefore means you absolutely need better governors. Right across the piece we should have effective governance, but it is even more critical in academies. We should not be expecting the same financial reporting in the two systems, because they are slightly different systems.

Q38 Craig Whittaker: Are there any different views on that? No. How can governing bodies be made more accountable to the communities that they serve in terms of financial management?

Chair: And should they be?

Emma Knights: In terms of financial management? I would almost say it is the other things that communities want to know more about. That is not to say that financial probity is not important.

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Craig Whittaker: It is taxpayers' money they are dealing with. Whoever it comes from, it is still their money.

Fergal Roche: They should report to the parent body every year on how they have used resources to the benefit of their children. That is it. Children are in a school to be educated. What does that mean? We have got to get them the results; we have got to make sure their welfare is improved and they are confident young people going out to society. Then we as a governing body should account to the funder and the stakeholders in the way that a company has to report to its stakeholders every year on its basic remit.

Frank Newhofer: They are certainly required to do that for the pupil premium, for local authority audit purposes and for all sorts of things.

Q39 Chris Skidmore: Craig has just touched upon academies and the freedoms they have over their governing bodies. There are moves within the Department to review the academy articles to increase freedoms further. Would you support that? Do you have any comments on the freedoms that academies have?

Fergal Roche: Amazingly, we find that academies are not using the freedoms that they have got in anything like the way the Government has expected. I think Michael Gove would be appalled in many ways. What we find is that they are using the financial freedoms, but in terms of changing the school day and the curriculum, it is just not happening. I would not comment on that, but I just do not think those freedoms are being used. Rather than trying to extend those freedoms, what the Government has first got to do is try to get people to understand that becoming an academy is about standing on your own two feet, being independent, being local, recognising what is happening locally and exercising those freedoms. At the moment, that is not happening.

Frank Newhofer: I have to say I think all that is terribly overstated. The difference in freedoms for academies and maintained community schools is marginal. Maintained community schools do not often recognise the freedoms that they have got. Let us get back to standards, not structures; that was the right rhetoric to have.

Q40 Chris Skidmore: The Government is also looking at increasing freedoms further for maintained schools, with the possible repeal of the terms of reference regulations and the rewriting of the 260-page Governors' Guide to the Law. Do you think that schools would benefit from that greater freedom, given the point that you made that they are probably not even taking up the freedoms they currently have? Do you think it is a wise decision to deregulate some of the documentation that is involved with governing bodies?

Emma Knights: We have lots of discussions with them about the fact that deregulation does not necessarily mean no guidance. I am not saying every single page of guidance is valuable, but, if you are trying to reduce the work and the unnecessary bureaucracy for schools, which we all are, there comes a point where you do not want 24,000 school

leaders Googling to find the answer to something that previously was in a piece of guidance. That has to be done issue-by-issue and I think too much emphasis has been put on that, rather than on improving practice.

Richard Gold: Using the freedoms is a matter of culture for the individual school. With the converter academies, I think it is too early to see this, because generally, schools that convert want to do it with an easy ride and the easiest ride is to say, "At least at the moment, we are not going to change things". Over a period of time, I think the schools will start looking at what they can do, looking at alternative models, consulting with their communities and taking advantage of the freedoms. But I also agree that the freedoms are, to a large extent, peripheral and that a really determined head teacher of any category of school will be able to run the school in the way he or she wants.

Q41 Chris Skidmore: Going back to academies, Richard, in your written evidence, you stated that you "have encountered governors appointed by the [academy's] sponsor or sponsors who appear not to have great enthusiasm for the task. Governor appointments can be made from within the sponsor organisation and people serve from their own career motive rather than with the interests of the academy at heart." Do you think academies can be as accountable as other schools if the governors are being appointed or nominated by the academy sponsors? That does not really strike me as proper accountability.

Richard Gold: I think they can be accountable. There is a big responsibility on the sponsor in making the appointment. I saw that problem in a limited number of sponsored academies, and it was usually where the sponsor was a local employer and they were bringing their own people on to the governing body, in order to drive through the particular vision that the sponsor had. The individuals who went there were not necessarily motivated by the interests of the school; they were looking at enhancing themselves through their willingness to take on the task.

Q42 Chair: Is that necessarily and always a bad thing?

Richard Gold: It depends on where the balance lies. It depends on how good they are at doing what they do.

Q43 Chair: Going back to our skills discussion earlier, is there a greater role for corporate social responsibility in a company? Talking about having accountants and lawyers coming on, is there room to develop corporate social responsibility programmes in all the big accountancy and legal firms and maximise the number of professions who make themselves available? They may be doing it because they are career-oriented and they want to get to the top and it is required, but if they bring the skills and they do the work and they put in the time, does that matter if you have got the right balance and you make sure you do representation as well?

Fergal Roche: The academy sponsor has an agreement with the Secretary of State to make sure

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that the poor standards are turned around, and they have to account for that. They should not be handcuffed in the way they do that. I hope that there would not be this cosy “jobs for the boys” approach, but on the other hand, my first concern as a parent of a child in one of those is: “Are you getting my child to a better place than would have been the case before?” That is my main concern.

Frank Newhofer: It is important to try to get more and more employers to give paid time off to their employees who wish to be governors, so that there is more time available, certainly during the day, for people to fulfil that function if they wish to. The argument about skills in relation to accountancy and the law is grossly overstated. The real skills issue and unfortunate deficit is in understanding the complexity of the data about pupil attainment and achievement in schools. That is the challenge. Those are the skills that need to be upgraded and those are the sorts of skills we need to recruit more people with to governors’ roles.

Emma Knights: Absolutely, but some of them may be in employment and some companies are very good at encouraging their employees, but sadly that is a minority. If I can very briefly go back to your point about academies and how governance works, both in sponsored academies and other multi-academies, there is a lot of confusion because people are using the word “governors” to represent different levels. You have got your directors of the company up here and some people are calling them governors; then you also have, in most structures, local governing bodies or advisory councils with slightly different powers, depending on what has been delegated, and in some cases those are called governors. It is really unhelpful, because those layers have very different roles legally, but also, in different set-ups, sponsors delegate more to the local governing body. In some cases, there is very little delegated down and they are more or less advisory or stakeholder-type bodies; in other cases they are doing exactly what you would expect a governing body to

do. I even notice in DfE material they do not properly distinguish between those roles, so clarity and real, good terms of reference, so that everybody knows what they should do, is crucial.

Q44 Chair: Could you give us examples of people at either end of that spectrum?

Emma Knights: In terms of different chains? Some chains give more autonomy.

Chair: I am asking who they are.

Fergal Roche: United Learning give loads of autonomy to their schools, whereas ARK would give less and Harris would give less as well.

Q45 Craig Whittaker: Briefly, in terms of underperforming or failing governing bodies, do you think the current arrangements, where you can have the interim executive board coming in or a maintained school’s budget can be suspended by the local authority, have enough teeth to deal with the problem, or is there a problem of detecting failing governing bodies and getting to the problem early, before it becomes too severe?

Emma Knights: There are certainly mechanisms for dealing with them. Whether they have been used quickly enough in the past is debateable and we would agree with Ofsted that in a number of cases they have not been used when they should have been. There is a slight issue now, with local authority services being pared back, about whether they will have the intelligence that they had in the past; it may make things slower rather than more speedy.

Frank Newhofer: I am not sure about the evidence on IEBs, I have to say. I think what really tends to happen in schools is that the head teacher is replaced at the same time as the IEB, and it is that that makes the difference.

Chair: I am afraid we have run out of time. Thank you all very much indeed for giving evidence this morning.

Examination of Witnesses

Witnesses: **Neil Calvert**, Head Teacher, Long Eaton School, Derbyshire, **Chris Hill**, Head Teacher, Hounslow Town Primary School, **Mike Cladingbowl**, Director, Schools, Ofsted, and **Professor Chris James**, Professor of Educational Leadership and Management, Department of Education, University of Bath, gave evidence.

Q46 Chair: Good morning and welcome to this session. I think most of you probably heard most of the evidence in the last session. What I did not explain to that panel but probably should have done is what we do. We conduct our inquiries; we then write our reports; we make recommendations to Government and they are obliged to respond, supposedly within two months. The business end of what we do is the recommendations to Government, so if you have any specific changes that you think central Government could make to the framework in which school governance operates, please make sure that you make that clear and explicit to us today and give us the arguments as to why we would want to include that in our report. Given the subject of today’s meeting, what is your No. 1 point that you came here to make?

Professor James: I came to make several, let’s be clear.

Chair: I am asking for one.

Professor James: Raise the profile. That needs to come in two directions: from central Government and from all those involved in the system.

Q47 Chair: What does that look like in terms of central Government?

Professor James: Appreciating what governors do. Why not?

Q48 Chair: It is hard to legislate for that.

Professor James: I know. It is a practice issue and it is a cultural issue. But when a school gets an “outstanding”, why does somebody from central

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Government, especially if it is an academy, not write to the chair and say, "Thank you", so it gets known? We need to see more governors in honours lists. There is a whole set of cultural things. Then, as far as profile is concerned, it needs to be done at the other end, in the school. As part of what Ofsted inspects, they would expect to see somewhere on the school's website a list of who the governors are and who the chair is. Can I do one more?

Chair: No. Thank you very much. We will have time to come back. Neil?

Neil Calvert: Again, I have several, but if you are asking for one, it is about a recognition of the time that is required to be put in by governors to discharge their responsibilities effectively. In the first set of evidence that you heard, there was an unspoken assumption that a lot of that time was in evening meetings of the governing body, sat around a table. There perhaps was not sufficient recognition that a school is a place often with more than 1,000 children, and in order for governors to understand the best way that those children can be educated, they need not just to sit around that table and take that time, but also find effective ways to be part of the operation of the school. That takes time and commitment.

Q49 Chair: Again, though, I am trying to work out, a bit like for raising the profile—we got some specifics in the end—what form that recognition would take.

Neil Calvert: In an understanding, perhaps, of how the role needs to be developed, particularly of the chair. I recently advised the governing body of another academy that was appointing a head teacher—the biggest job a governing body ever has to do—and at some point during the process, the chair pointed out to me that he was taking two days of annual leave in order to oversee this process. That is a huge expectation for somebody with quite a senior role in the public sector.

Q50 Chair: What needs to change as a result? Most people would recognise that the chair of governors of a secondary school—and, indeed, a primary school—spends quite a lot of time fulfilling that role. Is there something that we need to change?

Neil Calvert: It is to do with recruitment. It comes back to this point about recruiting effective governors, and particularly effective chairs. You have already heard evidence about there needing to be more commitment by employers to give paid time off; there is an expectation in employment law that they will give time off. It is not quite the same thing as entitling somebody to do two days of very significant work.

Q51 Chair: So you would like a legal entitlement?

Neil Calvert: A duty on employers, yes.

Chair: Chris?

Chris Hill: The main thing I would be looking for is ways of improving the capacity generally of governing bodies. There is a great variance between what one governing body in one school may be able to achieve and what another one could do. As in some of the discussions I heard earlier, there are all sorts of ways, but some of that is by improved training and

giving people time, but also by being clearer and getting the right people. There is a balance between having stakeholders and your expert people on there, and trying to get more constancy. I think what was being said was, where it is good, the system works well at the moment, but it is a matter of luck as to which governors actually end up on your governing body at a particular time and their capacity.

Q52 Chair: How would you like to change that?

Chris Hill: For the chair, I think there is probably a need for mandatory training so that they fully understand their role.

Q53 Chair: That is already happening; the Government has brought that in, has it not?

Chris Hill: Yes. They really do need to be well-trained, and governing bodies need to understand more fully in some schools the need for succession planning and preparing. Sometimes it is still the case that when a new chair of governors is needed, people look round the table and see who will volunteer, without fully understanding. That is the danger: that the quality of a governing body could dip quite quickly. You have to ensure that there is an ongoing capacity for improvement.

Q54 Chair: What needs to change? What recommendations could we make for changes to the framework? What is it that we need to change that will make it more likely that we will have greater consistency between governing bodies?

Chris Hill: It is difficult in that there needs to be a balance around making too many things mandatory, but it is making it possible for good people to become governors and encouraging businesses to release them for that time. All those structures need to be improved, because one of the pressures at the moment for many people—particularly in this economic climate—is that if you have got a job, you are working harder than you were previously and so doing something voluntary is perhaps the thing that is going to go first. It is enabling people to have the time to do the job properly.

Chair: Thank you. Mike?

Mike Cladingbowl: Too many schools are not good enough. That is our starting position and our perspective. We know that governance is most likely to be weak where schools are not good. It is also true to say, from our evidence, that schools struggle to recruit the right governors in areas where they are most likely not to be good. We have got a big and an urgent national problem here, so I am very pleased to be able to be here today and to contribute our evidence. We think we need some radical improvement and radical change, but we need it in two ways. The first and the urgent thing to get on with is making sure that we take all the existing systems and structures and make them better than they are now, while at the same time considering other, longer-term structural changes. We are involved, as you know, in stepping up our inspection of governance and have been doing so since September. We are also stepping up our involvement with those schools that are not yet good and taking a direct interest in the quality of governance and the

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engagement of governors in those schools. We are also going to be doing more to support them in getting simple, straightforward and easy-to-understand data by issuing later next month a new dashboard, which we think will help.

Q55 Chair: Has there been an issue in the past—we touched on it in the last session—about the feedback on individual teacher performance as seen by an Ofsted inspector not making it through the head to the governors? Is that true? Is it changing? Do we need to do any more to ensure that it changes?

Mike Cladingbowl: It is certainly true that not all head teachers will have been as clear with governing bodies as they need to be about the weaknesses in teaching generally across the school following an inspection. I will give you an example. Since September, with the new “requires improvement” grade and the fact that we are sending HMIs into these schools four to six weeks after the inspection that judges the school to be the old grade 3 “satisfactory” or the new “requires improvement”, we have noticed in the minutes of governing body meetings and when we talk to governors—many, many more than we did previously—they are saying to us, “We understand now that this is an issue. We know now that ‘requires improvement’ is not good enough and we need to do something about it”. We never would have found that to that degree when we had “satisfactory” schools before September, because heads would have said to governors, “Well, we got ‘satisfactory’. There are one or two things to work on, but it is okay”. There was not the kind of close attention being paid that there is increasingly now. More attention needs to be paid so that governors are saying to head teachers, “Where are the weaker departments? Where are the weaker teachers? Where are your strong points? What are you doing to make sure that each child in this school is making the progress of which he or she is capable, regardless of their background and their starting point?” It is right that we are working together with the National Governors’ Association and others to up the stakes here. It has simply not been good enough and it is time we did something about it.

Chair: I think I should cut you off, Mike, because I would not allow anyone else to go through their full shopping list. I am not going to allow you to do it just because you are so fluent and passionate.

Q56 Ian Mearns: Mike, as you have raised it, how many HMIs are governors? Do you know?

Mike Cladingbowl: At the moment none of the HMIs with a school background—like me, for example; I was a secondary school head teacher before I became an HMI—are governors.

Q57 Ian Mearns: Is there anything precluding HMIs from being governors?

Mike Cladingbowl: Our view has been hitherto that it would present us with a conflict of interest.

Q58 Mr Ward: I will start with a hobby horse, being self-indulgent. There will be questions later on stakeholders. It may be apocryphal, but someone allegedly once asked Ken Morrison, “What do you do

for your local community?” as he refused to give some boxes of crisps for a local gala and he said, “I create jobs”. Emma was referring to doing it well and I want to talk about the “it”. As I say, we will talk about stakeholders later, but more and more teachers, in inner-city schools in particular, do not live in the area that the school is in. Rather than raising attainment—and we know all of those things—it is about the idea of a school being a community asset and part of a community. The broad question was: do we need school governors? Do we need a broad range of school governors who have an input from the community?

Professor James: Unequivocally yes. I think you just need to consider the central importance of schools to communities. If a school is going well, the community tends to be happier; if the school is not going well, then it chafes and is not comfortable with itself. Absolutely, every local school should have a local governing body, and I think, if we raise the profile and create energy in the system, make the chair responsible for the functioning of the governing body—which is the other key point I want to make here—so we have some serious accountability, and enhance Ofsted inspection, I think we will have good, local governing bodies, we will have stakeholder governance and we will have the right skills round the table. Yes, a local governing body, made up of stakeholders, representative of important local community groups who have the skills and govern properly.

Q59 Mr Ward: We are coming back for a separate session on this; I got in now, so I have done my bit. I will go back on message now. According to Ofsted, radical changes are required to the current model of governance. What are these changes?

Mike Cladingbowl: There are two things. I spoke about one already, so I am not going to revisit that territory, but to summarise it for the record, it is making radical improvements in the quality of governance as it stands. That is the first thing. That means taking advantage of the current freedoms and flexibilities; it means taking advantage of all of those who are out there providing high-quality training. It also means that governing bodies and chairs of governing bodies need to take a long, hard look at themselves and ask themselves a question. It is one thing to say, “I am going to be trained in what it is that governing bodies are supposed to do”; that is fine. It is quite another thing then to make sure that you have got access to the relevant information you need to do the third thing, which is the most important thing of all, and that is to have the confidence, the spirit and the determination to challenge the head, the school and the other governors and to say, “Is this good enough for the children in our community?” I did not come here today to bash heads; I was a secondary head, too. There were days when I benefited greatly from having a sympathetic and knowledgeable chair of governors, but there were days too, frankly, when I yearned for a bit more challenge, and that needs to happen.

Within all of that, we need to make sure that governing bodies, whether they are representative or

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not, are not representational. That is an important difference. But the focus must not be on whether the governing body is broadly representative, involves stakeholders and is a means of building a community and placing a school at the centre of that community. Surely the key thing for governors is to fulfil their prime purposes: one around the general conduct of the school and making sure that is good; and secondly, to promote high achievement in schools. That has got to be the core focus of the governing body. Particularly in those schools that are, sadly, not doing well enough yet, that is the focus that those governing bodies need to have. What that means, in effect, is that it is possible—and our evidence tells us this—to have a small number of governors who really know what they are doing and who are not being driven by vested interests but by the need for all children in the school to do well, to be the drivers, the shakers and the movers in that governing body and to make a difference. You do not need large numbers; you just need those key people. That is a separate thing from saying, “We do not need to have stakeholder involvement in a school”. There are different ways of doing that, including through the governing body—there are many others.

Neil Calvert: To respond to Mike’s point, I am not convinced that is radical change. I think that is expecting governing bodies to do the job they are supposed to do now and to do it well. That would not be my definition of radical change, while I do not disagree with what you have said. I would also like to pick up on the point about a small number of governors. It also comes back to the question you asked a few minutes ago about community involvement and stakeholders. It is possible for a governing body not to necessarily be rooted in the community, with everybody living within the catchment area, but still to be close to the community through governors being involved with the day-to-day events that I alluded to earlier—things like being part of panels reviewing fixed-term exclusions and attendance panels, and being part of various different activities in the school. That is hard if they are not from within the community and there is only a small number of them. That is why I am wary of a model where there is a small number and they are not stakeholders.

Mike Cladingbowl: I made the point, I hope, that we needed two radical changes. One is about a radical improvement in the quality of governance using our existing structures, which is the first point. The second is that I do think it is right that we take a look now at different structures and being more creative and making more use of the opportunities that are out there. You could, for example, ensure that expertise in one governing body is quite deliberately and directly—whether it is remunerated or not—shared with another; an advanced skills governor, for example. You could, as the Committee will have heard through previous evidence, have a smaller group of governors looking after a large group of schools, either through a federation of schools or, indeed, a federation of governors. There are a whole range of different structures and possibilities out there and I think it is right we look at them.

Professor James: I would like to agree with Neil. What we are hearing there is what many good governing bodies do already. They work with a core group with the head teacher, and they bring in a wider range of people who are representative of communities—they do not represent different parts of the community.

Q60 Chair: What about the ones who do not? The problem in the system is not those who are getting it right; it is those who are not. How do we take a limited number of people with real expertise and skill and share and spread that to ensure that we have high standards—we will never have them everywhere—in more places than we have them now?

Professor James: There are two very specific ways we can do that, Chair. Firstly, by making it absolutely clear—and it is not clear, as far as I can find—that the chair of the governing body is responsible for the functioning of the governing body. I do not think that is in regulations; I do not think that is in statute. I think it would send a very clear message if that was. Then we need to inspect school governing much more thoroughly. I look at the handbook and governing is in a long list of any other business, as far as what inspectors may look at. I do not think that is good enough. If I were the Secretary of State and had delegated responsibility for the conduct of schools to governing bodies, I would want to know, first and foremost in an inspection, whether that group that I had delegated it to was doing its job. If they are not, it is very, very hard for the school to do a very good job. I do not think we have got that in the right order yet.

Q61 Mr Ward: This is an old question that we know about, really. We all want an excellent governing body and an excellent head teacher, but where is the balance between excellent head teacher but poor governing body, and excellent governing body but poor head teacher, in terms of the most important aspect of running a school?

Professor James: Excellent governing body and excellent head teacher.

Mr Ward: Yes, I know that.

Professor James: I am sorry; there is no other way. The system works with the other models, but there is no doubt the research we are just writing up shows that good governing bodies warrant good head teachers and vice versa.

Q62 Chair: You have said we should give the chair the responsibility for the effectiveness of the governing body and make that explicit rather than implicit. Are you sure that is going to make a difference? I would have thought most people think that that was the case anyway.

Professor James: They do, and, of course, most very good chairs think that. But if the governing body is not working, who do you look to?

Q63 Chair: No, but that is what we are examining here; we are trying to look at ways of challenging those where it is not happening and getting high quality to be more common.

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Professor James: Chair, my point here is that if you do make that explicit in the regulations, it sends a signal. Someone somewhere has got to take responsibility for the effective functioning of the governing body.

Mike Cladingbowl: As you all know, in September 2012 we changed substantially our inspection framework and the way we inspect and report on governance, which is now, I think, fuller than it has ever been. In terms of the evidence that Ofsted has got from before September 2012, when we made separate judgments—on the one hand of the leadership and management of the head and the senior staff and whatnot, and on the other hand of the governance—generally we were judging the quality of leadership by the head and the rest of the senior team to be good or better in about six out of 10 inspections. Governance was below that. That does not surprise me. I do not know if it surprises other colleagues here, but that was my experience as a head and certainly my experience in the hundreds of schools I have visited as an HMI.

In answer to your question, there is something about making sure you have got the right combination in a particular school. Again, it is possible in a good school, frankly, for the governing body not to challenge the head particularly and for things to go on much as they always have done, although there are big risks in that because we know that one-third of schools that are “satisfactory” were once “good”. There are real risks there about keeping people sharp and honest. But in the 6,000 schools that are not yet “good” and that are providing a mediocre education for children, you absolutely need to have a tough, independent-minded and competent chair of governors to challenge head teachers and/or to support new head teachers, where those head teachers have not yet got their school to “good”.

Q64 Pat Glass: The NGA have told us that there has been a reduction in local authority support teams supporting governors and that there are concerns that the school-to-school support has not developed in the way that we would have hoped to fill those gaps. Is there a vacuum being created in support and training for governors? Do sufficient head teachers and governors know their roles? Is there a way that we can do this better?

Chris Hill: I think that something more national needs to be done, because now, there is much variance between what is happening in different local authorities; that is why you will start getting a very mixed picture. There needs to be some way of making sure there is a more consistent approach nationally. I think there would be greater support, greater training and more consistent training. I would imagine that it is unlikely that, if you have got an ineffective chair of governors, you have got a good governing body. That is paramount. There are a lot of other issues then on the mixture of governors and the expertise that you need on the governing body, but the advice is variable; the quality of training in different local authorities is changing noticeably now. There are some who will still be providing excellent provision; there are others who are not. I do not think it is clear enough in the

marketplace for all governors to know where exactly they would need to go to get the sort of training that they would necessarily need.

Neil Calvert: The question about school-to-school support is quite an interesting one, because it tends to happen with the strong and the weak; that tends to be when, for one reason or another, school-to-school support comes into play. There is a danger at the moment with less advice from local authorities that “good” and “outstanding” schools in particular, especially with the inspection regime being such that it may be quite a while until they next get inspected, are at risk of not necessarily having that level of challenge for the governing body. Certainly my own school is looking to put in place an informal arrangement with the governing body of another similar kind of school to have some kind of peer review and exchange of governors. There is a need for that, because there is the possibility that those schools may only get picked up in terms of weaker governance at a point when, for example, there is a risk assessment by Ofsted. That does not pick up weak governance; it picks up the effects of weak governance a year or two down the line when standards start to dip or complaints come in, and young people have already been affected. There is a need for that, yes.

Professor James: There is a huge amount of variation out there in local authority provision of training, governing bodies’ requirements for training, and the expertise they already have. We are, of course, in a fluid system where things are changing.

Q65 Chair: Are they changing for the better or for the worse in that particular respect?

Professor James: I would say the jury is still out on that one. What we should do—again, it comes back to Ofsted—is inspect the governing body more thoroughly and say, “What training have you done? I see you have not done any. Why is that?” I think that goes with things like compulsory induction and compulsory chairs’ training. It is great to say we are going to do that, but it runs at odds with the idea of autonomy, independence, governing and organising yourselves, which is, I think, hugely important and something we should encourage. We need to say, “It is thought that this is a good idea, but you have been chair; you came to the role after only a year as a governor”—which happens; I have got case examples of that—“why did you not do any training as chair?” We should set out what we think is required in Ofsted requirements and then that will frame what governing bodies do. That is a very simple, straightforward way of improving the quality of governing.

Q66 Pat Glass: Mike, these seem to be huge steps. Ofsted has got to find that there is a problem and then there is a vacuum: where do they go to secure support? Do you see Ofsted’s role as central to that?

Mike Cladingbowl: It is certainly our role to go and inspect and to follow up where we find weaknesses. We also believe it is our role, and have begun since 1 January, to put in place an organisation that is much closer to the ground and much nearer to schools. From next month, we will be running a series of workshops,

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seminars and good-practice conferences, which are things we have not done for some time, where HMI will work with schools and others in order to share our best practice so that we can do all we can to support as well as challenge the system. We know we need to step up to do that, as we are challenging others to do, and to work alongside them with that.

I agree with the points Neil made, and indeed with my other colleague, with one caveat. That is that HMI and additional inspectors have, since September, when they go into schools been asking governors those questions: “What kind of training are you having? What kind of quality is it? What impact is it having? How is it helping you hold the school to account?” and so on. It is absolutely right that we do that and we are beginning to do it. Otherwise, I agree with you that there is a problem between the increasing autonomy that the schools are getting and the diversity of practice and structures and so on that are out there now. I think heads generally are welcoming that very much and we are certainly recognising that in what we do. Regarding the notion of central training for all governors, governing bodies are very different. They organise themselves in different ways; they have different kinds of accountability depending on the system and the structures. To have a central single training for them would be problematic. The accountability bit is the important bit; how you get at that is through a combination of inspection and through organisational structures.

Q67 Pat Glass: The NAHT tell us that disputes between head teachers and governors are on the increase. Is that linked to the lack of clarity about roles? Is it more acute in academies?

Professor James: Those kinds of dispute come with the territory of governing bodies and head teachers. It is that kind of relationship. We do not want them, but it can be part of it. We need to recognise that. The governing body formally delegates the running of the school to the head teacher. The governing body has to call that head teacher to account. We need to sharpen performance management—not in a harsh way, but in a way that enables it to happen well. We are just starting a research project on that, funded by the DfE.

Chris Hill: There is an inevitable thing there. I have been a head long enough to know that in the past there used to be local authority advisers attending governing body meetings, so they would be able to give support to a governing body during a meeting. A lot of that would not happen nowadays. The clerk could be central to making sure that proper procedures are followed, but that is a question of whether the clerking is all appropriate. Again, there are inconsistencies. There is very good practice, but there are also some people who are now clerking who are taking the minutes but would not have the knowledge about how to advise the chair on doing things appropriately. It is about getting those core competencies; if you have an effective clerk who can guide the governing body a little bit, then a lot of those issues and disputes may disappear. It is having that consistency so that it happens everywhere.

Q68 Chair: Mike, the clerk can sometimes be the PA to the head, and they are also supposed to be providing the lay governing body with expert advice, possibly on issues of dispute between the head and the governors. Is it appropriate that you should have members of the school staff acting as clerks?

Mike Cladingbowl: We would not want to tell schools how to organise their own clerking; it is important that they are able to make those kinds of decisions themselves. But it is true, from my own experience before I joined Ofsted, that head teachers are dispensing with the services of the local authority to clerk meetings because it costs money; we would use our registrar or bursar or whatever it was. Whether it is appropriate or not probably depends on the individual circumstances.

Q69 Chair: You have given a clear answer, which is that you are not going to press on that, but how important is the quality of clerking? You have said you are taking an increased interest in the quality of governance. How important to facilitating that is the quality of clerking? What are you doing on that front?

Professor James: Chair, let us be absolutely clear: it is hugely important.

Mike Cladingbowl: We do not have any evidence on it, so I am not able to speak from that perspective. The only comment I would make is that I can see great value in having a function that helps governing bodies do their job and ask schools the right kinds of question at the right times and so on. That function may well be delivered by a clerk, but it presumably is not the only way. The notion that you need an adviser to the governing body who is an adviser to the school means it becomes a bit complicated.

Professor James: Sorry to burst in there, Chair, but it is hugely important. All our research indicates that to be effective, a governing body must be organised. It is in itself its own little organisation and needs to be run properly and do the right things and work in the way it is meant to. The chair has overall responsibility, then alongside the chair is a clerk who can advise and make sure that the system is run as it is meant to be.

Chair: As I know very well, an excellent clerk can prop up a weak chair and make everything work reasonably well overall.

Mike Cladingbowl: Something about very clearly understood roles and references is important in all that. We certainly find when we go into schools that are failing and are judged to require special measures and so on—and I have been to many of those personally as well as having dealt with them—that governance there may be weak, but it is not helped by the fact that it does not have a properly organised structure, nobody knows when they are supposed to turn up and when they are not, there are often members of the governing body, sadly sometimes nominated by local authorities, who never turn up and have not done for years, and so on. Yes, absolutely they need to be organised. It helps.

Chris Hill: I have always personally, as a head myself, wanted an independent clerk. Different schools do different things, but I think there are advantages to that. Increasingly, you are going to have problems if a governing body is not the strongest

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governing body and needs to develop its skills; all too often it may be only the head teacher who is the person doing this other role of nurturing and training, where there again there could be conflicts over time. That is why I personally think an independent, experienced, quality clerk could be very beneficial to both the head teacher and the school, and to the governing body as a whole, enabling them all to do their jobs appropriately.

Neil Calvert: I think there are three distinct roles for the clerk. The first is clearly the organisational one. That can help to make sure that a large governing body remains in touch with the school; that is really important. The advisory one, clearly, we have established, is really important, but I think a school can retain good legal advice that allows a clerk who is perhaps not a professional in that field still to pass on advice to the governing body. The third one, which we have perhaps missed to some extent, is simply the minuting of meetings. Anecdotally, during my last inspection, which was just before the September 2012 framework, some of the evidence taken for effective governance was about a meeting to do with the curriculum where there was significant challenge about a new curriculum proposal. A less verbose style of clerking, which could have been quite acceptable, would not have allowed the inspector to spot that and could have changed quite a pivotal judgment. That is important to me.

Q70 Neil Carmichael: I want to probe the point Mike was making about accountability, because I think it is a really important one. In between inspections, governing bodies can fall and fail, so who are they really going to be accountable to? How can that accountability be strengthened? The point I made earlier about interim executive boards is certainly the ultimate test, but who is really going to apply that test and apply that accountability?

Mike Cladingbowl: There are obviously different schools out there and different kinds of arrangements for schools. We know that half of secondary schools are now academies of one sort or another, but even within that, they are very different, as you well know. Those academies that are involved in a federation or in a chain and so on are more likely, in our experience, to have accountability mechanisms that will work. We also know from taking evidence from sponsor academies—forgetting converter ones—that those that are in a chain are far more likely to do better at inspection than those that are single sponsor academies. There is just something about the nature of the organisation you are working with that is important in all of that. I suppose the greatest worry, if you translate that evidence across, would be those schools that have converted to become academies but are flying solo.

Q71 Chair: What about a solo primary school in a rural area with no effective competition, so it is quite hard to find any accountability, which happened to get “outstanding” and will therefore next be inspected by you Lord knows when? If it is “good” it is five years.

Mike Cladingbowl: That is absolutely the key question. We know that if they are not part of a local

authority, their relationship with the local authority will be different, but let us not forget local authorities still do have a statutory responsibility for ensuring equality of opportunity and promoting good achievement and so on for all the children, regardless of what school they attend, in that local authority area. We are thinking and have been talking a little bit about how we are going to work with local authorities and start to inspect local authorities in order to make sure that they are doing that part of their job as well as they can. That is one bit of the answer. We also, through our new regional structure, without recreating a middle tier, expect HMI to be closer to the ground and we will run risk assessments and consider running risk assessments more frequently than we do at the moment to see whether any intervention might be required. But these are big, complex and difficult matters.

Professor James: Chair, can I just very quickly add two points? There are two changes that could be made with very little cost. One is that all governing bodies should be required to make an annual report, which they publish on the school’s website, which gives an account of their work and their sense of the conduct of the school in the previous year, which all stakeholders can read. That is a very simple way of enhancing accountability. The other is, if you are judged as an “outstanding” school by Ofsted, you should be required to submit a risk assessment on an annual basis. “You have been ‘outstanding’ and we want you to stay ‘outstanding’, but that can be threatened in any one of a number of ways, so you must return that information”.

Q72 Neil Carmichael: If a governing body is stuffed full of stakeholders, is it likely that the bodies that they represent are going to challenge the performance of the governing body?

Professor James: Absolutely.

Q73 Neil Carmichael: What evidence is there?

Professor James: If you are a parent-governor, so you are representative of parents, as you turn up to school events, you will be challenged by parents who do not think that that school is doing well enough.

Q74 Chair: Are parent-governors the most effective governors for challenge?

Professor James: It does depend on the local circumstances. We have very effective challenge from local businesses in the school where I am a governor.

Mike Cladingbowl: I know there are countless examples of parents challenging schools and governing bodies and making a proper fuss when things are not good enough, but we also find that, in those schools that are only mediocre or worse, parents are quite satisfied with their school. Often, we go in and we find that parents say, “Actually, the school is good”, and not all, but the vast majority of parents think everything is absolutely fine, whereas in fact we know it is not.

Q75 Pat Glass: We have talked a lot about mandatory training for governors and, Chris, you said earlier that you are in favour of that, so I would like

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to know about the others. What about the mandatory training for heads? Are they clear about the role that they have?

Chris Hill: I will simply say, as a head, it can only be of benefit, if the head is not clear themselves about what their responsibilities are and does not fully understand how important the governing body is. If you have then got a clerk, a chair and a head who know exactly what they are meant to be doing, a lot of the other things will start to fall into place.

Q76 Chair: How do we deliver that? That is Pat's question. Do we want to change training? At which point? Who should do it? Where? How?

Chris Hill: As someone who has been an NPQH tutor in the past, although I know NPQH is no longer mandatory, I think there should be a greater focus, in preparing for headship, on a greater understanding for those prospective in that job of what the governors and their relationship should be.

Professor James: I support that, Chair; NPQH would be a way of doing it.

Neil Calvert: I rarely use my NPQH training on a day-to-day basis. One of the big learning points of becoming a new head several years ago now was the importance of the relationship with the chair of governors. I am not sure that was ever covered in NPQH; that would certainly strengthen it.

Mike Cladingbowl: We know training is really important, but we also know training is most effective when people know they need to be trained. If you make training mandatory, people sometimes do not think that or they do not understand that. The other difficulty is that headship can be lonely, but it is also a terrific job and we should surely be appointing head teachers who will take some responsibility for making sure they are up for doing the job.

Q77 Pat Glass: So one recommendation from you is that the NPQH should include training for heads on their roles.

Professor James: Absolutely, yes.

Mike Cladingbowl: I think we want to come back to you on that; we might write to you on it.

Q78 Craig Whittaker: I want to go back to the role of the clerk. Neil, you mentioned a list of things that they should be doing. Do you not think one of the things is to filter out the information that goes to governing bodies, which heads and chairs currently get criticised for doing?

Neil Calvert: Yes, to some extent. Particularly at the moment, when there is so much of that and this is so complex, I think it is a huge ask for the clerk to be able to filter some of that out. It probably goes against the spirit, but I think the head does have a role to play in that still, not in terms of filtering things out that do not reach governors, but in terms of clarifying and, without being patronising, simplifying so that it is in a form that can be accessible to governors.

Professor James: I am not altogether sure it is the clerk's role to do that. I would look to the chair to do that and to engage the clerk as appropriate. Information flow from the school to the governing body and from the governing body to the school is

a matter of responsibility for the two heads of those organisations—the chair and the head teacher—and I think they should fully understand what information needs to go.

Q79 Craig Whittaker: Where you have got chairs and head teachers who are in these cosy situations, how do you stop them only giving what they feel, where actually there should be much more going on?

Professor James: One of the strengths of school governing is the collective nature. Yes, we have the chair, who is responsible for the functioning of the governing body, but behind that chair is a crowd of people who are saying, "Well, you have sent us this information, but, quite frankly, it is not enough". That would be how you do that.

Mike Cladingbowl: Partly in answer to your question about how we keep accountability up there and keep people aware of how well schools are performing in between inspections and all the rest of it, but also partly as a way of helping to sharpen governance as well as giving governors the tools to do the job, we are introducing and we will be issuing and sending out next month, all things being equal, to all schools in England a new governor dashboard, which is simple, comparative and direct information about the performance of their school. We will send that directly to chairs of governors.

Q80 Chair: How drilled-down will that be? Going back to the issue earlier about the individual teacher—

Mike Cladingbowl: It will not have that level of detail, but what it will have, we think for the first time, is enough summary data to let chairs of governors know if it looks as if the school is not doing well enough and they need to ask some questions.

Q81 Siobhain McDonagh: When is that coming out, sorry?

Mike Cladingbowl: All things being equal, we are expecting it to come out next month.

Q82 Chair: I, like many others, became the chairman of governors of a failing school. When you are failing, you get that urgency; the first thing to do is work out who is doing well enough, who is not and, while you have got to try to help everyone to come up, divide those effectively into those you think can, with the right support, and those who probably never can. That individual-level understanding certainly comes if a school gets put into special measures. Where is the right balance? How much of a role should governors have in checking the individual performance management, drilling down to the individual teachers? "Who are the four lowest-performing teachers in this school, head teacher, and precisely what are you doing for each of them?" To what extent is that happening? Should it happen?

Professor James: I think a crucial question, and one that governors often miss, is not "How are we doing in relation to our neighbouring school?" but the nature of in-school variation. In-school variation is generally much, much larger than between-school variation. A big message that school governors could learn is at that level, asking the crucial question, which is: "In

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science, what is the difference between the results our best teacher gets and those our worst teacher gets?" You would want to put it better than that, but those are the kinds of question that governors should be asking about the data.

Q83 Chair: To what extent do they get that information? There is RAISEonline and we are trying to encourage better understanding of that. Take us through that, Mike.

Mike Cladingbowl: It is patchy, in my experience, but it is absolutely right that governors ask the head and others questions such as, "Where is the strongest teaching in your school?" and "What are you doing about where the weakest teaching is?" That does not need to involve conversations about individuals.

Q84 Chair: Is that a suggestion that somehow it would be improper if it did?

Professor James: You do not want to drag the governing body into operational matters. There is an issue there, I think.

Mike Cladingbowl: Yes, of course they should, if they are involved in any kind of capability process or disciplinary process as part of a staffing committee or whatever the arrangements are; it is absolutely right to have those individual discussions. But it will depend on the severity of the problem.

Q85 Chair: But that requires the head to bring to the governing body a real problem in capability, whereas the point is to get the governing body to be identifying and checking that that popular member of the staffroom, who, as it happens, year after year does not teach people much French, is being challenged, and equally, that that person there who is exceptional and is in the 90th percentile of performance and is brilliant is not allowed to leave the school to become a deputy when they love teaching and are miraculous in their impact on kids, particularly previously lower attaining kids, and that there will again be a plan to try to do whatever it takes to keep that person in the classroom. From both ends, do we not need that? If you do not have the information, how on earth do you do it? You end up doing a policy; you work on your anti-racism policy again.

Mike Cladingbowl: Let me just say that this week we have written to all schools—you may not have got the letters yet—reminding them that when Ofsted come to visit, they will want to see information about the performance of teachers and the relationship between that and their progression along pay scales. We spelt this out in more detail than we have before. Michael Wilshaw has been very clear that it is not good enough for schools or for governors to preside over a system whereby teachers are being rewarded year after year for producing poor results and for not doing a good enough job, and equally, where teachers are not being rewarded for doing really, really well. These are the sorts of questions that governors ought to be asking, certainly in general, and, where necessary, they should be drilling down into the specifics. That is the job of governors, in our view: to check that the head is running the school properly. That includes making sure that there are sufficient performance-management

arrangements. Equally, many governors do a great job, but many of them could do much, much more in better performance management of the head.

Q86 Mr Ward: Chris, you made a point about in-school variation. What if the best teacher in your school would not be regarded as the best one in another school?

Professor James: Yes, that could be true, but just to add to that, our question is not just, "What is the difference between the results gained by the best teacher and the results gained by the worst teacher?" but, "What is that best teacher doing and what is the school doing to enable that best practice to be shared?"

Q87 Neil Carmichael: Is that discussion on the governing body's role in the performance of teachers going to be helped or hindered by staff governors?

Professor James: Our research shows staff governors make a varied contribution. Generally it is very, very helpful. Generally, staff governors manage that potentially conflicting role.

Q88 Neil Carmichael: Are there any exceptions?

Professor James: Of course there are, but I do not think we can legislate for the exception. What you need is a good chair saying, "You might have that role in the school when you are a teacher; here you are a governor".

Q89 Chair: Does anybody else think that staff governors are a bad idea, even if we do not legislate for it?

Chris Hill: I think staff governors have a role to play on a governing body, because they can provide a different perspective of the school from the head, which may be very useful to the governors. There are checks and balances about issues like competency and how that needs to be done where it can be difficult.

Q90 Chris Skidmore: How good are the current arrangements for tackling underperforming or failing governing bodies? Do you feel that the interim executive boards come in fast enough? Do the arrangements for local authorities suspending the budget of schools work? What more could be done, or are the current arrangements satisfactory?

Mike Cladingbowl: There are two things, really. We have said something about this in the evidence we have presented. Sometimes it is too late. There is a large secondary school that came to my attention very recently—no reason why it should not be good—that had an interim executive board put in place shortly before we visited it and it has now gone into special measures. That should have happened much quicker. People were aware of underperformance in that particular school, so I think that is a weakness. When they are put in place, generally they are very positive and productive and they do bring a sense of urgency and direction and directness. What we do know, though—and this is a worry—is that since October 2007, around half of local authorities have not used IEBs at all. Of course, it is not the case that, in half of the local authorities, they have had no problems

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with their schools; they clearly have. They are not using their powers. Since April 2007, around 70 of the local authorities in England—a little under half—have not issued any warning notices, including, we note, the three local authorities that had the highest percentage of schools found to be inadequate between April 2007 and August 2012. Those figures are pretty stark.

Q91 Chris Skidmore: What would be a natural trigger for issuing a warning notice? Is it not just school performance? Is it attendance? What would be the criteria?

Professor James: A whole set of information would come through the network, so you may well have a local authority clerking system; information could come through that way. I have to say that I think the relationships between local authorities and school governing bodies are not as sound as they should be and could be improved.

Q92 Chair: How?

Professor James: One very simple thing is to make the connection between an authority governor and the local authority much, much more productive. Nothing happens. You get named an authority governor and then nothing happens. Local authorities could be required to have a twice-yearly meeting with their authority governors to establish that link. The information comes through in a range of ways, but I am totally at one with Mike that it does not happen quickly enough. We should not be having disasters; we need to prevent those. That can be through early intervention and, if things do start going seriously wrong, an IEB.

Q93 Chris Skidmore: Obviously Ofsted plays a role in this as well. Mike, you mentioned that you have a new rigorous system in place and you were proudly about to describe it. The evidence we have got from the NAHT says that the new inspection judgment criteria for school leadership and management represents for them a “backwards step”, as they believe Ofsted has failed to separate governance from operational leadership. That, they believe, makes your judgments of governing bodies “questionable”. I was wondering how you would respond to those comments, and also whether the head teachers had any comments on the new inspection regime and whether you feel it is fit for purpose.

Mike Cladingbowl: I will quickly follow up on the issue of warning notices and interim executive boards. Local authorities have got powers to do these, but the powers are circumscribed, so there are circumstances in which they may do it and circumstances in which they may not and they need to follow proper processes and so on. We are involved with warning notices because we have to look at appeals, and there are questions that might usefully be looked at around the ease with which these things can be issued and whether the circumstances around their issue might need altering. I do not have any evidence on that, but it is certainly something that we would be prepared to go back and have a look at and write to you about, if that would be helpful.

On your specific point, I think it is right that we have gone to the four judgments plus the overall one. I think it is right that we do not separate out governance as a separate judgment. By putting them together, we are making the point that governors have a significant and important part to play in the leadership of a school—in particular the strategic leadership, less so the operational leadership, but nevertheless the two things are intertwined. As we are expecting governing bodies to engage more directly and more frequently with heads where schools are not doing well enough about what needs to be done in order to get better, it is right that we allow inspectors to make an overall judgment about the impact of governors. I would also like to say directly that, in the inspection reports that we now publish, since September, although they do not have a separate grade for governance—it is subsumed within the leadership and management one—we are writing more clearly and more directly about governors than we have done for some time. The new inspection regime is delivering more information to governors and others about the quality of governance.

Chris Hill: If you are going to do that, there should be a separate grade for the governors. If there is an issue about leadership, it may be clearly written, but for some parents it would be easier if they could see the grade and therefore see where the issue has an impact. The problem for a school such as mine, which is in an area with a transient population and where my governing body will change quite a bit, is that stakeholders that come on, a lot of them from overseas, do not know the system and need a lot of nurturing. The fact that I might have a sudden change in that group at a particular time may lower the governing body for a period of time.

Q94 Chair: Do you agree with the NAHT’s criticisms of the new Ofsted approach?

Chris Hill: Yes, because it could mean that the leadership of the school generally is good; the leadership, supporting and nurturing of the governing body is good as well and the governing body is developing, but it is a transient thing. That is inevitably going to happen when you have volunteers coming in at any time.

Neil Calvert: I would concur with Mike. I think that grouping the two together in one judgment is the right way to go. I do not think the leadership judgment should be a celebration of a great head or a damning of a poor head on their own; it allows governors to share the burden there, because that is clearly how the school needs to be run.

Q95 Chris Skidmore: Is that not just giving an excuse for poor teachers? Head teachers are paid quite a lot of money and the governors are given nothing. To give parity of esteem to governors when they have given up their time, is that not just giving the head teachers a break?

Neil Calvert: The point I was going to come on to was that I think it is important that people are encouraged to read the report, because a single number does not tell the story and the story is in the report; it will say very clearly whether there are

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failures or successes in the headship, the senior leadership and the governance. That is not a weakness of the current inspection framework, but it is one of the things that we need to encourage people to do: to read beyond the number. If that is done, then I think it is effective.

Q96 Pat Glass: On the point you were making, Neil, that people should be encouraged to read the report, can I just say to Mike that making it slightly less dense would help? Ofsted reports always look the same. There are great chunks and it is really hard to read.

Mike Cladingbowl: The new reports are different; they are written in bullet points and not everybody likes that, but we think they are better. We will make sure you are sent some so you can see those.

Professor James: Very briefly, Chair, it is a matter of what you inspect and what the expectations are of what you are inspecting—I think governing bodies should be inspected closely, the expectations of them should be set out—and then how you report that judgment. A smaller number of significant judgments is perhaps the right way to go, but let's inspect governance.

Q97 Siobhain McDonagh: Should governing bodies operate more as company boards of directors?

Professor James: All I would say is we have done a review of the role of the board chair in a whole range of settings. There is very, very little difference between the general structures and the general models. Principal agent and stewardship apply in both settings; if you just change “shareholder” to “stakeholder” you get a broadly similar view. Let's have a bit of clarity around this. People are forever saying, “Schools are special, you know”. Of course in a sense they are, but they need to be governed and they need to be managed properly, so I think more or less the same principles apply.

Q98 Siobhain McDonagh: It is probably an issue about whether there is a need for a community link, rather than just the management of the institution.

Professor James: It is a question of substituting the term “shareholder” for “stakeholder”. You then get a very good sense of what school governing bodies should be like. Company boards are responsible to shareholders; school boards are responsible to stakeholders—all those who have an interest in the school.

Chris Hill: If you were going down that path—I think there is mileage in that—you would also need to look at where the stakeholders fit in and developing a role for them, because the stakeholders have to play a very important part in it. I am not totally clear, but the company board type of way sounds slightly more distant, but there needs to be a way that there is a link between stakeholders and that company board so that that is strong.

Q99 Siobhain McDonagh: Is it realistic to expect that even in a very small rural primary school, you are going to get the broad range of skills to be like that board?

Professor James: Yes, absolutely. It depends on having a good chair, some agency, some energy and some drive from the governing body to get what they want to govern that school properly.

Q100 Chair: Are you less likely in one place than another to get that balance?

Professor James: Of course.

Q101 Chair: If so, where are you less likely to get it?

Professor James: Where there is low performance; where there are low levels of socioeconomic status; and where the school is not, to use an interesting term, loved by its local community.

Mike Cladingbowl: The question that sits alongside that is: does each school need to have its own board?

Professor James: Absolutely yes, Chair, so that the local community locally govern their local school.

Q102 Chair: What do you think, Neil and Chris?

Chris Hill: In a community such as mine, one of the issues is that a lot of my stakeholders are new to the country. They are keen and interested in their children's education and they want to get involved, but they do not have a great understanding of the system and a lot of them would never have been on a committee of any kind at all. There are a lot of issues about them developing their expertise. I think that is a big issue.

Neil Calvert: There are tensions for the governing body, for example, of a primary school that struggles to recruit that skillset, between continuing to soldier on like that and keep the autonomy of being a school in their own right, and federating within a larger model, gaining the skillset and potentially losing the stakeholder involvement. Quite a few small primaries are dealing with those tensions at the moment.

Q103 Chair: As so often, we will give Ofsted the last word.

Mike Cladingbowl: Secondary schools in disadvantaged areas struggle in exactly the same way. It depends how you define a community. Five villages near to one another, each with their own school, is equally a community as each of those individual villages. In the end, we need to do what works and we need to do whatever is necessary to make it work. I suspect that might mean that we need to have different arrangements for different kinds of schools.

Chair: A very Blairite way to end.

Siobhain McDonagh: Always the best way.

Chair: Thank you all, gentlemen, very much for giving evidence to us this morning.

Wednesday 27 February 2013

Members present:

Pat Glass (Chair)

Neil Carmichael
Alex Cunningham
Bill Esterson
Charlotte Leslie

Siobhan McDonagh
Ian Mearns
Mr David Ward
Craig Whittaker

In the absence of the Chair, Pat Glass was called to the Chair.

Examination of Witnesses

Witnesses: **Andrew Thraves**, Publishing and Strategy Director, GL Education Group, **Dr Bridget Sinclair**, Chair of National Co-ordinators of Governor Services (NCOGS) and Governors Service Manager of Swindon Governor Services, **Liz McSheehy**, Chief Executive, SGOSS, and **Pat Smart**, Executive Headteacher, Greet and Conway primary schools, and National Leader of Education (NLE), National College for School Leadership, gave evidence.

Q104 Chair: Good morning, everyone, and thank you for coming. I am sitting in for the Chairman today, who is not too well. I will endeavour to provide his robust style of chairmanship. He always says at the beginning of these sessions that what we are looking for from witnesses are recommendations that we can make to Government. When you are giving your answer, keep in mind that anything you can give us that is a firm recommendation we can consider putting in our report to Government.

Clearly, governors are in the press today. Sir Michael Wilshaw is due to give an address today to launch a new school data dashboard. He calls it “a powerful new online tool designed to support governors to hold their schools to account”. He is saying that “there will be ‘no excuse’ for governors who don’t understand and challenge their school robustly”. He calls for more paid governors, better training and more professional governors drawn from both the public and private sectors. He also wants to challenge local authorities to take rapid action when governance is weak. Is Ofsted focusing on the right things in order to support governors in schools? Is this new dashboard going to make everything right?

Andrew Thraves: I have had a quick look at the dashboard. It is nice and simple, very visual and easy to understand. To some degree, though, it is fine at the top level for parents and some senior leaders. To some degree as well it has got to be about the data that lies underneath, because key to making sure the school is effective—in terms of its leadership, teaching and learning moving forwards—has got to be something about: what does the data actually mean in terms of moving forward?

Q105 Chair: Is there a danger that, for governors, this will simply become a tick-box exercise, in that if they have covered things on dashboard, they do not need to look any further?

Andrew Thraves: It depends on what the dashboard is showing. For example, if it is showing that progress has not been made, or if it is showing that the Pupil Premium, where it is spent, has not been working in the school, clearly that is signalling that something is amiss and something needs to be done about it. You

could argue it could become a tick-box exercise if everything looks fine, but if there are issues to be raised, then clearly, also, those issues need to be addressed by the governing body.

Pat Smart: I am one of several National Leaders of Education who took part in the Fellowship Programme last year, which looked at governance, on which we have presented evidence to you. The data dashboard was one of our recommendations.

Q106 Chair: So, you welcome it?

Pat Smart: Yes, very much.

Dr Sinclair: Yes, the data dashboard is a very welcome development. It gives that high-level story about the data and trends over time, which will be a very quick and easy way for governors to begin their journey into delving into unpicking the data. But it must not become the be-all and end-all of data. It certainly is the beginning and will begin to raise questions, because even if that data dashboard is showing favourable trends, there could be deeper underlying stories that need to be explored. We certainly would not want that to become the exclusive source of data, and RAISEonline and further dipping into year-on-year in-house data is incredibly important, because the data dashboard is still looking at the end-of-year summative data, rather than in-house tracking.

Liz McSheehy: I agree with that. It is fine to have the dashboard and it is fine to have the information, but you need the right people on the governing body who have the skills to interpret and question and ask around that information. If it is helpful, it is great as a snapshot, but as Bridget says, you do need to be able to delve behind it. In a sense, your governing body needs to have the skills to be able to question around it too.

Q107 Chair: Michael Wilshaw is arguing today that “good governors focus on the big issues: the quality of teaching, the progress and achievement of their pupils, and the culture which supports this”. Do you agree with that and how will the dashboard be able to identify the culture in an organisation, which is so important?

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Andrew Thraves: You can see from the dashboard where it is focusing: progress, Pupil Premium spent, attendance and so on. To some degree, the dashboard is quite a useful device in terms of focusing the school on what the key areas might be. On the other hand, to some degree it is the “so what?” question, and it is the same with any data. As people say about the education system in the UK, we are data rich but data interpretation poor. The “so what?” question is, “Well, you’ve got the data; you may not have made the progress that is required”—or Pupil Premium has not been spent, or attendance, or whatever—“but what do we do about it?”

Chair: So, it is a good start, but just the beginning of a dialogue.

Andrew Thraves: Yes.

Q108 Neil Carmichael: I have just been to the presentation that Sir Michael gave to introduce the dashboard. He set out his case for doing so along the lines of: failing schools with poor governing bodies just do not have governors who are looking at this issue at all. He said most of them are talking about school meals rather than mathematics, which was a phrase he used. He said others just have not considered indicators at all. The real question behind this, fundamentally, is why are we in a place where the chief inspector of schools thinks that too many governing bodies need the dashboard?

Pat Smart: One of the issues that we looked at as a Fellowship was the fact that we have a RAISEonline document: in the case of primary schools, it is 91 pages and it is quite difficult. We were looking for a simplified document—not to replace RAISEonline but to supplement it. Added to that, we felt that the governors’ online manual, which is 256 pages, was just far too long. Some simplification, we felt, would help governors to ask the right kinds of questions. As colleagues have said, it is not the be-all and end-all. It is not the final answer to it; it is just one example of things we can do.

Liz McSheehy: I would argue that you need to get the right people in to be governors, and take people who come from business and who have skills, who are able to interpret information and ask the right questions. When we are talking about skills, we are not necessarily talking about specific business skills; we are talking about broader, transferable business skills. This would mean that you are used to looking at data sheets, you can ask questions and you are used to performing in a board situation. We need to get people in to be governors who actually can understand and think about the type of questions they are asking and really be critical friends. I think that is really important.

Q109 Neil Carmichael: You put your finger on the problem, and that is what this Committee, fundamentally, needs to address. With all the scores of governors we have—230,000—clearly, if you look at Ofsted inspections, you can see that some of them are just not doing a good enough job. Many are doing a good job, so let us not paint everybody with the same brush, but some are not. The supreme paradox is that the schools that are suffering the worst seem to

be getting the least good governance; it ought to be the other way round, to some extent. It is certainly the wrong way round now. How do you address that problem?

Liz McSheehy: You would expect me to say this, but I would say we need to have more of my organisation, which is SGOSS, the School Governors’ One-Stop Shop. We are a well-kept secret. The organisations that know us and use us think we are good. Why are we good? We work with employers to identify volunteers, who we can then place with schools. We work with local authorities and we work with schools. The important thing is that we have recruited 24,800 volunteer governors from business since 2000. We have pushed the envelope as well because, out of these, 65% were under 45, more than half were female and over 20% were from ethnic minorities. The important thing is that we run an individual matching service. We found volunteers who are very high quality and professional. Of the 3,072 we recruited in 2012, 85% had degrees, 5.4% were qualified lawyers and around 7% were from FTSE 100 companies.

Q110 Chair: If we are getting all of these highly professional people—all right, not into most schools—why is Michael Wilshaw saying we should pay governors? Do you agree that we should?

Liz McSheehy: There are not enough. We should not necessarily pay people, because if we are talking about the skilled volunteers who we are putting in, they are people who come from senior or middle-managing business operations. They would not necessarily want to be paid. What they do need is recognition from their employer, whether it be greater time off because they are doing governor work, or whether it be recognition of the learning that they bring back to their own workplace.

Q111 Chair: Do the rest of you think that governors should be paid or do you think, as Liz is saying, that we should treat them more like magistrates so that there are protections around that role?

Andrew Thraves: The problem with paying governors is: what would you be paying them? If you look at governing bodies and the way things have gone in the last few years, there is talk of governing bodies acting more like a board of directors of a company. A board of directors at a company is not paid some stipend of several thousand pounds a year, so you have got that issue. The other piece about it as well is the fact that maybe there is public recognition or some other reward system that is not necessarily about money. I do not agree that governors should be paid. I do not think it would make much difference, frankly.

Dr Sinclair: I do not think there is evidence that non-payment is a limiting factor, and payment would have to be considered incredibly carefully because of the ramifications that would have, and they are complex. The problem of weak governance is a complex one as well and there certainly is no easy fix, but we are absolutely right in thinking it is about getting the right people round the table, retaining those people and giving them the right support and training, so that they have a very clear understanding of the expectation of the role and its responsibilities, and so that they give

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commitment and have time for that role. There is a great focus on the recruitment of professionals and graduates, which is fine, but whoever those people are with the right credentials, they have got to have passion and the time to give to that role for a consistently long period. They also need to develop the right relationship with the school to govern.

Q112 Mr Ward: You are not describing a world that I am familiar with. Ideally, it would be wonderful to be able to attract people who have professional educational backgrounds to inner-city areas and some of the more deprived areas. If you believe, as I do, that it is very important to have local community involved in schools, be it parental or community governors, it is going to be extremely difficult, even with a great deal of training, to get people to a level where they can understand the complexities and challenge a headteacher on the data that are produced. In those situations, the only recourse needs to be an independent expert for support. They are not just interested in school meals; they are interested, very much, in the levels of performance, attainment and achievement within the schools. However, there must be additional independent support to say: these are the questions. That support also needs to challenge the answers that are then given by the headteacher in the school. I am supposed to ask a question: do you agree?

Dr Sinclair: I agree with the challenges that you have in those more deprived areas and the difficulty of recruiting sufficient parents to those governing bodies who will be effective. The new constitution regulations allow much greater flexibility to the make-up of the governing body so that you can recruit much more specifically to particular roles. I am not saying it is not going to continue to be a challenge for those schools; if you are going to recruit the right people, they may have to travel some distance to serve those schools, but there are mechanisms to attract those people to schools where they can, perhaps, make the greatest difference. There is flexibility to do that, and it might be beholden on the leadership team as well to take a greater role in securing the recruitment of stronger governance where that is the case.

Pat Smart: My two schools are in inner-city Birmingham, so I have a lot of experience with the kinds of communities that you have just mentioned. As well as my own two schools, I have supported other governing bodies as National Leader or indeed as a governor. My experience has been that you have a continuum from *laissez-faire* to meddling. If you have a strong headteacher and a senior leadership team who are open and transparent, and have very high expectations and aspirations for their children, you can cope with a slightly weaker governing body. The problem is where there is a problem, and where you have not got that senior leadership team in the school—particularly the headteacher—that is when things can go seriously wrong. My experience has been, and the Fellowship's experience was, that it takes too long for interventions to happen when something does go wrong. For example, we heard of evidence where Interim Executive Boards (IEBs) were put in place up to two years after a school had gone

into a category. Now that we are in the new “requires improvement” category, hopefully that will change, because there is much more pressure on the former “satisfactory” schools to prove themselves. There is some optimism for the future that the right interventions will happen.

Q113 Neil Carmichael: We know, from a previous evidence session, that Interim Executive Boards are quite successful at turning a school around. Chiefly, they are smaller than governing bodies and they are also effectively populated by people who are can-do, professional types. Is there not a message there?

Dr Sinclair: There is a message, and I understand where you are coming from. The model of the IEB is not necessarily a sustainable one because they are appointed to a school that is already identified as being in crisis and selected, quite rightly, on their skills basis and understanding of education. For that short period in which they are acting as an Interim Executive Board, they can be quite operational in supporting the leadership team and often in appointing a new headteacher and senior leaders where that school is in crisis. They are moving towards handing back to a sustainable governing body. What we are seeing is the quick and rapid improvement, but, in fact, you are then handing over, in likelihood, to a new leadership team, as well as a new governing body. I am not sure that model is sustainable when those people are actually in for a short period and probably devoting a huge amount of time to supporting that very fragile school over that period.

Q114 Neil Carmichael: A school must have been getting fairly fragile to have needed an Interim Executive Board in the first place.

Dr Sinclair: Absolutely.

Neil Carmichael: The point made by Pat, along the lines of intervention sometimes taking far too long, suggests to me that we need to see more types of IEBs, and knock off the “I” and perhaps have more permanent measures like that to sort out schools that are in need of that kind of help. It is all very well saying, “Well, we’ll shove in an IEB to solve the problem,” but really what we should be saying is, “Why are the problems arriving in the first place?”

Q115 Chair: Instead of asking how we get the right skills on governing bodies, do you think the new regulations will help in getting people off governing bodies who do not have the right skills?

Dr Sinclair: It is sending the right messages to governors to take control of their governing body and make decisive decisions about strengthening their governing body. They do have the flexibility and they should not put up with governors who are ineffective on their governing body. There is no excuse to have governors who are not contributing to that governing body and to be saying, “Oh well, we’ve got vacancies because we can’t recruit to this particular stakeholder group.” You do not have to retain that makeup; you can change that, and then you can recruit.

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Q116 Neil Carmichael: What powers does a chair in a governing body have to get rid of an incompetent governor?

Dr Sinclair: It is not easy.

Neil Carmichael: No, it is not.

Dr Sinclair: They can use powers of persuasion. It is about that governing body acting for the interests of the school, and if you have—for want of a better word—dead wood on the governing body not contributing, then the chair of the governors needs to lead the governing body to strengthen that governing body.

Q117 Neil Carmichael: What happens if he or she is incompetent?

Dr Sinclair: That is more challenging.

Q118 Mr Ward: Can I start by looking at the issue of the particular skills that are required? The DfE acknowledges that a key challenge is encouraging schools to be open to new influences and focus on recruiting governors for their skills. Are you finding that that difficulty is the case?

Liz McSheehy: It is a good question.

Mr Ward: Thank you.

Liz McSheehy: You would expect me to say that, wouldn't you? There is a need for governing bodies to be able to articulate what skills they need, and good governing bodies can do that very well. They need to be aware of what they are not good at and go out and find that, but so many governing bodies are not able to do that, and that is one of the issues that we are stuck with. Because of the way we work—we work very closely with local authorities and we work very closely with schools—in a sense, when we are looking at identifying volunteers, we are looking at filling the gaps. Then the support we have from the local authority or the support we have from the school in identifying what particular skills there are in some way goes to help. However, it is an issue.

Q119 Mr Ward: We have already touched on this debate about the types of skills required, such as some with finance skills or maybe even a legal background and so on, as opposed to the more transferable skills. Is it just one or the other or is there a balance?

Liz McSheehy: If we talk about specific skills—such as business, finance or legal—it takes us down a particular blind alley, because people are not necessarily put on governing boards because they are fantastic lawyers. They are on a governing board because they have the skills of having a legal mind and being able to interpret documents in a particular way or look at things in a different way. I do not think it is necessarily about bringing a specific set of financial skills; you are not an accountant, but you have the propensity to understand and interpret data, etc. It is about transferable business skills, and we are finding that people are coming from financial organisations and legal organisations to be school governors.

Q120 Mr Ward: If we move on to the issue of NCOGS, there is the subject you raised of accountability for making appointments to governing

bodies. It says that “while there is much good practice regarding the appointment of governors there can be variability,” as we would expect. Does this matter at all? Is it a key issue?

Dr Sinclair: Yes, it does. Where you have a model where the accountable body, whether it is the local authority or the diocese, is appointing local authority governors or foundation governors, they have a duty to ensure that those governors they appoint are able to contribute fully and to focus on school improvement. Sometimes that is difficult if those organisations are limited in where they are drawing from and if they are more concerned about just filling the posts, rather than really making sure those people are going to have an impact on that governing body.

Q121 Mr Ward: What about the variability between the different phases, or the different types, of schools: PRUs all the way through?

Dr Sinclair: The quality of governance? Yes, that came from the Ofsted HMI report in 2011 on the relative calibre of governance, where there was quite a disparity between, particularly, the primary and secondary, wasn't there? It is an interesting point that, in that report, Ofsted do not comment on a hypothesis of why that is the fact, but there is often a halo effect between the judgment on leadership and management, and governance. In fact, from that report, the judgments on quality and leadership management from those same schools were, in total, 64% “good” or “outstanding” in primaries and 71% “good” or “outstanding” in secondary schools, which, in fact, mirrors the governance judgments. You would have to unpick that more. The devil is in the detail and it is very difficult to make a judgment on governance; on what do you base that judgment? It is difficult.

Q122 Mr Ward: What about the concern that has been expressed that the increased focus on governance through Ofsted may frighten some off? Is that going to be a problem? The others might want to chip in.

Dr Sinclair: I do not believe there is any evidence of that. Every governor wants to do a good job in governing, and I very much welcome the new Ofsted framework, which gives due weight to governance. I think it is going to do a lot to strengthen governing bodies, because they will have to respond to that and be held accountable. I do not see the Ofsted framework putting governors off.

Liz McSheehy: I share that view. It should not put people off. It might weed out people who might not take the job seriously, but it serves to underpin the importance of the role. If you are taking people on, they need to realise it is an important job being a school governor and there is accountability. It is very helpful.

Q123 Mr Ward: Just for the record, what are your views on the payment of governors? Would that help with recruitment? Is that an answer?

Pat Smart: As a Fellowship, we looked at that and we felt there was not a case for paying—we are talking about 300,000 people—although we thought there was possibly a case for paying the chair of an IEB, who is taking on that extra role.

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Q124 Chair: Is that the general view across you all now—that there does not appear to be a case or that non-payment is not a barrier?

Dr Sinclair: Yes.

Andrew Thraves: Yes.

Pat Smart: Yes.

Liz McSheehy: Yes.

Q125 Ian Mearns: I have been a governor myself for quite a number of years—I think this is my 30th year as a school governor, so I want some back money if they decide to pay people. Will training and development address the failings of the 40% of governing bodies that Ofsted has identified as “satisfactory” or “inadequate”?

Andrew Thraves: To some degree, yes. Training is always going to be important. There is always a case for induction training. As more academies come on stream, their money is being spent elsewhere. The basic training is getting affected. There should be training at a higher level. It should go both ways as well, because the company I work for, which is GL Education, has a company called Kirkland Rowell. We do stakeholder surveys of parents, staff and pupils. What is interesting in the feedback in terms of our surveys is that a significant number of teachers say they are not supported by the governing body. There is an interesting piece there. If you look at the National Professional Qualification for Headship, there is not much in there—if anything—that is about working effectively with the governing body. You could maybe introduce something in there, and then it will work both ways, so there would be training for governors and training the headteacher about working with governors. That could be a potential solution.

Dr Sinclair: I would definitely support that. Training for headteachers in governance is very important, because the headteacher has a huge influence on the quality of the governing body, in supporting the professional development of the governing body and on helping shape that governing body. I would certainly wish to see much greater management training for the governors and potential leaders and headteachers in governance.

Q126 Ian Mearns: Bridget, you have got a role within local government Governor Services, I understand. Are you at all concerned at the loss of local authority Governor Services and training, which has been diluted around the country? Do you think private providers will be able to fill this gap appropriately?

Dr Sinclair: Yes, I am concerned, and there is evidence that a lot of highly skilled Governor Services officers have left the service in recent years due to cuts in LA services. There has also been a loss of many officers in the school improvement teams that work around us, so we are losing that expertise and intelligence about the schools. However, as we are becoming much more simply traded services, Governor Services are self-supporting in that matter and developing in different ways and working collaboratively across local authorities, alongside other emerging markets working in Governor Services. There is a danger that, where there are

regions where those services are fragile, there is not the coverage over wide regions, and governors potentially could lose that local provision of high-quality breadth of service and provision. It is not sufficient for governors just to attend an odd event once a year, or something; they really need access to a portfolio of training and support and, ideally, substantial face-to-face support alongside other provision.

Ian Mearns: Certainly, over the years as a governor, we have been bombarded by DfE circulars and guidance notes, and the local authority Governor Services has been able to give us a readable synopsis without having to wade through all the technical detail about what the implications are and what it all means for us. Sometimes we have to go into the detail as a governor, but if you have got the synopsis you know where to look to begin with, and that has been very useful over the years.

Pat Smart: It would be a really good idea if there was an expectation on at least chairs of governors, if not chairs of committees or other senior governing body positions, that there would be training on a regular basis, because it is fairly optional at the moment. What happens is in weaker governing bodies it does not happen, and in stronger governing bodies it does. It reinforces the dichotomy. My school is a teaching school and we are going to look at training for aspirant leaders in governance, which could be a really good move. We would look across the marketplace to see where we could work with other people to do that. The National College has provided some new training now for chairs of governors, which is a step in the right direction—there is a long way to go on that. Also, they are into the third cohort of National Leaders of Governance.

Linked to that, and also linked to the previous question from David, there is an issue there for how we are going to work with governing bodies to widen their view. National Leaders of Governance are one way, but also another way, which came from our Fellowship report, was that we look at, particularly in primary schools, the opportunity for governing bodies to lead more than one school. I have had experience of it myself, when we took over a second school, and that was obviously with an IEB, but we have moved to a federation governing body and it has worked extremely well. The evidence and research shows that that would work as well, and that would be another way of supporting this gap in the primary sector.

Q127 Ian Mearns: Down the line, though, does that not, to a certain extent, imply dilution of ownership of the role of governor if it is within the context of a number of schools? I certainly remember when local authorities used to have group governing bodies to cover a number of schools, and that was before LMS. I do not think it was always the best model and it had to be finessed and updated to a large extent. There was some lack of connection, sometimes, between the individual governor and the schools, because they were looking at so many different problems in so many different schools at the same time.

Pat Smart: Yes. In my case, we have one headteacher and one chair of governors, so that would all help, and

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the context of the two schools is very similar—except one was performing far better than the other. We had a direct comparison and it worked well. Governors would need to understand the context, because people have already mentioned they need to have passion and commitment to the communities they are serving.

Andrew Thraves: We might find that begins to happen as the natural course of events. If you look at where the education system is going, you have got more academy groups and more federations. The SEN measures that are likely to come in will mean that groups of schools will have to gather together in order to provide their SEN requirements; it cannot be provided by just one school. To some degree, schools are going to have to federate more closely together anyway, and therefore it seems natural that governing bodies might need to do the same thing.

Q128 Ian Mearns: There is a real dilemma for school governing bodies per se, because, quite often, the willing people are not always the right people to do the job. People are well intentioned but, frankly, sometimes they are just not up to the job of scrutinising the role of the headteacher and the senior leadership team effectively and supporting them and doing the work they have got to do. Given that context and the real range of people you have—over 300,000 governors from all sorts of backgrounds—how should governing bodies go about identifying their priorities for training needs within their own cohort?

Liz McSheehy: I suppose I wanted to look at it from our business perspective, because we got some feedback from some of our volunteers about business people who are placed as school governors. The feedback on their training was quite good; 85% got training in their first year of being a governor and 84% rated the training as being “effective” or “very effective”, which was a good bit of feedback. However, I suppose what we would like to see are training courses tailored to the needs of the high-calibre business volunteers who are being selected. We have heard of examples where people are being put in from large corporates who are having to consider supporting their governors by hosting governor networks and procuring bespoke training so they can make sure the training that is offered for those particular governors is tailored and fit for purpose. It is an interesting way of looking at it; some large corporates are saying, “Well, actually, there’s a gap here, and we’re supporting our people who are training.” Ironically, the business governors are going back to their governing bodies and inviting the governors to attend some of that large corporate training. It is an interesting way of looking at it. It is saying, “Well, actually, it’s not quite fit for purpose, so we’re going to do something about it.”

Q129 Ian Mearns: Does anyone think there are any areas in which training should be mandatory for governors?

Andrew Thraves: Strategy development. If you look at schools and where they are supposed to be going, they are supposed to be more strategic. Doing strategy is quite tough, and if you look at your average school, the school is obviously bothered about the day-to-day

teaching and also where it needs to go, but strategy is: where do you want to be in the future? Where are you now? How do you get there? How do you teach a governing body to strategise? The other difficulty is: does the governing body know where the education system is going and how might it get there?

Ian Mearns: Does the Secretary of State know where the education system is going?

Andrew Thraves: There is a role there maybe not for better communication but for more in-depth communication from the DfE about: this is where we want you to be.

Dr Sinclair: Training and development is certainly not something where you have the induction and then you are a governor. Schools and governing bodies need to accept that they need to and should willingly invest in their own development, and that means financially as well as in their time, to explore their development needs and to access the training in as many areas as they need to. Local authorities run induction training and that will get you started; it will familiarise you with some of the many hundreds of acronyms and give you an overview. Then there will be 20 other probably very helpful pieces of training that you will need to access over a period of time, whether that is for example, child protection, health and safety or performance management. There is a host of areas that, among the whole governing body, there needs to be experience in. Training and development is very much ongoing, and governing bodies need to invest in that. Going back to those fragile governing bodies, which have previously failed, you would probably find that any kind of training and development has lapsed. There is not a culture of training and development, and that is something I recommend.

Q130 Ian Mearns: In an earlier argument you mentioned the NPQH process for headteachers. Do you think there should be a mandatory module within that about training for governance as well as headship?

Andrew Thraves: Absolutely, yes.

Q131 Chair: Can I just check that you all agree that governance training should be mandatory for headteachers?

Dr Sinclair: Yes.

Andrew Thraves: Yes.

Pat Smart: Yes.

Liz McSheehy: Yes.

Q132 Chair: Do you have a picture of whether governors in academies are getting the same frequency of training and level of training that previously would have happened under local authorities?

Dr Sinclair: I do not have evidence across the piece. I can only talk from my local authority in terms of detail about that, where all of our converted schools are still buying into the service and accessing the portfolio, which has developed to meet the needs of academies.

Chair: So we just do not have the evidence yet.

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Dr Sinclair: I do not have the evidence. Perhaps that is something I can give you later.

Andrew Thraves: There is interesting anecdotal evidence when I go into academies and also from the resources that we create and sell—our questionnaires and other things. I do not have any figures, but we tend to find that academies talk about spending more on training, generally, because they are free to spend the money where they want to spend it. Academies also tend to spend more on assessment resources because they believe in maximising pupil progress, base-lining them and seeing where they need to go next. To some degree, as well, with academies, if they are sponsored by entrepreneurs or business groups, or whatever, those business groups and entrepreneurs can put the right people onto that academy body. They have got access to a wider pool of people.

Pat Smart: As a slight aside but still linked to academies—my experience has been not from the converter academy point of view but from the forced academy—governing bodies still have to make the decision about which sponsor they will go for. My experience has been that they find that extremely difficult. They are in a traumatic situation—they are being forced to be an academy and suddenly they have got to choose. It is a general marketplace; it is not a very good system at the moment, and I would question whether they have got the ability in that situation to make a really good decision.

Q133 Chair: So, it is variable depending on whether it is a converter or pressed?

Pat Smart: Yes.

Q134 Neil Carmichael: We have already been testing the territory of underperformance; I did that earlier and I am going to return to it. First, I have two questions, one that was triggered off in my mind by Pat and her comments about federation structures and so forth. Is there any evidence that they are gaining traction and popularity in the world of governance?

Pat Smart: The word “federation” is off the radar in a way, because of the new landscape we are in; academy has taken over from that. There is evidence that federations work, and it is about close partnerships that put the children first and make a difference to the children—that is what they are there for. They work. There is probably some concern about the move towards multi-academy trusts, not as a principle but due to what that might mean for the autonomy of individual schools. There will be headteachers and governors who will be concerned that they may lose that if they come under the umbrella of something else. It is the point we are at, rather than an opposition to it—though there is opposition to it, of course. There is also just the general concern that we do not know where we are going with it because the pace of change is so rapid.

Q135 Neil Carmichael: There could be different structures, couldn't there? You could have vertical integration, such as feeder schools and so forth. You could also have horizontal integration, with similar schools coming together. You could have a

combination of both. Is there any evidence that any one of those is better than the other?

Dr Sinclair: I do not think there is evidence. In terms of governing multiple school systems, there is obviously a point whereby it becomes difficult to govern more than two or three schools—what is that critical point? We all understand that, in order to govern well, you have got to know the schools well, and it becomes increasingly more difficult to know many schools very well. You become highly dependent on the leadership team for information about those schools that you are governing at a very high level, if you are not able to know those schools. There is a concern around the more complex models of governance that we are seeing, and a study should be made of the vulnerabilities of those models as we move forward.

Q136 Neil Carmichael: Turning to another matter, in an earlier session we were testing the difference between skills and stakeholder representation. There is an argument that you have been setting out that skills are the top priority. Of course, there is stakeholder representation on a lot of governing bodies and it raises a number of sub-questions. One of them is the issue of accountability. Let us imagine a stakeholder—parents or staff; how often do you think those governors report back to their governing body and constituency, and how many of those constituencies end up firing a governor because they are not doing a very good job?

Dr Sinclair: Because they do not act on behalf of their constituents, it does not work like that. If you are a parent governor, you are not representing the parent body—you are there as a parent. You are not being lobbied by your parent group and then taking that voice. The parents will know whether the governing bodies are acting effectively by the performance of the school and looking at the minutes of meetings, and will make a decision on whether they are happy with their governors. If they think they want to be a parent governor, then they can be nominated to become one the next time there is a vacancy, or they may decide not to re-elect a governor if they feel that person has failed in their role.

Q137 Chair: Is it important that stakeholders are represented? We have parents and pupils and staff, so is it important they are represented, or do they just get in the way of professional governing bodies?

Dr Sinclair: It is very important that we have stakeholder involvement to some degree. Parents and staff need to have a voice at their local community school. The weight of that voice can vary, and we have got those new constitution models that allow you to vary that. I would not want to make a judgment that one stakeholder group is particularly predisposed to be weak or stronger. It is about those people having the passion, the time and the ability to govern.

Q138 Neil Carmichael: Which is best? What is the most important: having people who are skilled or having a group of people with labels?

Dr Sinclair: Labels do not matter. It is about having people who are skilled, passionate and effective.

Neil Carmichael: Yes, so that would be your priority.
Dr Sinclair: You still want that local representation, to some degree.

Andrew Thraves: It is about the representation, but it is also about engaging with your stakeholders, generally, and that does include parents and pupils. A key role of the governing body is the reliable information that is at their fingertips. There has been an interesting piece in the last few years with Parent View. You do not need that many parents to trigger an inspection, in theory. A good governing body will engage with their stakeholders significantly, because they need to have that information. Remember that with stakeholder surveys and others, you are measuring perception. There may not be an actual problem; you are measuring the perception. If Ofsted goes in and sees that there may have been an issue, or that perception is an issue and you have done nothing about it, the governing body is going to be clobbered. It is very important to engage with the stakeholders and then do something about measuring the perception and doing something about it. If the perception is that something is weak, then it is about doing something about that. That is from wider engagement; surveys can engage with a wider number of people.

Q139 Chair: Can I ask about Parent View? Are the views expressed on the Parent View reliable indicators of school leadership and governance?

Andrew Thraves: I have been a governor for a number of years. At my small local, rural primary school down the road, you could say there is a cabal of local parents—and they are always the same ones—who could use Parent View together and trigger an inspection. It can be used in the wrong way.

Q140 Neil Carmichael: That is the danger. It is all very well saying “engagement”, but if you think that engagement is having a few people on the governing body to represent, or to flag up, the parents’ view, ironically that could dilute the engagement. What you really ought to be doing as a governing body is engaging with that whole stakeholder group, talking to the PTA, writing letters to the parents, keeping them informed and not relying on the five or six on the governing body to do that for you. You need to be doing it as a governing body with the leadership of the governing body right behind that message. Having stakeholders on the governing body is no guarantee that you are going to engage with stakeholders. It actually might, effectively, weaken that capacity. A good governing body should be measured certainly on how it engages stakeholders, but not just simply because you have got a few around the table; you have to be out there talking to them.

Chair: And the question is?

Neil Carmichael: The question therefore is very important and is central to this issue—I have already asked it but I am going to ask it again. If you are going to construct a governing body, do you think the constitution of that governing body should be determined by an appetite for skills or a desire to have stakeholders on it?

Andrew Thraves: Skills are more important than the variety of stakeholders on the governing body,

because you can engage with a wider variety of stakeholders through other means.

Q141 Neil Carmichael: Does anyone dissent from Andrew’s view?

Pat Smart: We did look at this in some depth on the Fellowship last year. We looked at a whole range of governance, from charities to public services, and we found that the smaller governing bodies tended to work better, particularly when they were skills-based. That was our recommendation.

Q142 Chair: Is that your view too?

Liz McSheehy: Yes.

Dr Sinclair: It is the skills, but the two are not mutually exclusive. It is not helpful to focus on that. They are not mutually exclusive. You can have the skills and you can train and develop, but it is about the governing body acting corporately for the best interests of the children. A stakeholder model is not an obstacle to good governance.

Q143 Neil Carmichael: A central person on the governing body is the chair, presumably—you would agree with that. Should he or she be elected or appointed? If it is the latter, then by whom should he or she be appointed?

Dr Sinclair: They have always been elected. We would have to have good reason to change that.

Q144 Chair: Is there any evidence that we need to change it?

Dr Sinclair: I do not believe so. There are anomalies where there are chairs who, perhaps, are not doing a good job, but the governing body is responsible for electing them. Therefore, they need to be responsible in electing the right person to that role.

Q145 Neil Carmichael: Have you any data on the subject of how many actually go through a contested election?

Dr Sinclair: No.

Q146 Chair: Is there any evidence that there are any chairs of governing bodies across the country who are not elected? Are we getting red flags up saying, “These people are not elected”?

Dr Sinclair: When you say, “not elected”, that is the process—

Chair: Sorry, I meant “unopposed”.

Dr Sinclair: I do not know the data.

Neil Carmichael: I have one last question, because I know I have probably strayed beyond my brief here.

Chair: I have been very indulgent.

Q147 Neil Carmichael: You have, Pat, and I will be thanking you later in some way appropriate. Some of you have hinted that intervention is “slap happy” and sometimes too late. One would have thought, certainly in academies, that, to be honest, it is the governing body that should be doing a fair bit of intervening if it sees its school not going too well. That is surely one of its key responsibilities, isn’t it? Intervention on a governing body should only occur if that governing

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body has just simply failed, itself, to do the job of accountability. Do you all agree with that?

Andrew Thraves: To some degree there is an element of the governing body, whether rightly or wrongly, being seen as an extension of the staff. One of the challenges is to try to drive clear, blue water between the governing body and the staff. It goes back to the point made slightly earlier about the composition of the governing body. If you have got issues with some of the teachers or if you have got issues with the headteacher, it is quite difficult to do something about it if you have got the very people there on the governing body. There is something about clear, blue water there, to some degree.

Neil Carmichael: That goes back to the stakeholder discussion. You cannot have clear, blue water if everybody is swimming around in the same water.

Q148 Mr Ward: We have touched on the issue of access to information, and, Andrew, you have expressed concerns about the difficulty, particularly in larger schools, of accessing information to proactively monitor progress. Just for the record, could we have some views on how that can be done? Then I will have a quick question on the clerking role. We have touched on the dashboard but, just for the record, what are your views on getting that access to information?

Andrew Thraves: Well, I would say this, wouldn't I—you should use some of the resources that we produce. Whether we do surveys or whether it is assessments for children, schools or whatever, the key thing is the reporting that comes out the other end. If you have got the new data dashboard, which gives a top-level piece, there is something beneath that that needs to happen that says, "Okay, well how do I actually address the issue?" if there is an issue. You need that granular reporting. One of the reasons we are successful as a company is that teachers buy that from us.

The other thing I would say though—and I always find this personally as well, being on a governing body—is that there is sometimes an expectation that governors have to become statisticians as soon as they walk through the school gates for a governing body. I always wonder, "Well, why is that the case? Why are we suddenly elevated to that position? Will we really understand the data, as soon as it's put in front of us?" The dashboard is important from that perspective, for the non-specialists. The granularity underneath is equally important, but it has to be interpreted accurately. One of the things I would say about data, generally, is that it is fine to say that this is where you might be, but the equal, if not more important, bit is, "Okay, what do I do about it?" That is the interesting piece: the interpretation and the analysis and, as I said earlier, the "so what?" factor.

Dr Sinclair: Schools are data rich and a good headteacher will present the governors with regular, adequate reports, which will enable them to understand the performance of the school across a period of time. The problem is that the governors do not know if they are seeing suitable information or not, and that takes us back to training. They have got

to know what good reporting looks like, and they have got to know what questions to ask and what to expect from their headteacher and what to ask of their headteacher. Schools are data rich; there is plenty of information there.

Q149 Mr Ward: I am drawn to it because I know of a school that failed an Ofsted inspection a month or two after it received quite a glowing report saying, "Everything's going well." I have a somewhat sceptical view about the value of training, as outside advice can be contrary. Do you have any comments on the role and professionalisation of the clerk?

Dr Sinclair: I wholeheartedly support having a professional clerk, independent of the school. Many clerks are employed in other capacities in schools, still, and that is not an ideal situation.

Q150 Mr Ward: Who should pay for them?

Dr Sinclair: They should be paid for by the school, but not employed, perhaps, in other capacities.

Andrew Thraves: I would agree with that. A good clerk cannot be simply a means to prop up a weak chair. You cannot be excused for having a weak chair; you need two strong people in both those key positions.

Q151 Chair: My experience—and maybe I have just worked in good local authorities—is that the clerks were people who did not just turn up and take the minutes. They knew, and could give, good legal advice and good financial advice. Is that still the case or are we seeing some of that weaken now?

Dr Sinclair: No, we are seeing clerking strengthening, definitely. I would just mention that I know that the new governors' handbook, which is due to replace the *Governors' Guide to the Law*, will be a much smaller document and will not have a lot of the procedural information that it is essential for the clerk to have to enable them to give that professional advice and guidance.

Q152 Chair: Is that a recommendation?

Dr Sinclair: Yes, the clerk still needs to have that detailed procedural guidance and information, so yes they do still need that, otherwise they are going to have to go and refer to guidance and legislations to remind themselves of the detail. That is not very practical or helpful.

Q153 Chair: Finally, Liz, is there a role for your organisation in recruiting clerks?

Liz McSheehy: Yes, it could be an SGOSS-plus service. There could well be, just as there could potentially be a role for us in identifying people from business who would be effective chairs. I think there are opportunities to look at that.

Chair: Just finally, as I said at the beginning, we do like recommendations, so if there is anything else that you can think of, either now or that you want to give us later in writing, please do so. If there are no further recommendations, then thank you very much.

Examination of Witnesses

Witnesses: **Michael Jeans**, Chairman of Haberdashers' Education Committee, The Haberdashers' Company, **Mark Taylor**, Director of Schools for Cambridge Education, Islington, and designated Director of School & Young Peoples Services, LB Islington, **Nicola Cook**, Governor Services Manager, Children and Young People's Services, Buckinghamshire County Council, and **Darren Northcott**, National Official for Education, NASUWT Teachers' Union, gave evidence.

Q154 Chair: Good morning. I do not know how many of you were in the room earlier, but if you were you would have heard me say that what we are looking for is firm recommendations. We make recommendations to Government, which they may not accept in their entirety, initially. However, we usually find that, over a period of time, policy does change and is influenced by the recommendations that come out of this Committee. If you can give us firm recommendations, that is always very helpful. Can I start off by being quite controversial? Do we need a radical alternative to the current governor structure? Is it working? Is it no longer fit for purpose?

Michael Jeans: It is a broad question, which means there is a danger of a broad, general answer. It clearly is not working if you have got a gap of 10% of governors in the maintained sector; if we are not recruiting governors, then it cannot be working from that aspect. It cannot be working from the aspect that, even under the old regime and old inspection standards, there were reports from Ofsted saying there is poor governance or less-than-satisfactory governance. Equally, there are some that are being governed fine and have got full governing bodies. It is not working totally but nothing ever does work totally. It is a significant enough problem to be examined.

Mark Taylor: In a changing education landscape, in a sense, governance is always going to be a work in progress in the way that it needs to be across a range of different local bodies and institutions. Nonetheless, there is enough solid practice and practice that has responded creatively to that changing landscape to keep that governance under review.

In terms of recommendations, I would suggest that notion of work in progress and using good practice, and making sure that there are vehicles through Ofsted and other mechanisms we have got in terms of accountability that we make more public both to governors, local authorities, academy chains and whoever else is involved in that process.

Darren Northcott: I would agree with that. There is a strong case for enhancing the model we have got. There is a lot of good practice out there, but clearly there are problems and there are concerns that this morning's witnesses and others previously have identified that mean we need to concentrate on this and make sure we continue to refine that governance model as best we can. It is very challenging; it is complex. There are no quick or easy solutions to the challenges we face.

Nicola Cook: My view, coming from Governor Services, is that there are a lot of strengths in the current model of school governance. I endorse the principle of the stakeholder model, in terms of democratic accountability for public money. I recognise what people are saying about skills representation, but I do not think the two are mutually exclusive. The revision to the constitution regulations,

which now give local authority maintained schools greater flexibility, is very welcome. Under the previous framework, it was very prescriptive and sometimes it could be a barrier to being able to put somebody with the specific skills that you needed onto a particular governing body.

In terms of the vacancy rate, I am not too troubled by that because that is always at a point in time, and we have governors who are being reappointed going through that process. Clearly, there is a lot of work to be done to encourage people to come forward to be on governing bodies. In terms of the work that Ofsted is doing, that is bringing a real focus now onto school governance, and it is very welcome and will be very helpful.

Q155 Chair: I know you can only speak for your schools or your sector, but do you think that the dashboard is going to be universally welcomed? Can you see any particular area, or schools, that will not welcome it?

Mark Taylor: From somebody who works currently in local authority, schools will welcome the dashboard; generally speaking, schools do welcome data. My observations on the dashboard would be that it is at a high level, and unless there is a more coherent framework of questions to support governors in using that data, that may limit its usefulness for governors. Also, if you look at the balance between that and RAISEonline, which provides more detailed data, I would suggest that something between the two might be more helpful. Again, the issue of a solid framework of questions that governors could use not just in the local setting—because there are comparisons that can be made between similar schools—but nationally that supports them in using that data is really very important. There are dangers in letting the governors make the questions up themselves. There needs to be a bit more rigour around that, in terms of recommendations.

Chair: Just a framework.

Nicola Cook: The Ofsted data dashboard is welcome for governors. The important thing, though, as colleagues are saying and have said in the previous session, is that governors need to know the questions to ask, and then they need to know what to do with the information that they receive. Any external data that governors have access to are very helpful in terms of validating the information that they are getting from their school because, as colleagues said, schools are data rich. For governors, the data dashboard at that high level can be very valuable in looking at the data that the school is actually providing to the governing body, and seeing if it validates what the school is telling them about progress within the school for pupils.

Michael Jeans: We may have come on to it—you did in the previous session—but the whole area of strategy and key performance indicators is linked with

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that at the dashboard, and the degree to which one does make comparisons. Again, the questions to ask are absolutely crucial; the data alone do not do anything. It comes to training governors. Do they understand what this dashboard is saying? Do they understand the key performance indicators? Finally, I think one generally needs to take care that, with the use of data or KPIs or even the dashboard, the governing body remains at a strategic oversight level and does not dive down into micromanaging operational matters, unless these key performance indicators and the dashboard are indicating that there is a problem. Otherwise, it will be right down there in the minutiae, and that can create havoc.

Q156 Ian Mearns: We heard from the previous panel, and it was a clear guide to us, that training in strategic thinking for governors was essential. I think, Darren, your own union has said in evidence to this Committee that it is clear that “the established model of governance in the maintained school sector does not operate consistently to ensure that governing bodies are able to discharge their key responsibilities effectively”. We have also seen evidence that Ofsted have rated 40% of governing bodies as either “satisfactory” or “inadequate”. While there may be strengths within the current model, there is obviously a plethora of weaknesses. Does the stakeholder model really still work or is it time to change?

Darren Northcott: As many people have said, I do not think it is an either/or question—it is not a skills or stakeholder model. The stakeholder model is important for the reasons that have been discussed this morning. Having access to critical skills, which may involve membership of a governing body or it may involve the governing body having access to an external source of advice and support, is very important. Sometimes, the problems that we encounter as a union with governing bodies perhaps have at their root the fact that the governing body has not had the opportunity to access specialist advice and support on school budgets, finance, personnel and so forth. That element of skill is often missing when there are problems with governing bodies; there is no question about that.

Nicola Cook: We must not get too hung up on this debate about stakeholder model versus skills because, as I said, they are not mutually exclusive. There is now flexibility within the regulations. What is crucial is governors understanding their role, as Darren was saying. If governors understand their role, because they have got the right training and support, then whether they are a stakeholder representative or they are there because of their skills is not to my mind the most important issue.

Mark Taylor: I would urge caution if you are driven down the path that means we have to somehow decide between stakeholder engagement and a skills set. In a sense, as soon as you are on a governing body, you are de facto a stakeholder. The question is where you come from and whom you are representing. First of all, the first clear thing is that, when you are on a governing body, you are part of a governing body. Although you are influenced by your stakeholder

group, you are not solely representing that stakeholder group; good training tells governors that at the outset. In my view, adequately trained, a parent is very well placed to ask sensible and sound questions about the performance of the school, providing they have the correct data, they are appropriately trained and the data are presented to them in a way that they are able to understand and manage. I accept that in my own local authority I am fortunate enough to be working with a group of schools where we do not have any schools that are failing at the moment. All bar a bare handful are “good” or “outstanding”, and that is not to do with the local authority, in a sense; that is to do with the quality of the governance and the investment in that governing body. While I accept that we need to understand what being a stakeholder is and what having the skills set is, I would be cautious about being driven down one path or the other.

Q157 Ian Mearns: I must admit, certainly, I have nothing against accountants or HR advisers, but, frankly, sometimes the fact that they are an accountant or HR adviser does not mean they are going to know what questions to ask about whether the French curriculum is being taught correctly.

Michael Jeans: Can I just quickly respond, as an accountant? I do not practise as one. Skill is a difficult thing to define. Skills come first and do not necessarily deny a stakeholder, but there is a longer debate. But I always say there are skills and there is experience. You do not put an accountant, or a lawyer or a surveyor on the board of governors in order to gain on-the-cheap professional advice. You put somebody on that board because they have that breadth of experience and, if necessary, will know that at this point you should seek external advice from an accountant, or something. It is quite wrong to say that you have got them there just to get something on the cheap.

Nicola Cook: People with those professional roles have to be extremely careful about the advice that they are deemed to be giving to the governing body, because they could end up with a personal liability if they are not careful, so that is absolutely right. As the previous panel said, it is about people bringing those transferable skills to the governing body that is the important aspect of that.

Ian Mearns: I do not know how many times, as an MP, I have had to tell my constituents that I am not a lawyer and I cannot give legal advice.

Q158 Mr Ward: I must say that, as an accountant, my skills were never really required—the key missing factor was always interpretation of performance data for the pupils. That was the big gap. Can I just pick up on the issue of suitable training that you referred to? Mark and obviously Nicola, the definition too often of trained governors is those that have been on a course, and we have a grid and we tick off who has been on which particular course. It is then a case of, “That’s it. We’re all trained now.” On your courses that would not apply because they are so superb, but there is—is there not—a fallacy that you send them on a course and that is it.

Nicola Cook: I can agree, yes, that if you look at it at that level, that could be the case. What is really important is that governing bodies undertake self-evaluation, so that they understand the strengths and weaknesses not only of the school but of themselves, so they identify the training that they need. It is then about going back and putting that training into practice. Yes, okay, they have been on the training and they have ticked the box, but an effective governor will then be taking that information back and trying to make a difference with it. It is then about them reassessing and re-self-evaluating after the event to actually understand the impact of that training. That is certainly what we would be encouraging our governors and governing bodies to do.

Also, like other colleagues, we are always looking at how we can develop our training. We centrally run courses and hold governing body training, which can be very valuable because you get the whole governing body together, and data are a prime example, because you can have somebody come in who will train you on your own school's data.

So then what we are looking at is: can we then go on and work with those governing bodies to look at the effect afterwards? While we are on the subject of training, induction is incredibly important and it is what we do. I think a number of people who have submitted written evidence have said they would like to see mandatory training for governors, or at least mandatory induction training for governors. We would certainly support that. In Buckinghamshire, for those governing bodies that buy our Development Programme—which is over 90% of them, including academies—we pre-book those new governors in for induction training. Maybe eight to 10 years ago there were about 40% of our new governors going through induction training; we now have that up to over 90% of our new governors.

Mark Taylor: Very briefly, critically, in terms of viewing training, going on courses is a way of receiving training. I am not convinced it is the most effective way of doing it. I would look at it in three ways. First of all, the training of the governing body needs to be based on an audit of the skills within the governing body, the self-evaluation that exists within the school—which includes an evaluation of data and an evaluation of quality—and what the school is saying about its own improvement for its school improvement plan. It needs a place to start to think about its training.

Off the back of that, initially there are three areas. One is general training, which includes induction, which is critical. Secondly, there is bespoke training, which comes particularly off the back of that audit, and that is very valuable when governors do that well. Thirdly, there is specialised training, which is very important for chairs of governors and/or where there are particular issues that governing bodies are facing.

In a Rolls-Royce position—if that still exists—where there are opportunities for schools and governors to work thematically within localities on particular issues, that is very helpful. We have certainly found that where we put groups of chairs of governors together, working on various areas of underachievement that are across those schools, that

has been very powerful and has led to their forming a chairs' network and other networks that then grow out of that.

Q159 Ian Mearns: I am very heartened to hear what you said about the induction training for governors in Buckinghamshire, but I am not convinced that that is consistently the case across the board. As I was saying earlier on, I have been a governor myself for many years. Frankly, the playing field upon which we are playing has changed so much in that timeframe that it is not just induction training that is important; it is also going back and helping governors who have been governors for many years, quite often, and just reminding them that this is a ball and that is the goal. It is about clarity of that role. Do you think we are getting enough in terms of guidance from the DfE to help clarify the different roles for headteachers and for governors within the governing body context?

Nicola Cook: My personal view is that I can completely understand the Department is endeavouring to introduce more freedoms for governing bodies. There is a danger that we get to a tipping point where we reduce so much guidance and prescription for them that they are going to be in a position where governing bodies could end up reinventing the wheel in isolation. There is a grave danger that that then distracts them from their real role as busy volunteers. I certainly echo comments that I have heard about the *Governors' Guide to the Law*. My view is very different from a colleague on the previous panel, who said it was too long and unwieldy. We do not think that; we think it was a really useful document and not just for governors but for clerks to governors. There is a danger that we are swinging too far the other way.

Darren Northcott: The *Governors' Guide to the Law* is a unique document as well. You would struggle to find something as concise and accessible as that. If that is not there, I would worry about where governors and clerks and those with an interest in governance would go to find out some of these basic questions about schools' legal responsibilities.

Michael Jeans: I reinforce a lot of what has been said. Induction is key, but let us be clear as to what induction of a general nature is and what induction into a particular school or group of schools is. I think specialist knowledge and specialist skills can be trained. There is also this whole area, which colleagues may have referred to, that I am going to be very specific about, and that is, in terms of the role of the governor, how you behave on a board. Do you understand what being on the board of governors is? How do you relate to each other? Do we train chairs to be chairs? I know the National College is doing something. Incidentally, in my group of schools, which covers both the independent and the maintained sector, we interchange governors. In that group, nobody will be a chair unless they have been a board member for a certain number of years. There is a mixture of things, and training is a rather wide term.

Mark Taylor: As a rule of thumb, schools are very complex institutions and the whole education landscape changes all the time. We have a whole range of issues now around funding and the like,

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which are difficult for governors to get to grips with. Whether they come from the stakeholder set or the skills set, it would be unrealistic to think that governors could do their job properly without adequate guidance and a resource that is pretty straightforward.

Q160 Ian Mearns: It is difficult enough for headteachers and professional members of staff to keep up with what the expectations of Ofsted are this week. Do you think, therefore, that Ofsted needs to be much clearer in terms of giving guidance about what is expected of a governor from their perspective? There is a big focus on governance through Ofsted at the moment.

Michael Jeans: Its latest publication, last year, says where it is focused and is clear about what it is going to look for when it comes to do the inspection. We are seeing a change that is too early to judge, but it looks much better than before.

Mark Taylor: You have to be realistic about the reality of the length of inspection. An inspection now lasts one day, and we are currently doing a lot of work with governors to prepare for that. That is about putting governors in a position to be able to tell the story about their school and their work. You have to be careful not to over-egg that one in relation to Ofsted. Ofsted rely on the data that is there in the public domain.

Nicola Cook: I would agree with Michael; it is very welcome that, given the importance of governance, Ofsted is now looking at it specifically as part of that leadership and management, and is giving quite helpful pointers to governors as to what they expect to see. For us, in terms of local authorities supporting our governing bodies, the new “requires improvement” category is very helpful, rather than “satisfactory”, as are the expectations that if governance is an issue there will be an external review of governance. What we have in Buckinghamshire is a local authority policy now for working with “requires improvement” schools. One of the things we will be doing is discussing with the governors and the headteacher how we work and how we strengthen governance. Actually, that change of emphasis from Ofsted is a really useful tool for us and governing bodies in looking at that.

Darren Northcott: It is helpful that Ofsted, essentially, sets out its expectations of governing bodies. There is a long-standing trend in inspection, where there is sometimes a mismatch between what is articulated centrally and the experience of schools when an inspector turns up to conduct an inspection. Ofsted needs to be clearer, first of all, about ensuring that its central expectations are clear, but also that its inspectors on the ground are going to adhere to those expectations in all cases.

Mark Taylor: That is what I meant. I support the guidance; it is sensible and sound guidance. It is about what happens when you are inspected for 12 hours and what that translates into.

Q161 Ian Mearns: Nicola, obviously you are from Buckinghamshire and you have talked to us about what happens there. Certainly, in the North of

England, local authorities are taking a hiding when it comes to overall levels of revenue support grant. Certainly, we are seeing a dilution of advisory teams and support services, generally, within education departments. Do you think local authorities are still going to have that capacity and capability to support governing bodies effectively as they seek to take on those extra responsibilities and that extra increased accountability regarding governance?

Nicola Cook: Can I first contextualise my team? We are predominantly a traded team; our Governor Development Programme is completely traded with schools, so we are having no funding for that, as is our clerking and advice team. Yes, as Bridget said in the previous session, we are seeing many experienced colleagues disappearing because of the cuts. I cannot comment for every local authority because, clearly, they are looking in their own individual circumstances as to the best way forward. I do think there are ways forward. A number of local authorities are looking at setting up charitable trusts and putting some of their services into those charitable trusts. As I said in my written submission, that is something that is happening in my local authority. We are not alone; there are others going on that journey.

Q162 Ian Mearns: I understand the point you are making about being a traded team, but the team itself is not entirely self-sufficient in terms of the advice and guidance that is given to governors. It often looks elsewhere within the Department or within the authority and, quite often, other support services on which they relied have been diluted as well.

Nicola Cook: I agree with that. A lot of our advice and support and colleagues that we pull in to provide governor training we are paying for through our Development Programme; they are not doing that without our paying for it. But I accept what you are saying: as changes happen within those teams, it becomes more difficult if you have got fewer skilled people within your local authority. That is where we have to look creatively at how we work together and certainly, as co-ordinators of Governor Services, at having those discussions about sharing training across borders. There is also the work of the National College, in terms of the work it is doing with chairs. We need to look at different ways of working, because we can still share expertise across boundaries. We can work with the National College; we are certainly encouraging our chairs to go on that Leadership Programme. We are also encouraging our governing bodies to have those external reviews of governance. We are also looking very much, as the Learning Trust is being developed, at school-to-school support and how the local authority commissions that. It is not about us, as local authorities, doing it all ourselves; it is about using that expertise within the system right across all schools.

Q163 Ian Mearns: I have a general question to finish off on my perspective. We have got 300,000 governors now working, and they are volunteers and all trying their best. Given the fact that they are, after all, volunteers, do you think we are now collectively trying to ask too much of them?

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Mark Taylor: We need to coach them. We need to find ways of doing that. In Islington, we have developed what we are characterising as a community of schools. I have the same concerns about infrastructure support and how that is going to run through from the support that is provided by governors; again, like my colleague in Buckinghamshire, that is traded, but there is the question of what sits around it. There is going to be a really important role, in terms of governance, in making sure that one of the roles will be to make sure that governors can work together, that they can broker support, and that they can use the skills sets they have got across schools, across boroughs and across boundaries. There is going to need to be some kind of general audit and horizon scanning to make sure that they are in a position to do that.

Q164 Ian Mearns: One of the things that strikes me, Mark, is that, by their very nature, people who get themselves called to give evidence in the Education Select Committee, even as governors, are enthusiastic about their role, but that deep-seated enthusiasm for the role does not filter down all the way through the 300,000 people. Some people do it under duress or they do it because they feel they have got a duty; they do not have that same deep-seated enthusiasm that many of us have about the role.

Michael Jeans: That is absolutely right. Volunteers are always difficult to pick on when you come to try to do an evaluation, because they are always going to turn around and say, "Well, I'm not paid to do this, am I? So off with you." That is the same everywhere. A lot of them are not coming forward because they are frightened, and they are frightened of two things. It is only what they read or hear, and one is the amount of regulation and governor liability: what is going to happen? They worry, "Am I going to be incarcerated?" Secondly, they are terrified about time. Unfortunately, the positives are not put over. Being a governor—you are right that we are all going to be enthusiasts—is huge fun. It is massive fun to be around children and seeing what can be done with children to help them. It is massive fun to be involved and so rewarding, but somehow we have not managed to get that across. It is up to all of us to try to do so.

Q165 Chair: I am going to ask the whole panel something, but I will address Michael first. I know you can only answer on behalf of what you know in your schools, Michael. Is governance more accountable in federated structures, such as multiple academy trusts, and should the Government be encouraging more of the federated structures in maintained schools?

Michael Jeans: Haberdashers has two federation trusts. There are two particular structures within there, and one of them is a federation between a grammar school—a converter academy—and an originally sponsored academy; it was a failing school. They are quite different; one is selective and one is not. They operate with one federated board, but they each have school committees. Down in south-east London, I have got three academies, all of which are originally sponsored academies, which, in a way, is easier. Down there, we have one chief executive, three principals, a

central team, one board of governors, and we have school committees.

I think the federation is a way to go, generally, on academies. However, they can only go to a certain size. You must be careful with the federation model, and we had issues. The board of governors has just grown like topsy; you have got 30 on it. That has got to be addressed, and the new regulations will enable us to address that. I would not want to chair something with 30 people on it.

Darren Northcott: Whether it is academies or in the maintained sector, there probably is a case for looking at some kind of federated governance structure, simply because of the economies of scale involved. It allows expertise to be pooled and experience to be shared. I know it is a point that has been made in the past, but having 24,000 governing bodies for 24,000 schools perhaps is not the most efficient way of organising the governance resource that we have available. I would repeat the calls made by others to look closely at federation and see how it can enhance the support that is available to governors, bearing in mind the point that you do not want massive governing bodies that are unwieldy and cannot take effective and timely decisions.

Q166 Chair: We had an interesting look at the Netherlands and their governance structure, recently. What was difficult about it was the more they told us, the less we knew. Nobody seemed to know very much about what was happening. They had these boards that pulled in a lot of economy of scale. But they were huge, and then we were asking, "How do you get on the board? Do you get elected?" It just seemed to be somebody's mate, from what we could gather. There were lots of issues around that.

Michael Jeans: I sit on the board of a school in Brussels, and it sounds rather similar.

Chair: We were very confused by what they were telling us.

Nicola Cook: I just want to make a point about federated governing bodies. It is important for us, nationally and locally, to be encouraging governing bodies to look at federation, while recognising that one size does not fit all. As we start to see more variable models of headship, then that is often the way federation comes. For governing bodies, governors are there very much for their own school—quite rightly and quite understandably. It is also about encouraging governing bodies to be outward looking as well as looking after their own school.

Q167 Alex Cunningham: I served on a federated governing body for two specialist schools that had come together, but you see some of these federations that are much larger. How do you get that concentrated attention from governors for an individual school to challenge the things that need to be challenged—for example, the quality of teaching?

Mark Taylor: We use federated governing bodies in our community schools effectively, and the reason they have been successful is because they have been together for a common purpose. The first thing to understand is that a federation, of itself, has got every chance of making things worse, rather than better. It

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will make things better if you understand why you federated the governing body and what the purpose is going to be, and we should not lose that. In that sense, the federation can then be short term, medium term or, indeed, long term.

If you are unsure about the common purpose, that helps you tackle some of the issues of the size of that federation, because, clearly, if it is enormous, it is unlikely to be able to meet the needs of that common purpose. If that is around improving leadership or improving the quality of teaching in particular, it needs to be very focused. Sometimes, you can, as I have said, have schools with separate governing bodies, in a sense, federate to tackle a particular issue. That is an avenue that can be really successfully used.

Q168 Mr Ward: Are you suggesting that the way forward for raising the performance of our schools is much more of a collaborative model, rather than a competitive one?

Michael Jeans: I would add, on the federation size point, that our two federations are very focused in the same areas, except some have a lot in common. You cannot just expand ad infinitum. We have been under a lot of pressure from the Department to add more schools. In fact, over the past five years, we have doubled the capacity of our schools, and added three academies and four primaries. We have not increased the number of boards of governors. We said “no” to any more, because it is just beyond our capacity to do it, and there would not be synergy between any school that we added—unless we could just tuck it in under one of our boards.

Q169 Alex Cunningham: Maybe I am a bit naïve about these things, but when I was a member of a federated governing body, we had two schools and we were able to challenge very specifically on the standard of leadership. If you end up with one governing body or two or three governing bodies looking across a series, surely that individual contact with a school is diminished.

Michael Jeans: That depends on the structure you have underneath, but obviously if it gets huge then you cannot do it; obviously, you cannot do it. We have got three main schools under one federation.

Q170 Alex Cunningham: In this world of expansions and larger and larger groups, how do we make sure that that very basic role of the governor is fulfilled?

Michael Jeans: I do not know, because I am not in that game.

Q171 Alex Cunningham: Would you caution against our having a situation where we do see this huge mushrooming of groups because we cannot do the fundamental work of challenging leadership and quality of teaching?

Michael Jeans: They may work for economic benefits. I do not know. I am not criticising them, because I do not know how they can work in terms of effective discharging of gubernatorial responsibility proper.

Darren Northcott: I recognise that challenge; you are right about that distance between a governor and an actual school. That is well established. There are approaches you can explore. For example, school boards or school panels that perhaps feed up to an overarching federated body can at least mean that there is a body or an institution looking at a particular school that feeds into a federated governing body. That perhaps sounds slightly bureaucratic, but it does at least help make sure there is some kind of effective link between each individual school and the overarching federated governing body. But the challenges you identify are very important.

Q172 Bill Esterson: Wasn't that the role of a local authority?

Darren Northcott: Then this gets into debates around the middle tier and about how that is structured, as well. We are getting something that is growing quite organically and in different ways in different parts of the country. Clearly, there is a real challenge in a system where you have got 24,000 individual schools, each of which has its own governing body with a substantial amount of power. That can lead to substantial variations in the quality of governance and that is what federation, in its best form—and it does work in some cases—really does seek to address.

Bill Esterson: Something struck me about the conversation you were just having. I saw this on a charitable trust; we always seemed to be getting new trustees because of a lack of expertise, and it was never enough, so the board just grew and grew and grew. It added another expert for this area and another one for this. You touched on this earlier and then you started to move away from the point that Alex is making about the fundamental role of scrutinising what goes on in the school.

Chair: We saw some of that when we were looking at Holland particularly, where they had boards that managed 50 schools, and everybody who sat on the board seemed to get a very large salary for it—and there were an awful lot. But we are going to come back to look at academies specifically.

Michael Jeans: I do not know how Ofsted inspects that.

Q173 Craig Whittaker: I suppose my question is to Mark and Nicola, in particular. We have heard evidence to date that says, very clearly, that local authorities do not make the most of the powers they have to intervene in failing governing bodies. Why do you think that is?

Mark Taylor: I understand that and I hear that. From an Islington perspective, which is where I can speak from, that is not the case. We have intervened and used our formal powers; there is an informal stage before those formal powers, which we are also free to use. Once those formal powers are in place, there is an opportunity for the local authority to influence both the make-up of governing bodies and their direction and overall strategic view of the school. We have certainly done that. To be perfectly frank, I would urge other local authorities to do the same thing, because those powers do exist.

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I understand that, in some local authorities, that has not been the culture. We consult with governing bodies and headteachers every year about those powers and how you would arrive at that, and that is a consultation that we review every year, and it is clearly set out in what we describe as a Work in Support of Schools Framework. I accept the national picture, and what I would say is: I am not sure what we do around the powers, because the powers are already there. There is an issue about local authorities not using them. If they do use them, then it is possible to bring about school improvement and changes in governing bodies fairly quickly.

Nicola Cook: I would echo what Mark is saying. There is variety in how those powers have been used. We have used them in Buckinghamshire. My personal feeling is that what we will see now is that local authorities will do that more, with the changes that have happened. There is a consultation at the moment about the fact that Ofsted will be inspecting the school improvement services of local authorities. Already, Ofsted are commenting on the quality of local authorities' support when they feed back at inspections, which is a fairly new departure. We will see those interventions used more, and I believe some local authorities have intervened without issuing warning notices, as well. So, there have been some who have been intervening much more quickly than others.

Q174 Craig Whittaker: Are you both saying, therefore, that it is an ethos more than anything, rather than the fact that they know they have got the powers but just do not use them?

Mark Taylor: It is a culture issue.

Nicola Cook: We have got a shift from local authorities, in terms of moving towards a commissioning basis and being the champion of the child. Certainly, I know my local authority is looking at what its strategy is going to be moving forwards, in terms of supporting schools and academies, and how those powers are used and wanting to discuss that with schools.

Q175 Craig Whittaker: Just speaking of academies then, do we think there are enough measures to tackle underperforming governance in academies?

Mark Taylor: Again, that is an issue of culture. You can say, "No, that's to do with the Academies Division in the Department or the sponsor." If you are—to support my colleague there—the children's champion, you have a responsibility to let both the Department and the sponsor know when you have got concerns. Indeed, in Islington, that is what we have done and will continue to do. I therefore do have some concerns, potentially, about the internal mechanisms around governance within academies, but that should not take away from the local authority's role as the children's champion in challenging that.

Nicola Cook: Sir Michael Wilshaw, when he was before this Committee, was making it very clear that local authorities do not have the power of intervention in academies, but his expectation is that they would be expressing concerns to the Department. The concern there is that, if there is that loss of local

intelligence and the local authorities are relying on publicly published data, then, clearly, they are old data and not up-to-date. Again, it is about that local authority's relationships with its academies and whether information is being shared.

Q176 Craig Whittaker: What about in places like my local authority? That has a very positive stance against academies—although now the majority of my high schools, for example, are academies. How do you get that local intelligence if you are not prepared, in policy, to have a strong link with your academies, which is the case in Calder?

Darren Northcott: It is very difficult. Some local authorities have tried to fulfil that championing role, but clearly they do not have that formal relationship with academies. Consequently, they have tried to use, for example, local authority scrutiny committees on councils, for example, to ask questions. We have come across examples where academies have simply refused to co-operate with a local authority trying to find out basic information about the governance of a particular academy, and that is quite a profound issue that is worth exploring in a bit more depth.

On your question about local authorities and the variability, and extent to which they are willing to intervene with the governing body where it is underperforming, there are strong local authorities that will intervene where they feel it is appropriate. In some local authorities where they do not, partly it may be culture but also it may be something a little more basic than that, in that the school is a purchaser, very often, of local authority traded services. We have certainly come across cases where there is a perceived nervousness on the part of a local authority to be too robust against a school because it is concerned that the traded service will be withdrawn by the school, so the school no longer purchases a service from a local authority. That is a nervousness that you do encounter sometimes with some local authorities. I wonder if, where you have got a local authority that is not intervening, sometimes that is part of the problem.

Q177 Chair: Mark, you did say you had some concerns about internal issues within academies. Would you like to share with us what those are?

Mark Taylor: Just to be very clear, certainly in my borough we have very strong relationships with academies. We view academies as part of the community of schools. Nonetheless, the more direct relationship that we would be used to with our community schools we have to manage much more carefully in relation to our academies. Again, there are a number of different sponsors, and they deal with their schools in different ways. Indeed, where we have raised issues with the Department, they have responded accordingly and wanted to work with us. But it is as much about precision around data, access—if you want to take views about the quality of the teaching and learning, for example—speed of action, and then a whole host of cultural things, which could sit around it being an academy and that need for it to preserve its own sense of identity. Our view is that an academy is just a school that simply works in a different way in some respects. I do have some

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concerns about that and I am very keen that, in a sense, where you have got a de facto middle tier, where there are, for example, chains of academies, they should be inspected and viewed and evaluated with the same rigour that local authorities have used in the past.

Q178 Alex Cunningham: We have had the Haberdashers' written evidence, Michael, about the recruitment of governors and the robust system that you have in place there. Why do you believe that approach to recruitment and training of governors is effective?

Michael Jeans: I suppose, in terms of output, because I believe that our schools are governed well. I am very lucky. I have a pool of people; I cannot satisfy all the people who want to be a governor at one of our schools with a slot. That covers, again, the maintained and independent sector. I do not guarantee that, when they do get a slot, it will be in either. They come for interview. They know that for the Haberdashers' company, education is our prime purpose, so they are part of that. You get the commitment, which is why there is success, and the enthusiasm.

Q179 Alex Cunningham: Does that not make it rather exclusive? Could other groups of people add different values to a governing body?

Michael Jeans: Sorry, I did not make that clear. There are 140 governors of Haberdashers' schools; only some 40 of them are actually Haberdashers. There is a great number with Haberdashers that are unwashed and the rest are washed.

Q180 Alex Cunningham: Do you think it is necessary for other groups to adopt a much more rigorous approach in order to achieve the quality of governor—if I can use the expression—that you maybe achieve?

Michael Jeans: I hope we do. Yes, I do, but it is back to the other issue. It is a chicken and egg scenario, isn't it? We are all enthusiasts, so we would probably like to get people involved in governorship. If we then say we are going to be really robust about our interviewing or our selection, in the same way as we are about our evaluation, that might turn people off. How do we get that balance right?

Q181 Alex Cunningham: I wish I had known you about 10 or 12 years ago, because I used to have the responsibility of finding governors for schools in my local authority. I struggled—just as many schools struggled—to identify parents. In fact, sometimes, they would find someone who had once been a parent of a child at a school donkey's years ago and say, "You'll be able to do the job." I just do not know how we manage to attract more people from a wider perspective. Have you any ideas on that?

Michael Jeans: I was talking to a group of 10 church primaries the other day, which were all in the same deanery, about their problems with getting governors. A lot of it is about the enthusiasm. A lot of it is about how we at Haberdashers will run events that cover all our governors, so we will have a governor's training day. They will be going along to be part of something

else. We will have a celebratory dinner once a year, where we celebrate the fact that they are governors. How are they valued? They are not going to be paid, but are they really made to feel valued? We do our best to achieve that.

Nicola Cook: Nationally and locally, we need to raise the profile of school governance as much as we can. As others have said, it is an under-recognised role. The work of the School Governors' One-Stop Shop is extremely valuable, and I am really pleased that is continuing. Effective local authorities will be working with the School Governors' One-Stop Shop to effectively place those people. For example, in my local authority, we have people put forward by SGOSS. We also endeavour to recruit governors, and then what we do is liaise very closely with our governing bodies. I have got members of my team whose work is specifically that: to work with governing bodies to most effectively place those volunteers who come along. That is really important, because, if the governing body has done its skills audit and it knows what skills it would like to find for its governor vacancies, then that goes with the work that SGOSS is doing and other people are doing in terms of recruiting governors.

One thing we are trying to do is to encourage people from underrepresented communities to get involved in school governance. We are very conscious that we have nearly 26% of our pupils from BME communities, but our governor representation is something like 4%. We are not saying that governing bodies therefore need to go away and find X% of BME governors and should look at it like that. We are working with our community consultative group to endeavour to raise the profile of school governors in and for those communities who are underrepresented, so that they can see the significance of school governance.

Alex Cunningham: We have to value them much more highly.

Nicola Cook: We do.

Q182 Alex Cunningham: I do not think anybody would disagree with that. Should governors be paid or should there be other incentives in places?

Mark Taylor: We have to value them. We have to sustain them as well, in practical ways. We have spent a lot of time making sure that, once governors are on governing bodies, there is enough for them to do and the right amount of support and engagement with the borough, if you like, in order to keep them in the right place and therefore attract their friends, sometimes, or other governors from the community. An example of that would be that we make sure, clearly, they have statutory representation on things like the schools forum. Where we have other advisory bodies within the middle tier, they are very well represented on that. We have a chairs group. We also have forums every term for them that have grown from a handful of people to, now, well over 100. They are not just the professional skills-based set; they are governors more widely.

You need to support governors in them having an identity within the borough beyond the school. Also, we need to make sure that they are able to influence

strategy and policy in more of a system way, because I think that attracts and sustains governors once they are in the role. They feel they are more than just one thing.

Q183 Ian Mearns: A couple of weeks ago, we had an HMI at the Committee, and he said that the HMI, collectively, have taken a decision that they should, as individuals, not sit on governing bodies. I think that is perverse, frankly. An HMI should not be sitting on a body for which they could have an inspection or advisory role. But what is to stop them actually being on a governing body within their own community, if they are not going to be affected by the job?

Mark Taylor: Absolutely, it makes sense.

Michael Jeans: I think what you are doing within Islington is not dissimilar to what I am trying to do in Haberdashers. We are trying to make people feel beyond the single school. We can give them some central support. We value them. I will give every single governor this¹ when they become a governor, which is our own little guide to excellence in governance. It is personalised to them. You can say it is not of value, but it makes them feel special.

Q184 Alex Cunningham: The chair said, when she opened her remarks at the very beginning of the morning, that this is about recommendations that we can make to Government. If you were going to have a one, two and three of recommendations to drive up the interest of governors but also ensure their quality, what would they be?

Michael Jeans: Make them valued. There may be some specific things we have mentioned.

Alex Cunningham: We have covered the value thing.

Darren Northcott: We should be clear about the nature of the role as there may be a misunderstanding about what governance involves, and that might put a lot of people off. Local authorities are very well placed to explain to potential governors what would be involved and what would not be involved, and that might help encourage more people to consider taking up a post as governor.

Nicola Cook: I would not disagree with either of those, and another one I would add is: recognise the importance of the clerking role, because a professional independent clerk can bring such an amount of support, expertise and advice and actually make the workload manageable. That is another very unrecognised role that should be recognised.

Mark Taylor: I support that statement about clerks. One cultural thing is that I think governors have got the message now that they are accountable and they have got the weight of the world on their shoulders. We should ease back on that a little bit and start to emphasise the value they can add to the community, because that is what will drive them to be governors.

Alex Cunningham: It is the realisation of that weight, at times, that is discouraging people from coming in, but maybe that is the right thing to happen.

Mark Taylor: It is over-egged.

Michael Jeans: The clerk point is so important. Do not bother about paying governors or the chairs; there should be a professional, independent and paid clerk.

Nicola Cook: Absolutely. Our clerks are paid.

Michael Jeans: Sometimes, professional means paid.

Nicola Cook: The clerk should also have good access to a *Governors' Guide to the Law* behind them as well.

Q185 Alex Cunningham: I have a final question to Darren. The NASUWT's written evidence indicates that this inquiry should build on the work of the Ministerial Group on School Governance, which convened under the last Government. What specific conclusions about recruitment and retention of governors did the ministerial group arrive at? How do you recommend this committee should take these forward?

Darren Northcott: One of the things the group did was identify what a complex issue this was and people had, perhaps, come forward previously with rather straightforward or crude solutions, i.e. we should just pay governors and that would sort it out. One of the things the group did is it began to dig beneath that, so it spent a lot of time looking at alternative governance models in the public sector, the private sector and the voluntary sector and began to learn from those and how those lessons might be applied effectively in the context of schools. The disappointment was that, when that group had begun its work and had begun to identify what it should investigate—for example, recruitment and retention and the issue of payment—its work was stopped. One of the recommendations we would want to make is that something that is comparable to that ministerial stakeholder group that had representatives from across the education sector could be reconvened to begin to look at these issues in more detail. The group made a very good start and identified some good areas for further investigation, but that seems to have stopped. That was a pity as far as we are concerned.

Q186 Alex Cunningham: So, its specific remit would be one, two, three?

Darren Northcott: It needs to look at issues around: training; recruitment and retention; governance in academies, which we have touched on already; the role of local authorities; and the distinction between the roles of headteachers and governing bodies. Where is that line drawn between strategic management and day-to-day management, which Michael touched on in his opening comments? That would be a pretty broad brief there, and it had a very good brief, frankly, although aspects of its remit needed to be explored in more detail. It was a shame that that work did not continue, because it was beginning to make good progress.

Q187 Bill Esterson: I just have a question or two on training, some of which we have touched on. You mentioned the constraints on local authorities and the ability to deliver training will be one of the challenges there. How would you think that training should take place—should it be underpinned by national standards? Who would you get the training from?

¹ The witness has clarified that he is referring to 'Excellence in Governance—a governors' guide' published by The Haberdashers' Company in April 2011

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Mark Taylor: Training has been a real strength within the borough and will continue to be. Broadly speaking, it is a traded service, so schools choose to buy that service. I think they do that because of its quality and for no other reason. I do not doubt for a second that if that quality dipped they would go elsewhere, and that would be the right thing to do. Almost inevitably, while there needs to be an infrastructure around it, it will largely be on a traded basis. My concern is that clerking is not about taking notes; it is about offering a whole range of other advice and a sensible, sound head. It is a whole range of different things around that. If it is to be, if you like, thrown out to the wider market—which, in a sense, it is now—that should only be on condition of there being some really clear guidance around that. My fear is it could drift into governors finding themselves in difficult positions; some people take notes well and make sure that they are clearly presented, but they are not getting that level of support that a clerk can give.

Q188 Bill Esterson: Should the training for the role of clerk go down the route that you have in universities and colleges, where there is a professional qualification?

Mark Taylor: That would be a really interesting line to pursue.

Q189 Bill Esterson: The National College is running a project now with 70 outstanding chairs of governors around the training of chairs. Do you have any thoughts on the training of chairs?

Michael Jeans: I welcome what the National College is doing. It is a tiny number, certainly, but I know it will spread. I have not been on the course, but, again, is that about how you chair something and the skills of that, or is it about anything peculiar to chairing governors?

Nicola Cook: I would say this, wouldn't I—Governor Services are well placed to deliver training to their governors, and it is about us looking at how we do that in flexible ways. We also make online training available through another provider to our governors, and we welcome the National College's work now with chairs of governors. As I said earlier, we are encouraging our chairs to undertake that leadership programme, because it actually starts off by giving them the opportunity to do a 360-degree appraisal of themselves, which, ordinarily, chairs do not probably have the opportunity to do. Certainly, we have had a

lot of interest from our chairs, and they are very interested in being able to have that feedback from the governors that they work with. As my colleagues said, there are more training providers within the market, but there are some strong bases for providing governor training, and we would echo what Mark is saying is happening in his local authority.

Q190 Bill Esterson: In both Buckinghamshire and in Islington, you would see it as being a traded service. What about in those authorities that are not in such a strong position?

Mark Taylor: Where they are not in that strong position and where there is not an established Governors Service that schools want to support, there needs to be some clear guidance about what that support should look like. This is so that governing bodies can be well informed by that before they commit themselves to anything.

Q191 Bill Esterson: Where does that guidance come from?

Mark Taylor: That is a very interesting one. There is guidance, clearly, that exists around the function of the governing body. My own view would be that some national guidance around that, particularly if you are linking it towards some professional qualification, would be a pretty useful thing to offer, because that is where you will get the emphasis on the quality of advice, rather than the note taking. Certainly, that is the thing that I know schools find most valuable—it is the quality and the depth of sustainable advice.

Nicola Cook: We will see, as Governor Services come together in collaborative groups, or as local authorities set up trusts, there will be more provision of services across boundaries in a collaborative way. This means we will not be functioning strictly within our local authority boundaries, like we have been.

Michael Jeans: I also sit on the board of AGBIS, the Association of Governing Bodies of Independent Schools. We offer a lot of seminars on governor and chair training and, increasingly, we are willing to make that available to the maintained sector, and it is not expensive.

Chair: We have come to the end of the session. Thank you for coming along and giving your time, not just by being here today but in terms of the preparation that I know people put in. If you do have any further thoughts or recommendations, please let us have them in writing. Thank you very much.

Wednesday 20 March 2013

Members present:

Pat Glass (Chair)

Neil Carmichael
Alex Cunningham
Charlotte Leslie
Siobhain McDonagh

Ian Mearns
Mr David Ward
Craig Whittaker

In the absence of the Chair, Pat Glass was called to the Chair.

Examination of Witnesses

Witnesses: **Lord Nash**, Parliamentary Under-Secretary of State for Schools, and **Anne Jackson**, Director, System Reform Group, Department for Education, gave evidence.

Chair: Good morning. Welcome to the Select Committee on Education. Apologies from Graham Stuart, who is not able to be here.

We have asked you to come along this morning to answer some questions as part of our inquiry into school governorship. We will kick off this morning looking at issues around improving school governors.

Q192 Mr Ward: A really easy question to begin with. Last year, the Education Secretary said that some school governors were “local worthies who see being a governor as a badge of status not a job of work”, and who have “discussions that ramble on about peripheral issues, influenced by fads and anecdote, not facts and analysis”. Do you agree?

Lord Nash: I think there are a lot of very good governing bodies in the country—that is clear—and we should be very grateful to them, but the fact that Ofsted tells us that 26% of our schools are not good or outstanding and that 44% of our school governance is not good or outstanding clearly means that there are quite a few governing bodies that are not up to scratch. How many quite fall into that characterisation, I do not know, but it has undoubtedly been true.

One of the aspects of weak governance is where they perhaps have too large governing bodies with not enough people with the right skills on them. They can get sidetracked on discussions that are not relevant to what we believe should be the key focus of governing bodies, which is attainment and progression, finance, strategy vision and performance management.

Mr Ward: We have about 40-odd questions, so you do not need to stray into the others.

Anne Jackson: Could I just make a point of clarification on your question? That part of the speech was a section where the Secretary of State was contrasting a picture of good governance with a picture of poor governance. The remarks that you have quoted were his exemplification of what poor governance looks like. There was also an exemplification of good governance, which did not get the same media headlines.

Q193 Mr Ward: Okay. A broad question: what can we—the Government or the DfE—do to raise the status of governors? I am not talking about the quality, but the status and the important role that we all know

exists in our schools. What can be done to support that?

Lord Nash: I think Government should be sending a message at every point about the importance of governors. That is certainly right at the top of my list of priorities. It seems to me that the two key pivotal decision points for a school are the head teacher and the governing body. Perhaps in the past we have underestimated the importance of the governing body to drive change, particularly in difficult situations. We should talk about it a lot. I know that Ministers will be talking about it, and I will certainly be talking about it in conferences and with the various associations. The National College is focusing a lot on training, and the NGA is doing a lot. At every turn, we should invite more people to become governors.

Mr Ward: I agree.

Q194 Chair: Do you think that there is a firm role for voluntary governors?

Lord Nash: Yes.

Q195 Chair: And that we should not be looking at paying governors and professional governors, as we have seen in some other European countries?

Lord Nash: I know that Sir Michael Wilshaw has been talking about paying governors, and he knows a lot more about running schools than I do—probably a lot more than anyone in this room—so we should certainly listen to what he has to say. I rarely disagree with what he has to say, but, at the moment, I am not convinced. I think it could be a distraction. There is a danger that by paying governors you could attract the wrong people, or you could open the floodgates. There are probably plenty more people out there who, if we make the circumstances of being a governor attractive enough, we can attract on a voluntary basis.

Voluntary does not mean amateur. It is a very responsible job. It is a great privilege, in my view, to be a governor of a school. There has probably never been a more important moment to be a governor, but, at the moment, I am open-minded on that point.

Q196 Chair: Can I ask you a question about the fundamental purpose of governors in schools? I have had numerous conversations over the years with chairs of governors and governing bodies, where I have said to them, “It is not your job to stand foursquare behind

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the head. It is your job to scrutinise and to challenge and to govern on behalf of your community.” Is that something that you would recognise?

Lord Nash: Absolutely.

Q197 Neil Carmichael: Good morning. One of the issues that we have been discussing in the session so far is the difference between skills and stakeholder representation. There are those of us who think that skills are more important, but some think that governing bodies need to have stakeholder representation. Where do you stand on that?

Lord Nash: I think we confuse representation and skills at our peril. Representation is incredibly important, and all good schools have a parent group, a teacher group and a student voice, but I do not think we should muddy that with governance, which is about having the right skills. I do not think that having, for instance, a few parent governors on a governing body is necessarily the best way to engage—it is a rather random way to engage—with representation. I am not saying that a governing body cannot consist of a lot of parents, but they should be chosen for their skills, not because they are parents.

Q198 Neil Carmichael: So do you foresee measures to move in that direction?

Lord Nash: We do not have any plans at the moment. As you know, we believe in autonomy. We do not believe in dictating to schools how they should run themselves. We trust heads, teachers and governing bodies, but we plan to emphasise the importance of making sure that all governing bodies have people with the right skills on them. I also personally feel, after 40 years in business, that, in any body like this, everybody in the room has to be able to keep up with the debate. They have to have the appropriate level of skills. That does not mean that they have to be a data geek or a financial expert, but they have to be able to engage with the debate at that level. They cannot be there for any one particular reason and not be competent on the others.

Q199 Neil Carmichael: So you could actually strengthen autonomy by saying to schools, “You can choose who you want, without any specific labels, because what you will want to do is have all the skills, rather than representative individuals”?

Lord Nash: Yes.

Q200 Neil Carmichael: So that would be basically freeing the system up?

Lord Nash: Yes, and we have done that already in terms of the difference between the 2007 and 2012 regulations, and for academy governing bodies, and we could go further, yes.

Q201 Chair: Can I just clarify? So you are saying that you would not have categories of so many parent governors and so many community governors?

Lord Nash: We have that situation at the moment and we have no plans to change that. For myself, I feel that the governing bodies’ role is so important that it should be about skills. There are much better and more effective ways of engaging with parent

representation—which is incredibly important, I agree—such as in a separate forum, rather than having one or two parents who may, frankly, have particular vested interests, depending on what stage their children are at in the school.

Q202 Neil Carmichael: To develop that argument further, it is clear that a governing body ought to be engaging with all parents, through the PTA and various organisations, rather than simply relying on the fact that they have a handful of parents on their own body.

Lord Nash: Exactly.

Anne Jackson: And it is worth mentioning that the change in the maintained school regulations from the 2007 to the 2012 ones was designed to free up those categories and to make it much easier for governing bodies to recruit by skills rather than just representation.

Q203 Neil Carmichael: Going back to the question that Sir Michael Wilshaw raised relatively recently about paying governors, of course national leaders of governance are talking about stronger governing bodies and would perhaps wish to give bodies that are helping other schools some sort of remuneration. Is that a direction of travel you would be interested in?

Lord Nash: Yes. I think governors cannot be paid qua governor, but there is nothing to stop a governor fulfilling another role in the school, and I guess there is nothing to stop a governor giving consultancy advice to other schools, but not in the capacity of a governor to that school. That is something that we could definitely look at.

Q204 Neil Carmichael: I want to talk about interim executive boards, because they, ironically, are an example of skills versus stakeholders. Where we see them introduced, we usually see swift and positive results and outcomes. That certainly proves the wisdom of the discussion we have just had. One of the concerns is that some local authorities are loth to introduce IEBs, because of various political issues, which are often clogged up with their relationship with schools and other relationships in the vicinity. Do you think that is a problem?

Lord Nash: Well, 70 local authorities have never issued a warning notice, which is the step towards having an IEB. You make a very good point, because most IEBs are themselves also very small—they are rarely more than six people and are often smaller. As everybody knows, the Government are absolutely determined that where we see failure and inadequacy in results or school governance, we will use all our powers to intervene wherever we can. As you know, we are having discussions across the country about underperforming schools, generally to seek a solution where they join a strong sponsored academy chain. In many of these cases it does not mean that we have to use any powers; merely the prospect that we might can be effective. But where we need to use them, we will.

Q205 Neil Carmichael: Thank you. Still on IEBs, Sir Michael Wilshaw has raised the question—we

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might want to raise it with him—about the idea of Ofsted saying, “Look, leadership governance in this school is not very good; you need an IEB.” That would be a recommendation from Ofsted to try to push through some change. Would you like to see Ofsted taking that kind of prescriptive role?

Lord Nash: First, moving Ofsted’s analysis of leadership and management, including governance, has really raised the game on governance; there is no question about that. We may need to go further, but it is early days and we will have to see. As I say, the Government are determined to improve the school system as quickly as we can. If we felt that that was appropriate, we would certainly discuss it with Ofsted, but it is early days on the whole new regime as it is, and we are hopeful that that will have a substantial effect.

Q206 Neil Carmichael: An issue Ofsted raised with us in earlier sessions was about the relatively restricted role that local authorities have to issue notices of warning and so forth. Do you think that they should be increased as well, and made more wide-ranging in some respects and certainly more penetrating?

Lord Nash: The answer to your question is that we are thinking about that.

Q207 Chair: I think I worked in the first local authority ever to issue an IEB, and I remember the sense of fear that was around at the time and the sense that we were stepping into a legal minefield. It was the unknown. Things have, however, changed since then, yet you said that some 70 local authorities have never issued such a notice. What can you do to make it easier for local authorities to do this? What do you intend to do to make it easier for local authorities to do this?

Lord Nash: As Mr Carmichael said, many local authorities are just loth to do it. They do not feel the obligation that, frankly, we feel they should. We are talking about children’s futures. We need to send a message at every turn that we expect all schools to do what good schools do. We all know what those are. I could list them, but there are 40 questions coming, so I will not.

Q208 Chair: What can you do to force those local authorities off the fence?

Anne Jackson: Of course, the Secretary of State has the power to impose an IEB. He has used that power in four situations so far. It is not something that we would do all the time, but it is something we keep under active review, to work out where the cases are that will make the difference and send that signal across the system, as you were saying.

Lord Nash: And in many of those local authorities, we are having conversations, with varying degrees of success, about underperforming schools joining chains. As the performance of academy chains is clearly strong, it will hopefully send a message that this is an effective route forward and is not something that those schools should fear. I sense the meaning behind your question. In some of these situations,

adults are putting themselves ahead of the interests of the children, and we cannot tolerate that.

Q209 Neil Carmichael: That was a perfectly good question. We are basically talking about three ways of introducing IEBs: we are talking about the Secretary of State, we are talking about Ofsted signalling it as a good idea and we are encouraging local authorities effectively to use existing powers more swiftly and effectively, and all three are things that we need to try to encourage. As Lord Nash says, we cannot tolerate incompetence at governing body level when it is about vested interests as opposed to the well-being of the children and how they are being governed through the governing structure and the school.

Mr Ward: Can I just say that it is not a Committee view that incompetence is directly related to vested interests, or that community or parent governors have vested interests? I want to dissociate myself from those remarks.

Neil Carmichael: I was only remarking on those governing bodies that are kept in place—Pat noted that some local authorities are reluctant to bring—

Mr Ward: But local authorities are subject to Ofsted, and that would be identified in the Ofsted report.

Neil Carmichael: Good point.

Chair: I take note of your concerns, David.

Q210 Neil Carmichael: I think we have probably covered the issues about IEBs, except for one area, which is the question of payment for IEBs, especially those dealing with particularly tricky long-term problems. Is that something you have been considering?

Lord Nash: Well, local authority IEBs are paid.

Anne Jackson: Yes, the power is there to pay IEBs, whether by a local authority or by the Secretary of State. None of the Secretary of State-appointed IEBs have been paid to date. We have taken views and soundings from local authorities and there seems to be variable practice. There is no general move to pay, but some local authorities do pay, so we are continuing to look at it. Certainly the possibility is there.

Q211 Neil Carmichael: Once an IEB reaches the point where that is going to happen, do you think there should be a time limit on when they should be introduced? There can be delays, for whatever reason. If you had a sense of urgency and a time limit of six or seven weeks—

Anne Jackson: Certainly Ofsted and others have commented on the potential time lag, sometimes, in imposing an IEB. Again, this is the sort of issue that the Department would pick up in our discussions with local authorities. In effect, you have two triggers for a school to come into a category for intervention, one being an Ofsted report, and the other the school’s performance in relation to floor targets. Where schools fall into those categories, we want to talk to the authority about them.

Q212 Neil Carmichael: In terms of triggering the introduction of an IEB, there are obviously certain clear examples where that would be the case, but if a

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school is beginning to be identified as coasting or starting to get into trouble, at what point do you think an IEB should be raised as a solution?

Lord Nash: As I said, the first presumption is that a discussion would be had with the local authority and the school about whether it would be more appropriate for the school to be sponsored by a strong sponsor with a track record of school improvement. That might be a local school. If the school in question is a primary, the sponsor might be a secondary school that it feeds to, a strong local primary, another secondary, or a chain. Those are the kinds of conversation we are having, and we find in most cases that they are successful and we do not need to go further than that. Schools understand the necessity for that, and the benefits of joining a stronger group that can give them the support they need.

Q213 Chair: On that point, I think we are all agreed that when a school is beginning to have issues, it is best that intervention is made early, but this Committee has on occasion expressed concerns about how you would know that. Will local authorities still have the capacity, given the cuts in funding and so on? We have seen lots of school improvement services in local authorities either trimmed right down or disappearing altogether, and schools will not be inspected at the same rate as in the past. How would you know that you needed to intervene early and, if you did, who would have the capacity to do that?

Lord Nash: We know from the results.

Q214 Chair: Is it just going to be results alone?

Lord Nash: We know from inspection and from destinations. Results in schools tend to form a pattern. To be frank, historically in this country we have not intervened that fast when schools have got into trouble. I don't see that the system going forward is any worse than it was. I think there are strong academy chains around the country and strong secondary schools identifying other schools in their area. One thing we are very keen to encourage is for secondary schools to team up with their feeder primaries, because they clearly have a strong vested interest in ensuring that the pupils coming to them are as well educated as possible. Through those routes as well we will identify schools that are not doing as well as they should.

Anne Jackson: And of course the inspection system is risk-based, so the frequency of inspection is linked to the track record of the school.

Q215 Chair: Inspections are not going to be happening at anything like the rate that they did previously. Yet we know that it is something like a third of schools that were previously judged to be outstanding are not outstanding at the next inspection. It could be seven years between inspections, and a great deal could happen in seven years.

Anne Jackson: That is why there is also the ability for a local authority to look at the performance of the school and raise concerns either with Ofsted or with the Department.

Q216 Chair: You are not concerned that local authorities will no longer have the capacity to do that?

Anne Jackson: The amount of resource that a local authority has for its school improvement services will relate to the number of academies in any particular area. So, again it is designed to be a proportionate amount of resource. Either the authority is in that situation or else the Department in looking at academy outcomes is in a position to do that.

Q217 Chair: My experience of this—and it is not inconsiderable—is that when a school is beginning to fail, the first people who pick that up are often the finance or the personnel people. Do you have systems in place for that kind of intelligence?

Lord Nash: Yes.

Q218 Chair: You do. In the Department?

Lord Nash: Yes, in the Department and in the EFA. That is something we are very focused on.

Q219 Siobhain McDonagh: I want to look at governor effectiveness and the work of the National College. What has been learned from the pilots of the external review of governance conducted by the National College? Is school-to-school support for improving governance the way to go?

Anne Jackson: Yes. That was a very helpful development, because in category 3 schools, which typically may include some of the coasting schools we were just talking about, HMI will recommend an external review of governance if they think it is needed. There have been 60 or so recommendations so far and 16 of those reviews have been completed. The National College has been working with Ofsted to pilot the external reviews and they are now drawing up a lessons learned paper that will be published shortly. As the pilot stages come to an end, it will be open to governing bodies then to take those reviews from whatever source they want.

The principle on which the pilots have been working so far has been to have an external, independent experienced person. They have been using national leaders of governance or national leaders of education with governance experience to carry those reviews out, to work with the governing body, to reflect on what the inspection has said about the quality of school governance, to look at the strengths and weaknesses of that governing body and to draw up an action plan for the governing body to approve. HMI inspectors will be coming back to follow up a required improvement judgment within six weeks, so they will be able to look at how far the governing body has got with that. There will be further monitoring by Ofsted, depending on the seriousness of the issues, and then a follow-up inspection within two years.

The initial feedback from these very small numbers to date seems to be that it is a promising process that has been well received by the schools. We are also seeing evidence that schools are interested in assessing themselves against those Ofsted criteria for good governance, even outside an inspection process—it may be in preparation for an inspection—but there is evidence of those standards having a wider influence across the system.

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Q220 Siobhain McDonagh: Thank you. External reviews of governance are targeted only at schools that have already been deemed by Ofsted to require improvement. With local authorities reducing their governor support services in some areas, what will fill the gap they leave in terms of providing constant challenge to good and outstanding schools to ensure that standards of governance do not slip between Ofsted inspections?

Anne Jackson: It will be open to schools to ask for external reviews on a paid basis. The costs appear to come out at something between £900 and £1,300, based on the evidence so far. That will be sourced from the open market. We know that a number of local authority governor services are now part of the consortia that the National College has pulled together to deliver leadership training to chairs and aspiring chairs. It is also delivering training on RAISEonline—it has delivered 1,300 places in the last two months. So there appears to be a lot of appetite for training, which ought to make it a viable proposition for governor services to continue. Most of those, as you will know, are now on a traded basis.

Lord Nash: And I think that part of this training will be to make chairs aware of the importance of self-assessment, with governance going right up the agenda as a result of Ofsted. All governing bodies should be reflective; they should maybe have an annual away-day, when they contemplate whether they have the right people involved, when they think about their strategy and when they judge themselves against the nine Ofsted characteristics or the 20 very helpful questions from the all-party parliamentary group. I think we are setting expectations on governing bodies to be very conscious of constant self-assessment.

Q221 Siobhain McDonagh: Do you consider that all good or outstanding governing bodies should be required to submit an annual risk assessment to Ofsted, so that risks to their performance can be identified at the earliest opportunity?

Lord Nash: I do not think that is necessary at this stage.

Q222 Siobhain McDonagh: The National Governors Association, along with several witnesses who gave evidence last month, said that Ofsted's new data dashboard will only provide information to which governors already have access. It says the dashboard lacks important detail, which governors will need to access elsewhere. How would you respond to that?

Lord Nash: I think the dashboard is a big step forward. It is useful for parents and it is something that many governors will know already. Many governors will be well beyond that, but it will be helpful to some governors. Obviously, all governors need to understand RAISEonline, and it is quite complicated. We are working with Ofsted to simplify the RAISE summary report, and we are working in the Department for Education on a whole new data warehouse for all our data, so that the next generation of the RAISE equivalent is more user-friendly and will allow independent providers like Arbor or FFT to plug into it, enabling us to create more of a market

and the products for analysis of school data. Of course, we must not forget in-year data, and the NGA is working with the NAHT and the ASCL to look at templates for in-year monitoring data. So the dashboard is helpful, but it is only one step.

Q223 Siobhain McDonagh: I think the data dashboard is a fantastic thing for the governing bodies in the schools in my constituency, but the governors and the schools that need it most will also need more assistance in understanding how to access and use the data on the dashboard and RAISEonline more effectively. Will the Government create a clear framework of questions that governors can use to interrogate the data?

Lord Nash: First, a lot of governors are going through RAISEonline training with the National College. We have had over 1,000 go through in the last two months.

Anne Jackson: This question about the questions that governing bodies should use is also something we have been talking to partner associations about. One of the things that we are planning to put into the next version of the governors' handbook—the replacement for “The Governors' Guide to the Law”—is a suggested headline set of questions that every governing body could use to interrogate data. We are also working specifically on the data dashboard and on RAISE to see what the most helpful questions are that we could suggest to a governing body. It will be a bit dependent on the circumstances of a school and what the data say, but none the less we think we can suggest some generic questions that would be helpful for every governing body.

Q224 Siobhain McDonagh: Thinking about my schools that need it most, the trouble with making it part of a handbook is that people have to read the handbook, and in my experience, governing bodies are not always aware of the information that is available or know they need to ask it. The dashboard has been really great because of all those people who suddenly think, “Gosh, I want to know what the school down the road is doing. Why aren't we doing as well as that?” That information has always been there, but the question was how to access it. Now, a lot of governing bodies will want to know how best they can do that. They may be precisely the governors and the governing bodies where people are not going to that training.

Lord Nash: Yes. We will think about that more.

Anne Jackson: I am sure that there is a lot we can do through our website and through the national college website, working with Ofsted, to link into the data dashboard and get those questions out there.

Siobhain McDonagh: It is easy to engage the engaged, isn't it? But it is probably the least engaged that need it most.

Lord Nash: What you say is very encouraging.

Q225 Craig Whittaker: Can I just ask you about the “Governors' Guide to the Law”? The Government want to make it shorter and more concise, but is there a danger that that will take out some of the detail that

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governors will need? If so, where are they going to get that information from?

Lord Nash: We are very keen to focus governors on the key aspects they should be looking at: performance management, attainment and progression of the students, and finances. We do not want to underestimate the importance of all the other duties, although we have reduced the number of duties on governors quite substantially. I think this is where the role of the clerk can come in, to get into perspective how that should be managed. There is a danger that if you have a handbook that is too long and too full of legal duties, you will frighten everybody. It is a question of balance, which we thought about very carefully. I think you will be pleased with the new handbook when it comes out.

Anne Jackson: We are continuing to talk to the National Governors Association and our other stakeholders about the handbook, in particular the way it links through to more detailed guidance, which is typically what the clerk would need. Governors themselves do not need it up front.

Q226 Craig Whittaker: Let me ask you about the clerk. There is widespread support, or certainly a faction of people who sat that the role of the clerk should be made a professional one, like a company secretary. Do you agree?

Lord Nash: It is something we are looking at. I know that the NGA and SOLACE are looking at how to professionalise clerking. That is something we are very much involved in, and it is certainly something we are considering. A good clerk is essential, and they can help to manage the meetings and make sure that they are strategic debates rather than reporting sessions.

Q227 Craig Whittaker: On recruitment of clerks, training and all the rest of it, do you think that is the role of the local authority, or do you think organisations such as SGOSS should recruit, train and pass on governing bodies? What kind of model do you think is best?

Lord Nash: SGOSS have been very successful at recruiting governors. Most clerking at the moment is done through local authorities or through academy chains, but we are keen to encourage other providers if they come forward.

Q228 Craig Whittaker: You said that you were considering make the role of clerk one that is more professional. Has there been any work on which model is best to achieve that end result?

Lord Nash: It is early days, it is fair to say, but that is right on our agenda.

Anne Jackson: We will be interested to see the recommendations from SOLACE and the NGA on this. The various documents we have—regulations and model academy articles—are very clear about the importance of the clerk or the academy equivalent.

Q229 Craig Whittaker: Finally, I want to take you back to the question of training for governing bodies. You said that there is, without question, an appetite for training out there. Lord Nash, you said that

voluntary does not mean amateur. Should it therefore be compulsory for each governing body to do a skills audit?

Lord Nash: We are not a Government who want to mandate everything from the Department for Education, so it is not our style to make things compulsory; but we have, to a certain extent, an expectation that all governing bodies will do a skills audit. I am sure with the Ofsted new framework, any sensible governing body must be doing one.

Q230 Ian Mearns: Good morning. Apologies for being late. Do you think it is acceptable that we have individuals with little or no knowledge or training in the job of being a governor taking on such an important role as overseeing the management of our schools?

Lord Nash: Are you referring to any particular individuals?

Q231 Ian Mearns: No, I just think that we seem to be trying to pluck people out of the ether to try and take over the job of, for instance, academy sponsors or governors. They may have particular skill sets, but not necessarily any knowledge or understanding of how the education and schooling of our children actually work.

Lord Nash: Well, if you say, as Ofsted does, that 44% of our governing bodies are not good or outstanding, clearly we need to do something; just revolving the same people round in musical chairs will not do it, so we need to bring in new people. As I said, SGOSS has been very successful at bringing people in from the private sector on to governing bodies. They have put in 15,000 and we have funded them substantially to beef that operation up. I do think that sitting on a governing body has characteristics similar to those of sitting on the board of a company, a charity, or a foundation trust for a hospital. There are many more people out there whom we could attract to do this, and we should seek to do so, because it is about skills, and I think a lot of the skills are transferrable. I do not think you need necessarily to be an educationist, dyed in the wool, to be an effective governor of a school.

Q232 Ian Mearns: You say SGOSS have been successful. They have been operating for a little while now, trying to recruit people from the private sector, but they have actually recruited only about three quarters of a governor per school, so obviously there is still significant work to do. The regional variations in their success in recruiting people are also significant, and of course we need to educate children all over England. What can we do in order to make that better, as well?

Lord Nash: We need to send out the message at all times that the Government regard now as the time for people to step forward and become governors. I think people have sometimes been put off by the red tape or the size of the governing bodies. We need to make it more attractive for people to become governors, so this Government will be sending out a message at every opportunity that we welcome people stepping forward. We are finding that a lot of young people are

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stepping forward to be governors, and I think that is something to be encouraged.

Anne Jackson: Part of the reason why we have funded SGOSS for the next two years is, precisely as you say, because we think there is more to be done on this. Part of our discussions with them about our expectations for coming back on that funding is about establishing their regional presence more evenly across the country, really going out and promoting the availability of their services to areas which are not familiar with them yet, and also raising their engagement with schools from 11% to a quarter of schools. We are really trying to get maximum value out of that.

Lord Nash: But I do agree we need to do more, and we intend to do so.

Q233 Ian Mearns: You have talked about trying to make it more inviting to become a governor, but of course we have Ofsted being critical of governors and saying that 40% of governing bodies really are not good at the job. With the best will in the world, all these people are willing volunteers, yet we seem to be handing them much more responsibility and probably a lot more accountability for probably little or no reward, apart from the satisfaction of doing the job. What are the good bits?

Lord Nash: Well, most of the people I know would be attracted by sitting on a body which has more accountability and more responsibility; the kind of governing body or organisation they don't want to join is one which is just a talking shop and has no power and effectiveness. So I think that that is a good bit in itself.

Q234 Ian Mearns: We have heard a lot of support from different people giving evidence to us for training for governors. Do you think there should be any element of compulsory training—induction, or ongoing development—or do you think compulsion is not required?

Lord Nash: As I said, this Government's style is not to mandate that kind of thing, but to set a very clear expectation, as governance goes up the agenda through Ofsted, where there are clear criteria for governing bodies to judge themselves against and the clear expectation that all schools should up their game to emulate the best schools. We would expect all good governing bodies to do just what you said.

Q235 Ian Mearns: What do you think a programme of induction training for a governor would look like?

Lord Nash: Data—an understanding of data is crucial. I don't believe you can sit as a governor of a school unless you understand the key drivers of attainment, progression and all that. You have to have some knowledge of finance. You have to understand that the responsibility of a governor is not to manage the school but to support the senior leadership team.

Obviously the relationship between the governors and the senior leadership team is crucial. The relationship between the head and the chair is a vital one. One system that works very well is the buddy system whereby each governor buddies up with one member of the senior leadership team so they also have a

mentor. I could talk for a long time about the functioning of a governing body and how it should be run, but all experienced chairs would know that. There are plenty of organisations like the NGA who can provide that kind of induction training.

Q236 Ian Mearns: We have a diverse family of schools across the country and many primary schools are very much neighbourhood based. In some neighbourhoods it is more difficult to attract people with particular skill sets than in others. Do you have anything in mind for addressing that problem?

Lord Nash: Yes. Although I have a preference for smaller governing bodies, I appreciate that that is often not the status quo. Often a lot of these small primary schools have large governing bodies. One of the models that we discussed with the NGA for that is where you might have one sub-committee focusing on attainment and progression and one on finance, with one or two expert people on those sub-committees so that they can be really sharp in relation to those areas. That is not to say, as I said earlier, that not all members of the governing body should be able to engage in debates on finance, progression, attainment and performance management strategy, but you may be able to devolve some of the detail to sub-committees so that that works more effectively.

Q237 Ian Mearns: If you do not think the compulsory training is necessary or warranted, do you think that using a sort of compulsory skills audit in a governing body would be useful? It is important that governing bodies have a range of skill sets.

Lord Nash: The Ofsted regime will mean that most governing bodies do that. We have to see where that goes. Governance has moved dramatically up the agenda. We need to see that bed in for a while before we do anything more.

Q238 Ian Mearns: Is there anything that you can do to ensure that the training available to governors is not only of the best quality but the right sort of training that governors need? This is my 30th year as a school governor, Lord Nash, so I have had lots of training over the years. Some of it has been very good, but sometimes I have thought to myself, "What did I come here for?" From that perspective, how will you make sure that the training provided is tailored to the needs of the governing bodies?

Lord Nash: The National College is doing a lot of work on this. Again, I do not want to keep mentioning Ofsted, but it is our sharpest tool in the box. Ofsted's criteria will mean that all training has to be driven towards that. There is no point in producing training if it is not going to cut the mustard. I think this will help.

Anne Jackson: There does seem to be, among governing bodies, a lot of awareness of, and appetite for, identifying their skills. The NGA tells us that about 70% of governing bodies currently do some form of skilled audit. Obviously we would want all to be doing that, but that is encouraging. Allied to that is the work that the National College is doing on some of the key aspects of training. For example, there is the leadership development training that it has developed. It has licensed it out now to 11

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partnerships in all areas of the country, so that sort of core training is available for chairs and aspiring chairs.

Q239 Ian Mearns: As for the message that you are giving about making sure that Ofsted does its job, and Ofsted being the sharpest tool in the box, I am sure that Sir Michael will be delighted to hear you say that, but is it going to be resourced enough to do this job to the extent that you are talking about?

Lord Nash: Yes.

Q240 Ian Mearns: Thank you. One of our witnesses has pointed out that it is virtually impossible for governing bodies to operate strategically and identify their development needs when nobody really knows where the education system is going—when it is in a constant state of flux. From the perspective of a governing body, how does it know what it has to do next?

Lord Nash: I think that would be a pretty poor excuse for not performing your duties as a governor. It is absolutely clear—I am sure you know this after 30 years as a governor of a school—that you are worried about the progression and achievement of the pupils. That has to be your No. 1 concern; that is why you are doing it, so I do not think much of that as an excuse for not doing the job properly.

Ian Mearns: I think it has been raised more as a concern than as an excuse, Lord Nash.

Lord Nash: Right.

Q241 Neil Carmichael: I just want to stray before I start the main thrust of my questioning. Of course, there are training packages, data packages, HR packages and so on to deal with, but fundamentally, what a governor has to do is recognise the strategic responsibilities that he or she has, and be able to stand up to or with the head teacher, with enough confidence and enough intellectual capacity to drill down on the issues that matter; and that is all about equipping the governing body with confident, capable people, isn't it?

Lord Nash: Yes, and that is particularly relevant for the chair. That is the key relationship. It is like the relationship between the chairman and the chief executive in a company. It is a lonely job, being a head. Everybody needs someone to bounce ideas off. That relationship is very important, and that is one of the reasons why we are focusing so much on training for chairs.

Q242 Neil Carmichael: The other issue for chairs, of course, is succession planning. Quite often, somebody turns up and gets elected as chair and they are almost like a startled rabbit, because that is not quite what they had in mind. In other words, a succession plan for a chair, or at least the way in which that person is appointed, is a really important one for the governing body as a whole. Do you have any thoughts about whether that person should be formally elected, or perhaps appointed by the local authority or some other body, to make sure that the person who is chair really is that kind of person?

Lord Nash: I think anybody who is putting themselves forward as a governor, particularly in any kind of election, should state their prospectus, and when they are coming up for re-election, they should state what they have done in the last four years and what they intend to do in the next four years. It is part of good governance for all members constantly to state their case. I know some chairs who start every governing body meeting by going round the table and asking everybody what they have done for the school in the last two months. If the answer is too often nothing, that will, hopefully, embarrass people into doing something. Succession planning is something that all good governing bodies should be focused on.

Q243 Neil Carmichael: The relationship between the head and the chair is clearly pivotal in this. There is perhaps a case for saying that the chair would need some sort of training so that he or she knew how to deal with that relationship, and of course that could work the other way as well. Do you agree?

Lord Nash: Yes.

Anne Jackson: Yes, and it is worth saying that this is part of the training programme, the leadership programme, that the College is running. In addition, it is now running workshops to get chairs and heads working together, and there has been considerable take-up of those. I think there have been about 650 applications so far.

Q244 Neil Carmichael: The national professional qualification for headship is no longer mandatory. Do you think that there is a case for making the governor training elements of the national professional qualification for headship mandatory for all serving and aspiring head teachers?

Lord Nash: It will not surprise you to hear us say that we are not rushing to be more centralist in our approach to education. The fundamental philosophy of this Government is that we trust heads, teachers and governors to run their schools, set expectations and raise expectations of what they need to do.

Q245 Neil Carmichael: The Academies Commission has been recommending that the appointment of chairs of governors should be more professional and rigorous in order to ensure the quality of chairs, which, as we have been discussing, is so important. How will we put some traction behind that aspiration?

Anne Jackson: I think a lot of it is around the incentives in the system now. I come back to the fact that we are trying to get much more clarity and many more benchmarks around what constitutes effective governance. We are setting that framework in the policy framework that we are updating, through the handbook, so that we can pull out very clearly what the core functions are for a governing body, including that key relationship with a head. Those are mirrored in the Ofsted benchmarks, so you are putting a whole set of incentives in the system that we think will drive chairs of governors and heads to understand how that works, if they do not already, but obviously, good chairs and heads do.

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Q246 Chair: That is good practice once you have a chair of governors in place, but this is about the appointment of the chair, which is a crucial post. The Academies Commission is saying that if we are talking about business-like governing bodies, we have to be more business-like in how we appoint the chairs. Why are we not advertising this? Why is there not a set of criteria, so that you do not get someone who does not have the skills? Why are we not advertising this in the same way that we would with any other public body?

Anne Jackson: The point I was trying to make on the expectations of chairs and governors is that that gives us the material for a clearer set of expectations around what it is that a chair needs to do, and those are the sorts of things that are reflected in the training. We have got the material there to make available to schools, when they are thinking about the appointment of the chair, to set those expectations very clearly.

Lord Nash: But I think you have made a very good point. We will beef-up our expectation of what a good chair looks like and what their role and responsibilities are.

Q247 Chair: So you are looking at the recommendations of the Academies Commission?

Lord Nash: Yes.

Q248 Neil Carmichael: It is a pretty detailed job description that you are thinking of there. To some extent, that would answer my next question, which is really on clarifying the roles of the head teacher, and of different forms of governance—there are academies, maintained and so on. There are accountability issues that are often talked about but not necessarily fully understood by either governors or head teachers. Would that be a useful additional part of that description?

Lord Nash: Yes, absolutely.

Q249 Neil Carmichael: Last but not least, the NGA has stated that the Department for Education has accepted that it is “a nonsense” that governors in schools, who are their own admissions authority, are supposed to undertake some of the admissions operation. What do you intend to do to clarify this?

Lord Nash: Most schools and academies go through the local authority admissions procedure.

Neil Carmichael: I am assuming that the question is geared more to maintained schools.

Siobhain McDonagh: I think in the guidance it suggests that governing bodies are responsible, but, in effect, that never happens.

Q250 Chair: I think it is fair to say that if there is one thing that parents are most concerned about in schools, it is fairness around admissions. The Department accepts that where a school is its own governing body, it is not perceived as fair that it is operating the admissions system. There are academies that look to the local authority to administer this. Is that something that the Department would look to see happen universally?

Anne Jackson: The Department monitors the progress and fairness of the admissions system via the Office

of the Schools Adjudicator. She works with local authorities and every year she looks at complaints about the admissions arrangements and produces an annual report, which helps the system—

Q251 Chair: That is an individual issue about individual admission. This is about the generality of admissions. If admissions are not perceived to be fair by parents, they will be very angry. I have rarely seen anything that makes parents more angry than what they perceive to be unfair admissions. In the past, many schools were their own admissions authority, but they gave the job of allocation over to local authorities because that was perceived to be fairer. You are quite right that some academies that doing that now. Is that something that the Department is thinking about across the piece? For this to have the badge of fairness, does it need to be handed to someone else to carry out the operation?

Anne Jackson: What the statutory admissions code sets out is that academies, like voluntary aided schools, are their own admission authority. We also expect local authorities to be a co-ordinating point for the information about admissions procedures. The schools adjudicator does not actually look at individual complaints—those complaints go to the EFA for academies. She looks at the health of the system and at complaints against admissions arrangements by academies, rather than individuals. She looks at the overall health of the system, and reports back to the Secretary of State on how that is going through her annual report.

Q252 Chair: My understanding is that under the Education Act the power of the schools adjudicator to investigate on her own merit has been taken away. She has to wait for a complaint; she cannot simply say, “I think there is something a bit dodgy there; I will have a look at it.”

Anne Jackson: She has a number of functions. In addition to looking at complaints about individual admissions arrangements at academies, she surveys local authorities every year and asks them for their feedback and their impression of how admissions work locally. That is both in terms of the normal admissions round and the fair access protocols. When we see her report, we can pick up on issues from a policy perspective on the back of that.

Q253 Chair: So there is a feedback mechanism there? If there is general unrest in an area about the fairness of admissions, it will be picked up through the local authority report, and the DfE will ask the schools adjudicator to investigate.

Anne Jackson: The schools adjudicator will come to the Department to tell us if she has issues of concern. As I say, the formal responsibilities are now set out in the admissions code, which was updated in 2012; it took effect last February. That allows academies, like voluntary aided schools, to be their own admissions authorities.

Q254 Chair: So you are content that there is an accountability circle?

Anne Jackson: Yes, there is.

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Q255 Ian Mearns: There is a residual problem with that. When a school is their own admissions authority—for example, many VA schools are their own admissions authority—even when they pass the administration of the admissions procedure over to the local authority, they quite often conduct their own appeals. With bums-on-seats funding, more children means more money, and sometimes you get schools deliberately deciding to over-fill their school, which has an impact on other schools nearby. That is something that still needs to have a torch shone on it.

Lord Nash: We will look at that.

Q256 Ian Mearns: Okay. We are going back to governance. With regard to recruitment and retention of school governors, we heard that the ministerial working group on school governance, which was established by the previous Government, was making good progress in delving into the complex area of recruitment and retention. Has anybody thought about reconvening the ministerial group, or something similar?

Lord Nash: As I said, this is something I feel very strongly about. We are working with SGOSS. I have only been in this job for a couple of months, but I am very keen for this to go right up the agenda. We will look at how effective SGOSS is—it seems to be very effective—and at what more we can do.

Q257 Ian Mearns: So you would actually openly consider reconvening the ministerial working group to look at it?

Lord Nash: Yes.

Q258 Ian Mearns: We talked previously about the fact that you are funding SGOSS for another two years, but awareness of what SGOSS does and how it works is lacking out there. It is clearly accepted that response to their recruitment is very patchy around the country. How will you encourage more people outside to become aware of what SGOSS does? How will SGOSS make more people aware of what it does and how it tries to do it?

Lord Nash: It is moving from working with 11% of schools to 25% of schools. As I say, we intend to send the message wherever we can that we are looking for more school governors, and that SGOSS is one of the best ways of getting engaged in the process.

Q259 Ian Mearns: In written evidence to us, the CBI offered to help the Government promote governor opportunities. Are you going to take up that offer and capitalise on it?

Lord Nash: Yes.

Q260 Ian Mearns: Excellent. I like one-word answers, I really do. What other incentives for, and requirements on, businesses that release their staff for governor duties do you think you will be able to provide?

Lord Nash: At the moment, I do not think that we feel the need to do anything more. Business is very willing to provide staff for governors. Certainly, from my involvement in the education world, I have found businesses extremely willing to engage with schools,

and I think they are becoming more willing. There are many programmes, such as work experience and career advice, and I think we can and will do more to engage with business. We are trying to engage with business more in the academy programme generally, and we shall use those links on the governors front.

Q261 Ian Mearns: The biggest private sector employer in my locality has about 990 employees, but that is the biggest by far. The rest of the economy in my area is mainly SMEs, and there are capacity issues for those sorts of companies. How are we going to engender that feeling of community responsibility among SMEs? It has to be said that, on the other side of the account book, SMEs are feeling a bit battered and neglected at the moment, in terms of the Government's economic thinking. We are asking them to be community-spirited, but that is not being paid back through any significant role, in term of economic policy.

Lord Nash: You make a very good point—

Ian Mearns: I am glad that you accept that.

Lord Nash: It is a very good point. We should be sending the message out to SMEs that we welcome them. Personally, I think there are many more people who are prepared to get involved in the school system, but many of them do not really appreciate the opportunity. We need to get the message out there.

Anne Jackson: It is something that Lord Heseltine covered in his review that was published the other day. He recommended that local chambers of commerce should work actively with local schools to try to get more business governors into communities. We would certainly like to do that. At the minute, there is a legal requirement for employers to give time off to governors at maintained schools, but whether or not that is paid is for local discussion, although there are real benefits to businesses from governors acting in that capacity and bringing those skills back into the business. I should say that that requirement does not apply to academies at the minute, so we are thinking about how we can try to share that expectation. *[Interruption.]*

Q262 Chair: I think you have inspiration coming to you from someone on the seat behind you. While you look at that, is it just business that you are looking at, or are you also putting the same kind of expectations on the public sector, so that more doctors can spend time doing this? Have you looked at—I am sure you have—how you can raise the status of governors, so that simply being a governor at a school gives you some kind of status within the community?

Lord Nash: We are keen to involve doctors and civil servants widely. On my way here, I bumped into one of the civil servants in the Department, who was telling me how much she enjoys being chair of her local governing body. Just as we need to raise the status of teachers and head teachers in this country, because it is the most noble of professions, I agree that we need also to raise the status of governors. We will do all we can. I certainly shall do all I can. This is genuinely right at the top of my list of priorities. We talk about the academy programme, but success in schools is actually driven by head teachers, teachers

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and the governing body—and strong chairs in particular.

Anne Jackson: We try to use the honours system as actively as we can to recognise that sort of contribution.

Chair: If the status was raised, it would make a huge difference.

Q263 Neil Carmichael: I wanted to pick up on the point about the interface that business must have with education, because it is absolutely pivotal. It is not just schools; businesses also need to start engaging with schools, so that they can start to address some of the training issues and the skills deficit that we have, certainly in the SME sector, because that is where it is most acute, in many respects.

While I am a great believer in governing bodies engaging, it is important that businesses feel comfortable with governing bodies. That kind of interface needs to be encouraged through a relatively proactive and prominent chair. Would you agree with that?

Lord Nash: Yes, absolutely. In my own school, I have spent a lot of time engaging with the local business community and the professional community—doctors and others. We have had more than 300 speakers in the school since we took over Pimlico. I do not think anyone has ever said that they would not come and speak. A lot of them have found the experience quite daunting, but no one has ever said no. There is a genuine willingness there, but I think it is for the schools to feel more able to ask for it more.

Q264 Ian Mearns: I think you are entirely right about the importance of heads, but of course it is governors who appoint heads, so often it is important to have good governors to appoint good heads. Some of the most important days' work I have done in the past 30 years have been spent appointing good head teachers; there is no doubt about that. We talked earlier about employment law. I think there is only an expectation, not an entitlement, in employment law that people will be given reasonable time off to perform public duties. There is no requirement on employers to do it, as far as I understand.

Lord Nash: It will not surprise you that this Government do not want to tinker further with the restrictions of employment law, but as I say, my experience is that businesses are very willing to get involved, and we should do what we can to encourage that.

Q265 Siobhain McDonagh: We have heard a lot of opinions on the relative merits of stakeholder versus skill-based governors, and you made some pretty clear statements earlier on. Do you have any evidence to prove the effectiveness of each model? Would you commission some?

Lord Nash: I do not think we have what people might call convincing and detailed evidence, but I certainly have lots of examples of schools that have failed that clearly do not have the skills on the governing body.

I think everyone I know who works in schools, particularly intervening in schools, would say that one of their most common experiences—as I said earlier, there are a lot of outstanding governing bodies and effective large governing bodies—is too much talk and not enough action, caused by too many people but not enough people with the right skills.

Q266 Siobhain McDonagh: Is that not the case on any committee about anything? Apart from this one, of course.

Lord Nash: I am not sure it is. Forty years in business has taught me that it is fine when everything is going swimmingly well, but when things are in difficulty, a large body is not a very effective method of dealing with it.

Q267 Siobhain McDonagh: SGOSS sees a clear role for Government in addressing some of the logjams in current governor recruitment processes, such as schools refusing potential governors because they do not live in the same postcode area as the school. How do you respond to that?

Lord Nash: We are discussing these kinds of issues with SGOSS, and we will do whatever we can to help un-jam them.

Q268 Charlotte Leslie: I want to touch on the composition of governing bodies. I know that regulations provide for governing bodies to be reduced. I think 60% of governing bodies say that they find trouble with recruiting people, but 90% said that they would not reduce their size or reconstitute their body. Do you think that this permissive legislation would have been more effective were it mandatory?

Lord Nash: If you want to reduce the size of a governing body, yes, but as I said, it is not this Government's style to mandate things. We are in an early stage of governance being pushed right up the agenda through Ofsted, so we must see how that goes.

Q269 Charlotte Leslie: In terms of not mandating things, as I understand it there is a juniority principle.

Lord Nash: Yes, we plan to remove that.

Q270 Charlotte Leslie: Good, because the people who have been there for a very long time who are maybe not always the most helpful and a new arrival is.

Lord Nash: Well, we were discussing this the other day, and I had not ever heard of this. Officials suggested that we removed it and it seemed to me an absolute no-brainer, so we plan to do that.

Charlotte Leslie: That is very welcome. Thank you very much.

Q271 Alex Cunningham: There appears to be a lot of confusion and distrust of the different models of governance present in academies at the moment. Do you agree that further clarification of accountability within academy governance structures is needed—and assuming you do, what is needed?

Lord Nash: I am not sure I do agree. I think there may be a suspicion—we touched on this earlier—in

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areas of the country or governing bodies of the motives of academy chains. But this Government are committed to helping good academy chains expanding in a sensible way, we believe that academy chain governance model is a very effective one, and we would plan to improve the messaging there. These suspicions are understandable, but I think they are not well founded. These chains are about improving education, and there are no other dark agendas.

Q272 Alex Cunningham: So you do not think there is any problem with the governance, or the understanding of governance, within academy governing bodies, then, or the academies sector.

Lord Nash: Well, I have heard some people say that some governors of schools that have become academies have been confused about the fact that they are now not only governors but directors of a company limited by guarantee and also a trustee. I think that that is a transition that, frankly, most governors with the appropriate skills should be able to make.

Anne Jackson: If I could just add to that, the academies financial handbook, which was recently revised to try to make it much sharper and clearer about those responsibilities, does set out quite specifically how those different responsibilities interact, but also makes the point that, actually, the essence of being a company director and a charitable trustee is similar to the essence of being a school governor, in any case. It is all about probity, the best interests of the school and ensuring regularity and value for money, and good performance.

Q273 Alex Cunningham: But perhaps the wider world of education needs to understand a little bit better how this all hangs together.

Anne Jackson: Yes.

Lord Nash: Yes, we do encourage all schools converting to academies to understand this, but enough people have raised this that I think we need to just make sure that the message is getting out there.

Q274 Alex Cunningham: Emma Knights of the NGA said that material published by the Department does not distinguish properly between the different roles for governors in different types of academies. She is also asking for clarity, some “real, good terms of reference”, which she says is “crucial” in this area. Do you not actually accept that?

Lord Nash: Well, we will look at it, but I come back to my point that I think it is important that people on governing bodies do not get hijacked by worrying about these kinds of legal issues, which may be partly a question of explanation, so that they are clear that their duty is to think about the education of the children and the attainment and progression issues.

Q275 Alex Cunningham: You do not seem to have any great concerns about this area at all.

Lord Nash: I wouldn't say that. I think that I have said that we will look more closely at that. Emma Knights knows what she is talking about, so we will certainly listen to what she has to say.

Q276 Alex Cunningham: Sir Michael Wilshaw said to us that he sees a role for local authorities in reporting any concerns about academies to the Department. Local authority witnesses have said that they could maybe play a role, but published data could well be out of date, and of course the trouble may have started and be a bit further down the line before any intervention could be made. Do you see a role for local authorities in looking at academies?

Lord Nash: We did discuss some of this earlier, before you arrived.

Alex Cunningham: Yes, I am sorry, I was not able to be here.

Lord Nash: There is no doubt that the role for local authorities in looking at academies is very much reduced. We are looking for academy chains to step up to the plate. The Department and the EFA monitor them closely, but certainly on admissions and basic need the role of local authorities will continue.

Q277 Alex Cunningham: But the bottom line though, as you say, is that it is now the academy chains that are taking over that role and there is not actually a role for local authorities.

Lord Nash: Academy chains or local clusters. A model we very much like, as I mentioned earlier, is secondary schools clustering with feeder primaries or with each other, or primaries clustering with each other. So, very much a local chain model.

Q278 Alex Cunningham: Are you actually saying this morning that there is no role for local authorities?

Lord Nash: No, I am not saying that.

Q279 Alex Cunningham: So what is the role of local authorities in relation to the standards that are being developed in academies? How can they get involved? How should they get involved?

Lord Nash: I think part of the academisation process is that their role is reduced.

Q280 Alex Cunningham: So what you are saying is that if an academy exists, the local authority does not have a role, as Sir Michael Wilshaw would suggest it should have. It does not have a role. Is that what you are saying?

Anne Jackson: Yes, a local authority—

Alex Cunningham: Was that yes, or yes you understand my question?

Lord Nash: No, I fully understand the question. I think it is absolutely obvious that the Government feel that the performance of local authorities in education in this country has been patchy, and we think there are alternative solutions. Where the solution is academisation, the role of the local authority is substantially reduced. That is clear.

Alex Cunningham: That is clear. The question I am asking, though—

Q281 Chair: Can I just ask a question on this? The local authorities, as I understand it, will still be inspected by Ofsted and judged on the quality of schools, including academies, in their area. Do the Government have any intention of changing that,

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given that local authorities have no control over academies at all?

Anne Jackson: Ofsted is consulting on the framework for that sort of inspection at the moment. One issue that is being discussed is how that framework would be differentiated according to the role of the local authority and the number of academies in that area. Clearly, authorities will always have a general interest in the quality of education that children in a locality receive. If they have concerns about an academy, they can talk to the Department, they can talk to the Education Funding Agency or they can talk to Ofsted to make sure that those concerns are registered and followed through.

Q282 Charlotte Leslie: I have a quick question on a slightly different angle of the local authority role. Are you monitoring, or interested in, the way in which academies are buying in services from local authorities? An interesting trend that I am noticing is that academies are buying in services from neighbouring local authorities where their local authority may not, historically, have provided them very well. Is that something that the Department is monitoring and looking at?

Lord Nash: It is not something we are monitoring, but we are aware of it.

Q283 Alex Cunningham: I am sorry if I am being a bit of a pain on this, but I just want to know whether local authorities have any role in the future in relation to standards in academies or reporting concerns about academies within their local authority.

Lord Nash: I think they do have that role but, as Anne said, the exact methodology of Ofsted reporting on local authorities' performance is something we are developing right now. This will become clear fairly soon.

Q284 Alex Cunningham: So you are now saying to me that, yes, you agree with Sir Michael Wilshaw that there is a role for local authorities. But how would they be able to be effective in any role if they do not have the necessary data to form a judgment?

Lord Nash: They will have the data. The data will be published.

Q285 Alex Cunningham: But it tends to be historical, doesn't it? They do not have regular data.

Lord Nash: It has always been pretty historical, in reality.

Q286 Alex Cunningham: But you do not see local authorities being involved directly in the academies in any shape or form, really.

Lord Nash: That is partly what the academisation process is all about.

Q287 Neil Carmichael: Earlier, we briefly bumped into the subject of describing governing bodies as boards. That is certainly a model that a lot of people have talked about for the accountability structure and the structure of the board. Do you think we should move in the direction of having a board rather than a governing body?

Lord Nash: The function of a governing body is very similar to that of a board. I know that business and education are different, but the dynamic of the governing body is very similar. Having spent my life in the venture capital business, where you make investment decisions, I know that you only get one chance to make the right decision about whether to invest in a company or not. If you get the wrong company, you obviously try to recover the situation, but it is a very highly geared decision-making process. Normally in business, you make decisions and when they are not right, you can change them later; in the investment process, you are stuck. I have thought a great deal about the dynamics of boards, and I do not see anything in governing bodies which are materially different.

As I said before, the dynamics of these kinds of organisations work best when there is a good chair, when everybody in the room can engage in the debate—it is no good if you get people there who can engage in only parts of the debate, because they then hijack the rest of the debate or take the debate down rat runs—and when you do not have too many people in the room. I am absolutely clear about that.

Q288 Chair: As a Committee, we visited the Netherlands and Denmark recently, and we looked at their structures of governance. There was a very clear separation between representation and decision making. Is that something that you would consider?

Lord Nash: It is something I would applaud, yes. I think that if you visit a lot of effective schools, you will see that that actually happens. Certainly, it happens in my school. We have seven governors; we have one parent. It is absolutely clear that the role of the governing body is to make decisions.

Q289 Neil Carmichael: This is basically consistent with the discussion we were having before about skills versus stakeholders. That is using slightly different themes to get at the same point, which is that we want a decision-making body that does its job properly.

That brings me on to the question of interim executive boards. We have already discussed the wisdom of appointing them in many cases, because of the swift ways in which they respond. Should we not just cross off the word “interim” and basically just have executive boards instead of governing bodies?

Lord Nash: As I said earlier, this Government are not in the business of mandating things. We feel that schools are capable of running themselves, if we set the right expectations. Of course, you get the word “executive” in an IEB. It is important that governing bodies distinguish between being strategy and holding the senior leadership team to account, and management.

I was surprised when Andrew Adonis rang me up to ask whether he could quote me in his book as having the smallest governing body in the country, of seven governors. If you were a board of directors, you certainly would not be anything like the smallest board of directors, at seven. As I say, I am sure that there are many—there are many—successful governing bodies that are much larger than that, but I

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think that a tighter, more dynamic, skills-based governing structure is the way forward.

Q290 Neil Carmichael: Should we be thinking about making sure that governing bodies, or whatever we call them, can actually remove governors who they just think are not up to the job for a variety of reasons?

Lord Nash: Apart from absenteeism for six months, where governors on maintained schools are disqualified—I think I am right—there is not such a mechanism¹. Again, I think that comes back to the fact that in boards of directors, if you have people who are just not cutting the mustard, they tend to be managed out by a good chair. That again comes back to a good chair's job. Certainly, as I have said, when people come up for re-election, they really should have to state their case as to what they have done and what they are going to do in the future.

Q291 Neil Carmichael: Yes. The Committee has discussed the sort of federal structures of schools in a chain—mechanisms and so forth—and we say that one governing body can deal with more than one school, either vertically or horizontally, if you like. The question arises: how big could they be? How many schools would you think would be optimum or maximum?

Lord Nash: At the moment, each school has its own governing body, although you have multi-academy trusts that have an overriding governing body. I am nervous of pure federations, where there is no clear accountability, but if you mean whether one governing body can be the governing body of a number of schools, that is not how things are at the moment. You may have similar people, but at the moment you have to have a governing body for each individual school.

Anne Jackson: Yes, subject to the ability for maintained schools to federate, with the equivalent, as the Minister said, being the multi-academy trusts for academies. It is worth flagging up that there has been some favourable comment in the Academies Commission and in HMCI's report about the dynamism and focus that those sponsored MATs are bringing to school governance. That is something we are keen to look at and follow.

Q292 Neil Carmichael: Finally, one or two people have raised the possibility that the number of variations of governing bodies might cause a problem for comparison. Local authorities might find it difficult to recognise the same thing in some schools that they have already seen in a different school and so on. Do you think that is a problem, or do you think that localisation of decision making and the ability of school governing bodies to change themselves, which is basically part of your theme, is right, proper and can be managed by local authorities?

Lord Nash: I think it can, yes.

¹ There is no single mechanism for maintained school governing bodies to remove a weak governor. Different categories of governor are appointed in different ways—appointed governors can only be removed by the body that appoints them; elected governors cannot be removed.

Q293 Chair: May I ask you some general questions before we let you go? We promised to finish at 11. The Committee visited the Netherlands where they were emerging from a scandal about the insolvency of a very large board which appeared to resemble the chains of academies. As we move towards a more business-like model—we would all accept that not every business in this country is a good business and that thousands go bust every year—is there a danger that we will move towards a system in which some schools and governing bodies will fail, which will result in insolvency, and that we will see the kind of scandal that is emerging in the Netherlands around these boards?

Lord Nash: We are monitoring the situation with chains very closely. There will be failure. There has been failure in the school system in the past and there will be in the future. But we are doing all we can. This is very much one of my jobs in the Department—to ensure that the expansion of academy groups is handled in a sensible way with geographic focus at a pace that they can handle.

Q294 Chair: There is a second question that I am concerned about having visited the Netherlands. They looked to have very large boards that were governing bodies for up to 50 or 60 schools. They appeared to resemble something like the chains of academies that we might be moving towards in this country. The evidence that the Committee got was that head teachers had far less autonomy within that system than they do in this country. They say in politics that everything moves around. I felt as though they were moving back to a pre-1988 model before school budgets were devolved, where head teachers effectively got on and were responsible for teaching and learning but had no control over any budgets or the wider strategy of their schools. That was all handled by big boards that seemed to resemble local authorities. Does it keep you awake at night, as it does me, that we might be moving to a pre-1988 model?

Lord Nash: If you look at the really successful chains, they have a lot of central services. They have a common vision. They may have common HR. They have a common curriculum. They have school support centrally. They have governance training centrally, but they trust their heads to run the school on a day-to-day basis. Academy chain sponsors have an ethos. But it is a long step from that to thinking that we are going to get to the sort of Netherlands-type situation that you talk about. In this country we are very keen to make sure that there is still local accountability and local good governance at school level.

Q295 Chair: Are you doing any monitoring of the views of heads within academy chains about their degree of autonomy, whether it is increasing or decreasing?

Lord Nash: We have regular meetings with heads of academy chains. I speak to a lot of them. The consistent message I get from heads in chains is that they welcome the support they get.

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Q296 Chair: Thank you. Is there anything else that you would like to say to us today that is important and you would like to include within our inquiry?

Lord Nash: No. I welcome your inquiry and thank you for moving governance right up the agenda. I look forward to hearing the details of what you have to say.

Chair: Thank you for coming.

Written evidence

Written evidence submitted by the Department for Education

INTRODUCTION

1. The Government welcomes this inquiry as an opportunity to recognise the dedication of the hundreds of thousands of volunteers who serve as school¹ governors who are passionate about supporting and improving their schools. High quality governance is crucial to the accountability and performance of both maintained schools and Academies. The Government's reforms seek to apply to governance the principles of trust, accountability and transparency that drive its thinking in other areas.

THE GOVERNMENT'S VISION FOR SCHOOL GOVERNANCE

2. The significance of governing bodies' role has in the past been under-valued. Governing bodies are the key strategic decision makers in every school. As part of the overall system for school accountability they have a vital role to play in driving up school and pupil performance and ensuring every child receives the best possible education.

3. The education system is changing rapidly and the system for school governance must enable governing bodies to play their part. The Government's ambition is that every school has a high performing governing body that understands its responsibilities and focuses on its core strategic functions; one that is made up of people with relevant skills and experience; and one which operates efficiently and effectively through appropriate structures and procedures. The Government's role is to put in place the framework to enable this to happen, through reforms that apply the principles of trust, accountability and transparency.

4. The Government trusts governing bodies to make decisions in the best interest of their schools and to decide for themselves how best to constitute and operate. The Government is therefore cutting back on central prescription and freeing governing bodies from unnecessary rules and regulations—particularly those that restrict their ability to recruit governors with the skills and experiences appropriate to their needs and circumstances. It is also funding SGOSS,² the governor recruitment charity, to help governing bodies recruit new governors with the skills they identify they need, extending leadership development training to support chairs of governors, and has introduced the concept of National Leaders of Governance building on the successful National Leaders of Education model.

5. A clear and robust system of accountability is as vital to driving up the quality of governing bodies as it is to driving improvement in the quality of the schools they govern. The Government therefore welcomes Ofsted's new and explicit approach to governance and awaits with interest the outcome of pilots of external reviews of governance in "requiring improvement" schools. It is local authorities' role to ensure governors in maintained schools achieve value for money from their resources, while the Department's accountability regime for Academies, bolstered by company and charity law, is set out in the Academies' Financial Handbook. The Department for Education will respond robustly where inadequate leadership and governance in a school is failing children and a sponsored Academy solution is likely to be the best way forward, including by replacing as necessary the governing body with an Interim Executive Board. The Department is likewise committed to intervening in cases of Academy underperformance.

6. Transparency is fundamental to empowered leadership and accountable decision making. Governing bodies need transparency on precisely what is expected of them, and they need transparency on the performance of the schools they govern. National and local government, parents and others need transparency on the effectiveness and impact of governing bodies in raising standards of education. The Department for Education therefore welcomes the clear description provided by Ofsted within its Inspection Framework of the role and nature of high quality governance; it is in the process of improving the information it provides to governors about their statutory duties; and it supports work by Ofsted and others to improve governors' awareness and understanding of essential school performance and financial data.

7. Further detail on the range of reforms in place and planned is provided in response to the Committee's specific areas of interest below.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

8. The government believes that high quality governance in all types of schools is characterised by a relentless focus on three core strategic functions:

- (a) Setting vision, ethos and strategic direction.
- (b) Holding head teachers/principals to account for teaching, achievement, behaviour and safety, and challenging and strengthening their leadership.

¹ Unless stated otherwise, "schools" should be taken to mean both maintained schools and Academies

² Formally, the School Governors' One-Stop Shop

- (c) Ensuring finances are managed well leading to probity, solvency, and effective use of financial resources.

9. These functions are reflected directly in the new criteria that Ofsted inspectors will use when considering the effectiveness of governing bodies—see page 43 of the Inspection Handbook from September 2012.

10. They are also reinforced in statute by Section 21(2) of the Education Act 2002 which states that the purpose of maintained school governing bodies is to “conduct the school with a view to promoting high standards of educational achievement at the school”.

11. Some governing bodies, including all Academies, have additional responsibilities associated with being employers, admission authorities; or charitable trustees and company directors. Such responsibilities are aligned with, and in no sense contradict, the core functions above.

12. The Ofsted Inspection Framework 2012 recognises school governance as an integral part of the overall leadership and management of a school. It is a key role of governors to appoint and then performance manage the head teacher/principal—including through rigorous analysis and interpretation of performance and financial data. The senior leadership team is responsible and accountable to the governing body for the day-to-day management of the school. The right relationship between the governing body, especially the chair of governors, and the head teacher/principal is key to making a reality of school-level accountability.

The implications of recent policy developments for governing bodies and their roles

13. Governing bodies operate in a rapidly changing environment characterised by increasing deregulation and autonomy—including through the Academy programme, and a strong focus on school-led improvement, public accountability and the responsibility for achieving value for money in terms of the quality of education children receive from the resources available. Recent policy developments seek to respond to this context to ensure that school governance is fit for purpose.

Continued expansion of the Academies programme

14. An important decision for governing bodies is whether they want to take control of their school and budget as an Academy. Some schools become sponsored Academies when poor governance and management has led to sustained underperformance. For all other schools, however, Academy status is a choice made by the governing body, and the Government believes that the Academy programme is the stronger for it.

15. Academy status brings considerable additional freedom and flexibility—including in relation to governing body constitution. Governance arrangements are set out in an Academy trust’s articles of association and agreed with the Department for Education before the school converts. As the Academy programme expands more schools are forming multi-academy trusts (MATs)—a number of Academies that are all part of a single charitable company. Each MAT has one overarching board of directors (governing body) and at a local level for each individual Academy either a local governing body (with delegated executive functions) or advisory body (with no executive functions but which can advise the board). MAT governance arrangements can be flexible and reduce the need for large numbers of governors. Economies of scale can also be gained across the MAT structure—for example sharing skills, training and other resources.

The Ofsted Inspection Framework from September 2012

16. Governing bodies provide a crucial layer of school-focused accountability for pupil performance and education standards. It is essential that they themselves are also subject to scrutiny and a robust system of accountability based on clear expectations.

17. The new Inspection Framework from September 2012 is intended to help recognise and celebrate high quality governance and provide a strong incentive for improvement to weak governance arrangements. It has a specific focus on the effectiveness of governance as a central part of the overall judgement on the quality of a school’s leadership and management.

18. The Inspection Handbook sets out a number of criteria that provide a clear description of the characteristics of high quality governance. Every inspection report will contain an explicit comment on the quality of a school’s governance in light of these criteria. Where governance is weak in a school that “requires improvement”, inspectors may recommend an external review of governance arrangements. Ofsted and the National College are working together using National Leaders of Governance to trial these reviews before full roll out in 2013.

De-regulation

19. Governing bodies are best placed to define how they operate, and the Government wants to give them greater freedom to do so. It believes that governing bodies’ approach should reflect and respond to specific local circumstances, with regulations focused on giving them the powers that allow them to operate, not on constraining them with unnecessary bureaucracy.

20. The Government has already introduced less prescriptive constitution regulations for maintained schools (discussed in more detail below), and a further full review of all other regulations and guidance is currently being undertaken, in consultation with a wide range of interested parties, to develop proposals for stripping out unnecessary requirements and give governing bodies the greatest flexibility possible in managing their business. The Department for Education will consult shortly on proposals to repeal Terms of Reference³ regulations and amend Procedures regulations⁴ to leave governing bodies to operate more efficiently and effectively, free from unnecessary burdens and constraints.

21. The unwieldy 260 page Governors Guide to the Law is being re-written into a shorter more concise plain English Handbook for all governors. Building on the approach of the recently republished Academies' Financial Handbook, this will focus on the essential information that governors need about their key responsibilities.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

22. The Government believes that governors are best placed to decide the size and make up of their governing body and identify what training or development they need. Its priority is to create the flexibility for governing bodies to take and act on these decisions, and to make targeted interventions to address two key gaps in the market—brokerage for the recruitment and placement of skilled governors (through SGOSS) and leadership development training for chairs of governors (through the National College).

23. The Government is aware of data that suggests that the average vacancy rate currently carried by governing bodies is approximately 11%. However, the highest priority and key challenge for recruitment is not to make up numbers but to ensure that every governing body has people with the necessary skills and experiences so that it can carry out its demanding functions effectively.

24. The best governing bodies identify the skills and competencies they need—including in relation to their ability to deal effectively and confidently with their responsibilities for financial oversight. They audit regularly the skills of their current members and actively manage recruitment and professional development activities to address any gaps.

25. There are a range of options available to governing bodies for supporting their training and development. It is for governing bodies to review the opportunities available in the market, and identify and select the most suitable to their needs and budget. Support may be available from:

- (a) local authorities—the Government is aware that many local authorities have made decisions to scale back their governor support services and that the nature and quality of these services varies across the country;
- (b) commercial governor support organisations;
- (c) umbrella bodies such as the National Governors' Association or Freedom and Autonomy for Schools—National Association; and
- (d) the National College.

26. The National College became an Executive Agency of the Department for Education in April 2012. It has expanded its offer to governing bodies by:

- (a) licensing providers across the country to deliver high quality leadership development training to chairs of governors and aspiring chairs of governors from October 2012;
- (b) appointing 70 outstanding chairs of governors as National Leaders of Governors to offer peer-mentoring support to other chairs of governors—an additional 100 will be recruited by March 2013; and
- (c) developing a website accessible to all governors providing access to a range of good practice information and resources.

27. The Department for Education has recently confirmed that it will continue to fund SGOSS, the governor recruitment charity, over the period 2013–15 to offer a free service to Academies, schools and local authorities to help them recruit highly skilled new governors. Through strong links with a range of employers, SGOSS is able to recruit and place over 2,000 skilled governors a year from business background into maintained school and Academy governing bodies.

28. SGOSS has demonstrated that there is a good supply of skilled people willing to serve as Governors. A key challenge in extending SGOSS' reach and increasing the number of volunteers placed is encouraging schools to be open to new influences and focus on recruiting governors for their skills.

³ Education (School Government) (Terms of Reference) (England) Regulations 2000 Si 2000/2122

⁴ School Governance (Procedures) (England) Regulations 2003 Si 2003/1377

The structure and membership of governing bodies, including the balance between representation and skills

29. Governing bodies are best placed to decide on their structure and membership. The Government wants to give them greater discretion in these decisions to enable them to focus on recruiting people with the skills and experience they need to carry out their demanding functions.

30. Current rules and regulations on the membership of Academy and maintained school governing bodies are based on a stakeholder model of governance that focuses on securing representation from a wide range of interest groups. Representation need not be at odds with a focus on skills—for example parent governors may bring valuable skills to the governing body. However, representative structures do not in themselves necessarily lead to high quality governance—for example to a good relationship between a governing body and the local authority or to good parental engagement. The Government's prime interest is in promoting the nature of high quality of governance, not in prescribing the means by which this is achieved. Its priority is therefore to reduce the extent to which the constitution of a governing body is prescribed in central rules and regulations.

31. Available research⁵ suggests that the average size of primary maintained school governing bodies is around 12 to 15 governors, with some reaching 20 to 25 in size. Maintained secondary school governing bodies were found to be larger with an average of around 17 to 18 governors, with the largest being up to 30 governors in size.

32. Since September 2012, maintained school governing bodies have been able to opt to reconstitute according to new simpler and more flexible regulations that prescribe seven, rather than nine of their posts. All governing bodies created or reconstituted after 1 September 2012 will do so under the new regulations. Those constituted prior to this may remain as they are or opt to reconstitute according to the new regulations.

33. Academies enjoy greater freedom than maintained schools in the constitution of their governing body. The Department for Education is currently reviewing the Model Academy Articles to consider how it might increase these freedoms further.

34. The rules and regulations on the constitution of maintained school and Academy governing bodies are summarised in the tables in Annex A. Further detail on the role and structure of Academy Trusts is provided at Annex B.

The effectiveness and accountability of governing bodies

35. As the key strategic decision making body in every school, the quality of the governing body is crucial to the success of the school and the performance of its pupils. However, Ofsted data for the academic year 2010–11 show that governance judgements are consistently lower than those for school leadership overall, in both primary and secondary schools. Governing bodies need to be responsible and accountable for their own effectiveness and quality through a robust and explicit system of scrutiny.

Effectiveness

36. The Government is aware of a number of reports that highlight the characteristics of effective school governance—including reports by Ofsted, the National College sponsored Fellowship Commission,⁶ and others as set out in Annex C. Among other things, these reports emphasise the importance of governing bodies understanding their strategic role, having the necessary skills including the ability to interpret data to take difficult decisions, and having strong leadership with a productive relationship with school leaders. The Secretary of State has asked Ofsted for further advice on what makes for effective school governance.

37. To achieve the very best for the children in their school, governing bodies will benefit from regular reflection on their own effectiveness and performance. A number of organisations have worked together under the auspices of the All Party Parliamentary Group on Governance to identify 20 key questions that may help governing bodies with this process of self-evaluation.

38. The Government believes that it is a matter for governing bodies to decide what experience or training would be desirable when appointing a clerk. It welcomes work by SOLACE and the NGA who are working together to raise the profile of the role of clerks and explore what training or support may be necessary to drive up the quality of clerking.

Accountability

39. Maintained schools and Academies operate within the overall system of accountability set out in the Department for Education's Accountability Statement.⁷

40. The Government believes that clear and robust accountability is fundamental to incentivising and driving improvement in school governance. Governors are volunteers and the Government recognises and values the dedication of the many thousands who are committed to improving their schools. However, it rejects any

⁵ Balarin *et al.*, 2008

⁶ <http://www.education.gov.uk/nationalcollege/index/professional-development/fellowshipprogramme/the-impact-of-previous-fellowship-programmes.htm>

⁷ <http://www.education.gov.uk/aboutdfe/departamentalinformation/reports/a00214167/system-statements>

suggestion that their status as volunteers should exempt them from public scrutiny. High quality governance is essential to driving up pupil and school performance, and weak governance needs to be identified and addressed.

41. Ofsted's approach to governance (summarised above under recent policy developments) provides essential and proportionate scrutiny; data published by the Department for Education and Ofsted provides transparency on school performance; and financial scrutiny by local authorities of maintained schools and external audit of Academies secures good stewardship by governing bodies of public funds. Taken together, these mechanisms provide a necessary quality benchmark and an appropriate level of accountability.

42. Where a school has poor standards, or there are other aspects of its operations that are failing, it is essential that governance is strengthened quickly and effectively to ensure that pupils receive a good standard of education. For this reason there are a range of powers for local authorities and/or the Secretary of State to intervene quickly and decisively where governance is failing.

43. Local authorities have the power to issue a Warning Notice to a maintained school where there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, standards of performance. The Secretary of State also has powers to direct a local authority to consider giving, and subsequently to direct a local authority to give, such a warning notice. Where a maintained school fails to comply with one of these warning notices or is judged inadequate by Ofsted (eg is judged to require special measures or require significant improvement) the school is "eligible for intervention" by either the local authority or the Secretary of State. Where a maintained school is eligible for intervention the local authority or Secretary of State may intervene directly to impose an Interim Executive Board to replace the failing governing body; the Secretary of State also has the power⁸ to appoint additional governors.

44. Local authorities set the financial requirements for maintained school governing bodies, within a national framework. A maintained school's right to a delegated budget may be suspended by the local authority where it is eligible for intervention as set out above, or where there has been a failure to comply with the requirements of the delegation or financial mismanagement.

45. In Academies, the Secretary of State has direct powers to give an Academy a warning notice where there has been a breakdown in management or governance. If the Academy fails to take the action which is necessary to comply with this warning notice then the Secretary of State has various powers of intervention including powers to terminate the Funding Agreement to ensure a change in the Trust controlling the Academy.

46. Since 1 August 2011 Academies, Voluntary Aided schools and Foundations schools have been exempt charities. This means instead of being registered with and regulated by the Charities Commission, the Secretary of State for Education is their Principal Regulator.⁹ This means it is the Secretary of State's duty to do all that he reasonably can to promote the charity trustees' compliance with their legal obligations in exercising control and management of the voluntary or foundation school or Academy Trust. Where either the Department for Education or Charity Commission has identified concerns about the control and management of the administration of an exempt charity it will notify the other party and include information about any charity law issues it has identified, before it advises the relevant body of any action it proposes to take. The Department for Education may ask the Charity Commission to use any of its regulatory powers or indicate that those powers may be required at some stage during the conduct of the case. The Department for Education and Charity Commission have entered into a memorandum of understanding¹⁰ setting out how both parties will work together; it includes details about the regulatory powers of both parties.

Whether new arrangements are required for the remuneration of governors

47. The Government recognises that being a school governor, particularly a chair of governors, is a demanding role and believes that it is crucial that governing bodies seek skilled and high quality people to serve as governors. It does not, however, believe that there is a proven need or robust case for diverging from the voluntary principle underpinning our system of school governance by introducing payment to school governors. It is encouraged by reports from the National Governors Association that a majority of existing school governors agree.

48. Maintained schools and local authorities do not have the legal powers to pay governors, and in line with Charity Law, Model Academy Articles prohibit the payment of Academy governors. Powers do exist for local authorities or the Secretary of State to pay members of Interim Executive Boards.

49. Practice on the payment of IEB members varies across the country. In line with the principle above, the Secretary of State does not offer payment, though some local authorities do. The Government is aware of the arguments in favour of payment, particularly for this more challenging and time-intensive form of executive governance, and will keep the situation under review.

⁸ Section 67 of the Education and Inspections Act 2006. This is a different power to the power to appoint an IEB under section 69 of the 2006 Act.

⁹ <http://www.education.gov.uk/schools/adminandfinance/financialmanagement/b00199016/regulating-foundation-and-voluntary-schools-academies-and-sixth-form-colleges-as-charities/secretary-of-state-as-principal-regulator>

¹⁰ http://www.charity-commission.gov.uk/Library/mou_DEF.pdf

The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

50. As the key strategic body responsible and accountable for making decisions in the best interest of pupils, if they are to do their job effectively it is important that governing bodies have a good relationship with, and understand the views of, pupils, parents, staff and the wider local community.

51. Since 2007, governing bodies of all maintained schools in England have been under a duty¹¹ to have regard to any views expressed to them by parents of registered pupils at the school in exercising their functions. It is for individual schools to decide how and when to seek parents' views.

52. The relationship between governing bodies and school leaders is crucial, particularly in creating effective accountability for school and pupil performance. The National College will be working with the National Governors Association to explore good practice in relationships between heads and chairs of governors. Nine workshops will be held in February and March 2013, each with 50 pairs of heads and chairs of governors, and case studies and recorded interviews will be disseminated via the National College website.

53. Local authorities have an important relationship and responsibility for the schools they maintain. This includes their quality assurance and intervention role—and, as explained above, they may intervene through issuing Warning Notices, imposing Interim Executive Boards and suspending delegated budgets. Many local authorities also provide governor support services—offering training, advice and clerking services to local schools.

54. Foundation, voluntary controlled and voluntary aided school governing bodies have a specific and important relationship with the foundation or trust that appoints a minority or majority of their governors. Foundation governors are appointed to preserve the religious character of schools that have a religious ethos, and to secure that schools are conducted in accordance with the foundation's governing document including, where appropriate, any trust deed relating to the school. The Instrument of Government sets out who can appoint and remove foundation governors.

55. An increasing number of schools have a relationship with an Academy sponsor or with other Academies as a sponsor themselves. Academy sponsors are instrumental in turning around failing schools offering them a fresh start through setting a new vision, introducing new ways of working, and sometimes investing new funding. A summary of the relationship between Academy governing bodies, Academy trusts, and Academy sponsors is provided in Annex B.

Whether changes should be made to current models of governance

56. We have a robust model for school governance in England rooted in the principle of voluntary service. The Government trusts governing bodies to make decisions in the best interest of their pupils and believes they are best placed to determine how to operate effectively. It is committed to giving them greater freedom and discretion while also increasing transparency and accountability. The reforms set out above will help to achieve this.

57. As autonomy and deregulation become established, including through growth in the number of Academies, the Government is keen to learn lessons for national policy from Academies, Multi-Academy Trusts and maintained schools who develop innovative and effective new models of governance.

58. The Government will keep under review the need to develop more permissive forms of governance which give governing bodies more freedom in how they construct themselves according to local needs and appoint the governors they need and want locally rather than having to follow one national model.

¹¹ Education and Inspections Act 2006

Annex A

CONSTITUTION REGULATIONS AND REQUIREMENTS
MAINTAINED SCHOOL CONSTITUTION—2007 REGULATIONS

	<i>Foundation/trust governors</i>	<i>Partnership governors</i>	<i>Parent governors</i>	<i>Staff governors (including head teacher)</i>	<i>LA governors</i>	<i>Community governors</i>	<i>Sponsor governors</i>
Community ¹	N/A	N/A	1/3 or more	At least 2 but no more than 1/3	1/5 exactly	1/5 or more	Optional—Up to 2 in primary, 4 in secondary
Foundation with no foundation ²	N/A	At least 2 but no more than 1/4	1/3 or more	At least 2 but no more than 1/3	At least 1 but no more than 1/5	1/10 or more	Optional—Up to 2 in primary, 4 in secondary
Foundation with a foundation that appoints a minority of the GB	At least 2 but no more than 45%	N/A	1/3 or more	At least 2 but no more than 1/3	At least 1 but no more than 1/5	1/10 or more	Optional—Up to 2 in primary, 4 in secondary
Qualifying Foundation	Up to a majority of 2 over all other categories of governor	N/A	At least 1 (when counted with foundation governors who are parents must equal 1/3). Must also have parent council where trust appoints a majority	At least 2 but no more than 1/3	At least 1 but no more than 1/5	1/10 or more	Optional—Up to 2 in primary, 4 in secondary ³
Voluntary controlled	At least 2 but no more than 1/4	N/A	1/3 or more	At least 2 but no more than 1/3	At least 1 but no more than 1/5	1/10 or more	Optional—Up to 2 in primary, 4 in secondary
Voluntary aided	Overall control of GB Majority of 2 over all other categories of governor	N/A	At least 1 (when counted with foundation governors who are parents must equal 1/3)	At least 2 but no more than 1/3	At least 1 but no more than 1/10	N/A	Optional—Up to 2 in primary, 4 in secondary ⁴

Table Notes:

¹ Including community special schools and maintained nursery schools

² Including foundation special schools

³ Additional foundation governors may be appointed to preserve foundation majority

⁴ Additional foundation governors may be appointed to preserve foundation majority

MAINTAINED SCHOOL CONSTITUTION—2012 REGULATIONS (SCHOOLS MAY OPT TO ADOPT)

	Foundation/trust governors	Partnership governors	Parent governors	Staff governors (including head teacher)	Local authority governors	Co-opted Governors
Community ¹	N/A	N/A	At least 2	Head teacher + 1	1	As determined by the GB and no more than 1/3 where they are also eligible to be elected as staff governors when counted with the staff governor and head teacher. As determined by the GB
Foundation with no foundation ²	N/A	At least 2 but no more than 1/4	At least 2	Head teacher + 1	1	As determined by the GB
Foundation with a foundation that appoints a minority of the GB	At least 2 but no more than 45%	N/A	At least 2	Head teacher + 1	1	As determined by the GB
Qualifying Foundation	Overall control of GB A majority of up to 2 over all other categories of governor	N/A	At least 2	Head teacher + 1	1	As determined by the GB
Voluntary controlled	At least 2 but no more than 1/4	N/A	At least 2	Head teacher + 1	1	As determined by the GB
Voluntary aided	Overall control of GB Majority of 2 over all other categories of governor	N/A	At least 2	Head teacher + 1	1	As determined by the GB

Table Notes:

¹ Including community special schools and maintained nursery schools

² Including foundation special schools

CONSTITUTION REQUIREMENTS IN MODEL ACADEMY ARTICLES

	<i>Principal Sponsor governors</i>	<i>Parent governors</i>	<i>Local authority governors</i>	<i>The Principal</i>	<i>Staff governors</i>	<i>Co-opted Governors</i>	<i>SoS Governors</i>	<i>Any other eg community governor</i>
Academy governing body	As determined by Members (A majority of governors must be appointed by sponsor if sponsored Academy)	At least 2	No more than 1, as determined by Members	The Principal ex-officio governor	As determined by the members—can make up no more than a third	As determined by the members— maximum of 3	As appointed by SoS	As determined by the members

NB: As a company, the Local Authority and Housing Act prevents the Trust (at both member and governor level) from being local authority influenced. No more than 19.9% of governors can therefore be associated with a local authority (as defined in the Act).

ACADEMY GOVERNANCE

STRUCTURE

Academy trusts have two layers of governance:

The *members*, who are the owners of the company and whose functions include:

- Overseeing the achievement of the objectives of the company.
- Taking part in general meetings.
- Appointing some of the governors.
- Signing off the company's accounts and annual report.
- Amending the constitution of the company (that is, the articles).

The governors, who together make up the *governing body* with the same three core functions of governing bodies in the maintained sector, namely:

- Setting the strategic direction.
- Driving up performance and holding the senior leadership team to account.
- Ensuring financial probity.

Because the academy trust is both a company and a charity, the governors are also company directors and charity trustees. These duties are largely complementary.

In practice, members have limited practical involvement in the management of the company and the governing body exercises most of the powers and carries out most of the duties of the academy trust.

The governing body of a multi academy trust can set up a sub-committee called a local governing body for each Academy, to which it can delegate powers. If it does not do this, it must as a minimum have an advisory committee for each Academy (advisory committees do not have any powers delegated to them by the governing body).

COMPOSITION

The constitution of an academy trust is set out in its articles of association which are agreed with the Secretary of State before the company is formed. The current model articles set the following requirements:

Single academy trust:

- There must be a minimum of three governors, but the model articles do not set a maximum.
- The principal sponsor (if there is one)/members appoint the majority of governors.
- The Principal is a governor if he/she chooses to be a governor.
- There must be a minimum of two parent governors.
- Up to one governor appointed by the local authority (this is optional).
- Staff governors (optional).
- Co-opted governors. The governing body may appoint up to three (optional).
- Secretary of State's governors. Only appointed where Academy is in serious difficulty.

Multi academy trust:

- There must be a minimum of three governors, but the articles do not set a maximum.
- The principal sponsor/members appoint the majority of governors.
- The Chief Executive is an ex officio governor.
- There must be a minimum of two parent governors for every ten or fewer Academies.
- Staff governors (optional, but the model articles include this as a prompt).
- Co-opted governors. The governing body may appoint up to three (optional).
- The chair of governors of the local governing body for each Academy is a governor. If there are more than five Academies in the chain, they elect five to serve as governors.
- Secretary of State's governors. Only appointed where Academy is in serious difficulty

The Secretary of State may appoint governors, if standards are unacceptable; there has been a serious breakdown in management or governance; safety is threatened; the Academy drops two Ofsted grades; special measures. The governors appointed by the principal sponsor or the members must resign.

Additionally, in some older multi academy trusts the Secretary of State may appoint up to two governors where he has given notice to terminate the funding agreement.

Annex C

EVIDENCE ON THE CHARACTERISTICS OF EFFECTIVE GOVERNANCE

Effective governance is based on:

- *Governors undertaking a strategic role* (Ofsted 2011, McCrone *et al*, 2011), with a clear understanding of their role and responsibilities (Balarin *et al*, 2008; McCrone 2011) and the role of the head teacher (Ofsted 2011). Governors should be “fully involved in the school’s self-evaluation and using the knowledge gained to challenge the school, understand its strengths and weaknesses and contribute to shaping its strategic direction” Ofsted (2010).
- *Governors being able to take and support hard strategic decisions* in the interest of the pupils (Ofsted 2011) by regularly monitoring and scrutinising performance data, school improvement plans and targets (Ofsted 2011; Balarin 2008).
- *Governors having the right skills and experience* (Ofsted 2009), and being committed to the role (PWC 2007). They need to use these skills to challenge the school to bring about school improvement, and hold leaders to account for pupil outcomes (Ofsted 2011).
- *An effective chair* of governors, who can effectively lead and manage (McCrone 2011, James *et al*, 2010).
- *Productive relationships* between the governing body and senior leadership team (Ofsted 2011, McCrone 2011)—relationships must be based on trust, openness and transparency (Ofsted, 2011), a supportive head teacher (Balarin *et al*, 2008), and good communication between the head teacher and the governing body (Balarin *et al*, 2008, Ofsted 2011).
- *An effective clerk* who advises on legal aspects, ensures meetings are well organised and ensures that the governors receive all the information they need (McCrone *et al*, 2011; Ofsted 2011).
- *Self-evaluation* of the governing board and their ability to self-scrutinise and ask themselves if they are doing the right thing (James *et al*, 2010; McCrone *et al*, 2011).

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January 2013

Written evidence submitted by Ofsted

Inspectors evaluate the effectiveness of governance in schools when judging leadership and management during every Section 5 inspection. Although no separately graded judgement for governance is made, inspectors comment explicitly on the effectiveness of governance within the report.

Effective governance is an intrinsic part of good leadership. Wherever we find success, good leadership is behind it—and weak governance is too often a feature of inadequate schools. Governance arrangements have remained relatively unchanged over a number of years and have not kept pace with new configurations of schools, the focus on improved performance, increased autonomy and greater accountability. Sir Michael Wilshaw, Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is of the view that radical changes need to be made so that governance arrangements are fit for purpose.

We make four recommendations for the select committee’s consideration

1. Strengthen training for governing bodies, for example through the National College, so that governors are more professional, highly-skilled and better able to fulfil their main functions of promoting high educational achievement.
2. Require school development plans to be more sharply focused on the quality of teaching and pupils’ achievements so that the governing body knows precisely how well their school is improving.
3. Ensure warning notices are used more effectively where schools are weak and Interim Executive Boards are put in place quickly where governance is not securing rapid improvement.

4. Consider remuneration for effective governors who support weak governing bodies to improve.

This submission draws upon published findings from the Annual Reports -11 and 2011–12 of Her Majesty's Chief Inspector, and Ofsted's best practice report *School governance: learning from the best* (May 2011). It also references internal analyses of a small sample of Ofsted inspection reports published in September and October 2012 and speeches made by HMCI. However, Ofsted's evidence does not cover all the issues raised by the Committee.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1. Primary legislation in sections 19–40 of the Education Act 2002 sets out that the over-arching role the governing body is to be the accountable body responsible for the conduct of the school and promoting high standards of educational achievement. Our evidence shows that about a third of our schools are not yet “good” and too often in these schools governance is not driving improvement and holding leaders to account sufficiently well.

2. HMCI has made it clear that without strong, effective governance our schools simply will not be as good as they can be. Ofsted's evidence identifies common strengths and weaknesses in school governance. Our survey on effective governance shows that in the best schools the governing body complements and strengthens school leadership. Governors achieve this by knowing their roles and responsibilities, and the school's strengths and weaknesses. They ask searching questions about pupils' achievement, the quality of teaching and how well resources are being used, holding leaders to account for making improvements quickly so that all pupils achieve well. They work efficiently, engaging others, and keep up to date with their own training.

3. Evidence shows that effective governance focuses on the important issues affecting pupils' achievement—and is not distracted by peripheral matters. Governors understand the data about pupils' achievement and how their school compares to other schools nationally. They make the link between pupils' performance and the quality of teaching, and so make sure that the best staff are appointed, are well trained, developed further and rewarded. That is why inspectors are now looking more closely at what governors know about the rigour of their school's performance management arrangements.

4. Common weaknesses in governance identified where schools require improvement or are graded inadequate include a poor understanding of the school's performance data. Often weak governing bodies do not check and evaluate the school's work systematically or hold leaders to account for the quality of teaching and pupils' progress. School improvement plans often lack sufficient detail for governors to check that enough progress is being made to improve quickly. Consequently, areas for improvement can remain issues when the school is inspected again.

5. Ofsted has ensured that the profile of governance is prominent in inspection to reflect its crucial role in driving improvement. Inspectors consider whether the governing body understands how decisions are made about teachers' salary progression, and if it is supporting an effective headteacher or hindering school improvement. The *School inspection handbook*, published in September 2012 guides inspectors to consider how well governors:

- (a) ensure clarity of vision, ethos and strategic direction
- (b) contribute to the school's self-evaluation and understand its strengths and weaknesses
- (c) support and strengthen leadership
- (d) provide challenge and hold the headteacher and other senior leaders to account for improving the quality of teaching, pupils' achievement, behaviour and safety
- (e) use performance management systems, including the performance management of the headteacher, to improve teaching, leadership and management
- (f) ensure solvency and probity and that financial resources made available to the school are managed effectively
- (g) operate in such a way that statutory duties are met and priorities are approved
- (h) engage with key stakeholders
- (i) use the pupil premium and other resources to overcome barriers to learning.

The implications of recent policy developments for governing bodies and their roles

6. Inspection evidence shows that the gap between the achievements of pupils from disadvantaged backgrounds and the rest remains stubbornly wide. A survey conducted by Ofsted in April and May 2012 showed that governors did not have a strong focus on the pupil premium and how well it is used to help narrow the achievement gap. Inspectors now report on how this funding is being used and the difference that it is making.

7. HMCI's recently published Annual Report is unequivocal that the key to improvement is strong leadership. Ofsted is committed to supporting schools to improve, including helping to strengthen governance. Where governance is not good, evidence shows that governors can be uncertain about how they can be more effective.

We believe that in such cases they would benefit from an external review of their work. To this end, since September 2012 Ofsted has been piloting in HMI led inspections recommending that an external review of governance should be undertaken where governance is weak. From September to mid-November 14 such recommendations were made. The pilots are being extended in January to all school inspections. When inspectors recommend a review of governance, these are not led by Ofsted. Neither can they be imposed. However, when inspectors return to the schools they will expect to see that governors have acted, and that there has been a marked improvement in governance.

8. Data about pupils' performance is increasingly complex and as RAISEonline is difficult for some governors to understand, Ofsted is developing a simplified "dashboard" of indicators to help governors know how well their schools are doing.

9. School to school support through federations, National Leaders of Education and National Support Schools is increasingly common and successful. Recently, National Leaders of Governance have been introduced to build on these successful strategies. The impact of external support, including from the local authority, is now reported on in all section 5 inspections and monitoring inspections of inadequate schools.

10. Ofsted's best practice report and the academy programme demonstrates that effective governing bodies are driven by a few key members, typically the chair and chairs of committees supported by an effective clerk. This focus and drive is often lacking in the governance arrangements of schools that are not graded good.

11. Evidence shows that there are huge and unacceptable regional differences in the performance of schools across different local authority areas. Inequalities for local children are stark and this significant concern is highlighted in the Annual Report. These inequalities are not aligned to regional levels of deprivation. HMCI has determined that Ofsted will inquire further into areas that are performing badly. Ofsted is reorganising, and from January eight powerful Regional Directors, working with senior HMI and HMI, will report directly to HMCI and hold local authorities, academy chains, diocesan authorities and governance in general to account for reducing these serious inequalities across the country.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

12. Over half of the governing bodies in the *Learning from the best* survey had a full complement of governors. Where there were vacancies they were largely parent vacancies, mostly because parents felt that they did not have the time to commit to the role. Good quality induction of new governors was a feature of the outstanding governing bodies in the survey. In some of the schools useful information was given to prospective governors to help them decide whether becoming a governor was for them.

13. Attending local authority training was a feature of induction for new governors in the survey. An issue for governors, particularly in more rural settings, was the time and distance involved in accessing external training. Solutions were sought through e-learning and governing bodies from local schools coming together for bespoke training. Typically governing bodies in the survey undertook training and/or used materials that were provided by the local authority

14. To help governing bodies improve their approaches to recruitment and training the survey report showcases examples and recommends important questions for governors to consider, including:

- (a) how do we make best use of the skills and expertise of all members of the governing body?
- (b) how do we know the governing body is as effective as possible and could we do things better?
- (c) how do we review our own performance regularly?
- (d) how do we plan our training and development?
- (e) do we consider what might be needed when governors leave and how do we ensure we continue to have the necessary skills and knowledge?
- (f) how do we ensure that members of our governing body are prepared to step into roles such as the chair and chairs of committees?

The structure and membership of governing bodies, including the balance between representation and skills

15. There is a tension between representation and skills in the membership of governing bodies. The impartiality of various stakeholder representatives with a vested interest may unduly influence decisions. Governors with relevant skills and expertise on the other hand do make a difference. In the best practice survey governors with experience in tackling underperformance helped to improve schools quickly, including from inadequate to good.

16. Where schools require improvement or are inadequate evidence shows that too often the governing bodies do not understand how their schools are performing, or their strategic role. They can be too easily distracted from the most important issues of teaching and learning. In his speech to the All Party Parliamentary Group for Education Governance and Leadership in July, HMCI commented that some governing bodies were more talking-shop than decision-making bodies. That is why in such cases inspectors will now recommend a review of governance.

17. Although the best practice survey found no single model of successful governance, there is evidence that effective governing bodies are driven by a few, skilled governors who take on key roles. These governing bodies are well-informed, work efficiently and focus on their core responsibilities of promoting high standards. These examples of effective governance are being shared by HMI with schools where governance requires improvement or is weak.

The effectiveness and accountability of governing bodies

18. The Annual Report makes it explicit that school management is generally efficient. Middle and senior leaders are better prepared for their roles, although accountability is not as prominent as it should be. Governors have a greater role to play in this respect.

19. Inspection evidence shows that too many schools have mediocre governance and that some previously good or outstanding schools decline because governors have taken their eye off the ball. The quality of governance remains variable with too much that is inadequate or not good enough and the picture has not changed much in the last five years.

20. Between September 2009 and January 2012 Ofsted made a separate inspection judgement on the quality of governance in schools. The Annual Report 2010–11 identified that governance was good or outstanding in 58% of schools with a wide variation between different types of schools. In just over one fifth of schools governance was judged as less effective than other aspects of leadership.

21. The 2011–12 Annual Report has continued to focus sharply on leadership because although schools continue to improve, leadership in a quarter of schools is still less than good. Specific weaknesses in governance include an over-reliance on information from the headteacher. Where governance is not effective, a lack of transparency and accurate information restricts the ability of the governing body to monitor the school's work robustly.

22. Inadequate schools can improve rapidly. This is often linked to changes in the leadership team and building trusting relationships quickly with existing leaders and the governing body. In inadequate schools the quality and drive of governance are critical to their improvement. In almost all of these schools, the appointment of new governors and the training of existing members of the governing body meant governors developed a detailed knowledge of the rate of progress made against identified weaknesses. They were also able to evaluate the effectiveness of chosen strategies.

Whether new arrangements are required for the remuneration of governors

23. Ofsted has no evidence about whether remuneration of governors will improve their effectiveness. Although most governors are supportive, committed volunteers, HMCI has made it clear that there is a need for more to be chosen for their skills rather than requiring a set number of stakeholder representatives. More professional governing bodies can then take effective decisions and actions rather than being talking shops which hinder improvement. HMCI has stated that professional—and, if necessary, paid—governors should be appointed to drive up standards in communities where skilled governors are in short supply.

24. Using the model of strong headteachers supporting weaker schools, highly effective governors such as those who have become National Leaders of Governance, should make a difference to the quality of governance by helping weaker governing bodies develop the skills they need. Inspectors will report on the impact of external support.

25. The work of governing bodies supporting others may require some remuneration. Although a decision for Government, HMCI endorses further consideration of this matter.

The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions

26. Ofsted's evidence shows that the opportunity to attend a good school is too dependent on the quality of leadership at all levels. It is the case that in some areas, strong leadership from the local authority has been successful in challenging and supporting school leaders and governors to improve. Where there has been weak leadership from the local authority this has had an impact on schools across a local area, resulting in pupils' chances of attending a good school being a postcode lottery.

27. Some schools achieve very well despite challenging circumstances. Ofsted identifies this clearly in inspection reports and on our good practice website. In the best examples, local authorities understand the new educational landscape and use these highly effective schools to help others to improve. They do not discriminate against academies and other schools that fall outside their direct control because they recognise their wider responsibility to the pupils in their local areas.

28. It is clear from our evidence that some local authorities make too little use of their expertise to improve standards in weaker schools in the area. Some local authorities do react quickly when Ofsted judges that a school is inadequate and play an important facilitating role in securing additional support for these schools, including training for governors. However, some do not use their existing powers quickly or effectively enough

when they have concerns. They do not appoint additional governors when governance is identified as a weakness, nor do they issue warning notices in good time.

29. Trust governors who featured in the best practice report used their expertise of working with governing bodies in weaker schools to strengthen governance in others. They were good role models and showed others how to ask challenging questions and use their time efficiently.

30. Sponsor-led academies can make a difference, especially when part of a well-managed group or academy chain. Of the sponsor-led academies inspected by the end of August 2012, 25% of those in chains were judged outstanding compared to 8% not in chains. Their success is evident in the more business-like chains, which bring high level governance, leadership and managerial oversight of the constituent schools.

31. The most successful chains have robust appointment procedures, performance management and monitoring that focuses on the quality of teaching and pupils' progress. They provide member academies with access to expertise, support and training from other schools in the chain. The Annual Report notes it is too soon to generalise about the governance of other schools that have converted to academies in the last two year.

32. Ofsted will continue to look critically at the effectiveness of governance in all forms, asking questions of local authorities, academy chains, trust boards and diocesan authorities.

Whether changes should be made to current models of governance

33. When Interim Executive Boards (IEBs) are set up quickly, with skilled membership, they work because their professional expertise helps a school get to the heart of what is needed to improve. They are able to provide a model of good governance and help other governors develop their skills to hold leaders to account. Since 2009–10 at least 40 IEBs have been created annually. However, the use of IEBs is uneven across local authorities. Some use them frequently, particularly for schools in deprived areas. Since October 2007, nearly half of local authorities have not used IEBs, despite having a number of schools causing concern.

34. School governors represent one of the largest volunteer groups in the country. Although many have the skills needed, evidence indicates that about 40% of this huge workforce of hardworking individuals does not hold leaders to account sufficiently for school improvement. It should be questioned therefore whether some of the current models of governance are fit for purpose in the more complex, autonomous education landscape. HMCI is of the view that radical changes are required.

December 2012

Written evidence submitted by the National Governors Association

*The National Governors' Association*¹² exists to improve the well-being of children and young people by promoting high standards in all our schools, and improving the effectiveness of their governing bodies. The NGA is the only independent body representing school governors at national level across England. We support governing bodies in both local authority maintained schools and academies.

SUMMARY

- There are diverse models of governance operating in and across schools and flexibility on structures already exists;
- There needs to be an emphasis on spreading effective practice: we know what constitutes effective governance and we suggest the business of improving the practice of governance could usefully be the focus of this inquiry;
- NGA supports mandatory induction training for governors.

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1.1 The primary purpose of governing bodies is to ensure the quality of education provision and to act as the accountable bodies for schools. There are other ways in which schools are, or should be, held to account—through inspection, publication of data, parental choice, and by stakeholders. These multiple methods of accountability, coupled with a board, are common place in the public sector, and not dissimilar to other sectors. Educational professionals tend to give highest priority to accountability through inspection and publication of data, but the latter is “after the event” accountability. By the time test/examination results are published that cohort of young people has left the school—for better or worse—whereas a governing body, performing effectively, provides continuous accountability in order to ensure the highest possible outcomes for each cohort.

¹² NGA is a charity (number 1070331) and a company (number 354029). Our income is primarily from membership fees followed by publication sales.

1.2 The governing body has responsibility¹³ for ensuring the good conduct and high standards of educational achievement in the school. In the case of a federation,¹⁴ the governing body is the accountable body for more than one school. When carrying out their responsibilities, governing bodies should act in the interests of the children and young people in the school and in the wider community. The role of the governing body has become more complicated with the advent of academies where the Board of Trustees is accountable.¹⁵

1.3 The role of the governing body is to:

- set the strategic direction, vision and ethos of the school;
- monitor and challenge the progress of the school in achieving its priorities;
- recruit and performance manage the headteacher;¹⁶
- exercise employer responsibility;¹⁷
- ensure the school(s) meet its statutory responsibilities
- ensure financial probity;
- ensure the premises are well managed; and
- report to the school's stakeholders.

1.4 Over the years governing bodies have been given a host of statutory responsibilities, many of which they can, and should, delegate to headteachers. However governing bodies are sometimes reluctant to do this. There are a few tasks which cannot be fully delegated, such as admissions operations—in NGA's view, these remaining operational tasks should be removed from the governing body.

1.5 Together with ASCL and NAHT, we have recently updated our agreement on what school leaders and governing bodies can expect from each other (attachment 1).

2. *The implications of recent policy developments for governing bodies and their roles*

As mentioned above, the different legal structures of academy trusts have implications for governors, some of whom may also be Trustees, members and/or company directors.¹⁸

2.1 *Changes in size and composition:* The legislation regarding the composition of local authority maintained schools changed with effect from September 2012. NGA welcomed the increased flexibility in terms of the size and proportions of governing bodies, and the fact this is permissive legislation. The new regulations put more of an emphasis on recruiting volunteers with the skills to carry out the role, although neglected to do the same for foundation governors (who can constitute the majority on a governing body). If the size of the governing body is reduced and governors do not leave voluntarily, it is those with the longest service which retain the seats. This can be counterproductive if the aim of the legislation is to change the custom and practice of a governing body.

2.2 *Ofsted framework:* The September 2012 framework gives a much greater emphasis to governance, one which was long overdue. We do not have the space to cover further, but this change is likely to have a greater impact on improving governance than perhaps any other measure any government has or could have taken.¹⁹

2.3 *Access to external school improvement and other support services:* In some areas, the reduction of local authority teams has led to a reduction of support for governing bodies, which has not been replaced by affordable, quality assured services. School-to-school support is not well developed in every part of England.

2.4 *Funding:* The current changes to school funding have significant implications for governors; fiscal responsibility would be simpler if schools were given three year indicative budgets in a timely fashion, with all schools operating on a financial year equivalent to the academic year.

¹³ In the case of local authority maintained schools this is set out in statute: EA 2002 section 2.1

¹⁴ when we use the term federation, we mean what some term a 'hard' federation, soft federations have no legal status, and are just one of the many types of collaborative or partnership arrangement

¹⁵ Usually that accountable board delegates some of its responsibilities to another group—sometimes called a governing body, sometimes a governing council, or school committee. Although responsibilities should be laid out in terms of reference, it can be more difficult for people who serve on different—and sometimes multiple—layers of these structures to know exactly what has been delegated to them and therefore what their role is. There may be times in this evidence where we attribute a responsibility to a governing body which does not apply in a particular academy trust where they have not delegated that role from the board of trustees to the governing body. For example, the Board of Trustees might set the vision and ethos, or maintain some of the employer functions, for example we are aware of an academy trust which has not delegated the recruitment of the headteacher to the governing body.

¹⁶ This is an operational function, but one which must remain with the governing body. Throughout this evidence we use the word head to include principals.

¹⁷ There can be a confusion regarding the level of employer responsibilities retained by local authorities for community schools and voluntary controlled schools.

¹⁸ Those roles have additional responsibilities (we do not have the space here to go into detail about different responsibilities of the different roles); whereas so called 'governors' on school level committees of a multi-academy trusts are likely to have fewer responsibilities than in a local authority maintained school.

¹⁹ The questions for Ofsted inspectors to ask governors in the September 2012 framework are a good guide to the role of governing bodies. These questions are more likely to focus professional school leaders' attention properly on governance than anything which has gone before. Any question correctly asked by an Ofsted inspector of a governor should have previously been asked of the head by the governing body.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

3.1 *Recruiting governors*: The difficulty in recruiting governors varies enormously from place to place, and even within a local area.²⁰ It is often argued that expecting governors to act as company directors/charity trustees will put people off volunteering. It may put some people off, but will attract others. Our survey²¹ evidence showed in June 2011 almost 60% of respondents had difficulty finding skilled governors, whereas a year later this had fallen to just under 45%. More importantly we must not belittle the role in order to drag people in under false pretences. When recruiting governors, it is important to explain the nature of the role in full, and how much time they are agreeing to commit.

3.2 As well as having the skills, volunteers must have the time to commit to the school; we are aware of senior professionals who struggle to make the necessary time to govern and don't have the time to chair a governing body.²² We are disappointed that despite the support for SGOSS and the emphasis on recruiting employees, neither the government nor employers' representatives have been active in emphasising the gain from school governing²³ nor reminded employers of the provision of time off for public duties.

3.3 *Skills*: An emphasis on the skills required for the role is important. However the phrase "business skills" is not very helpful as it is not specific and can have the effect of undermining the focus on the strategic role governors have. For example, there has been a trend to recruit lawyers to governing bodies, but a number of lawyers have found that once on the governing body, they are not being asked to bring their analytical skills to governance, but are being asked to provide the school with "pro bono" legal advice. Given the time which has to be taken to explain to both governing bodies and school leaders what is strategic and what is operational, it is not helpful to promote the misunderstanding that you are strengthening your business functions by bringing people with business skills onto the governing body; governing bodies need to ensure that the school staff are capable of undertaking their roles. NGA has a suggested skills audit for governing bodies (attached) from which you can see the key skills required include such things as influencing skills, negotiation and data analysis. Our recent surveys²⁴ show that over 70% of governing bodies who responded do now carry out skills audits.

3.4 *Developing governors*: Traditionally schools have not tended to invest enough time or cash in developing governors. Governors themselves often resist spending school budgets on their own development. NGA has for years encouraged schools to set aside a reasonable budget of governor training, but to little avail. This is an area which would benefit from a recommendation from the committee.

3.5 *Training for governors*: NGA supports mandatory induction training for governors²⁵, in the same way it is expected of other volunteers such as magistrates and Citizens Advice Bureaux volunteers. Suggesting it is possible to carry out the role well without any training undermines its importance and also underplays the difficulty of doing it well. Russell Hobby, General Secretary of NAHT, has said "give us the respect of challenging us", and in that same spirit, we suggest being a school governor is a substantial enough position to warrant the required training. In the June 2011 survey, 78% said their local authority training was relevant and of high quality. Although we encourage governors who are not impressed by the training they have purchased from the local authority to seek alternatives, there are few affordable quality alternatives on offer.

3.6 We have concerns that from next April with the further rounds of local authority cuts that some governor support services will be reduced further or stopped entirely. One chair of governors said to us "[This county] is a very lonely one to govern in." Given the education system is to move towards "self-improvement", this is not yet the case generally for governance. About half the LA areas in the country have local associations of governors, relying on volunteer time; some flourish more than others and they do not currently provide a sustainable framework to take over governor support.

²⁰ In some places—usually those with less social capital and particularly in primary schools—it can be difficult to find parents willing and able to stand for election; whereas in other schools parent governors can be the driving force for school improvement due to their skills, their vested interest in the achievement of its pupils and their knowledge of current practice in the school.

²¹ In each of the last two years NGA has carried out two surveys of governors, one with the TES in June and one of our own members in Sept/October: in June 2011 there were over 900 respondent; in June 2012 over 1300 respondents and in October over 500 members responded.

²² The amount of time taken to govern well requires further work, and there is a considerable additional commitment required by those who volunteer to be chairs. Practice from the charitable sector shows that a Trustee needs to commit between the equivalent of ten days and twenty days a year, with chairs at the top end of the spectrum. Sometimes when governors are spending more time on school business that this, it may be that they are being involved in operational tasks which are not governance, or it may be that the school is in challenging circumstances or that there is a particular task which requires a significant time commitment (such as recruiting a headteacher). However forthcoming research on the role of chairs may well show that it is difficult to combine chairing well with full-time employment.

²³ see for example *Volunteering—The Business Case*, City of London Corporation, May 2010.

²⁴ In each of the last two years NGA has carried out two surveys, one with the TES in June of each year and one of our own members in Sept/October: in June 2011 there were over 900 respondents, in June 2012 over 1,300 respondents and in October more than 500.

²⁵ 90% of respondents to the June 2011 survey supported mandatory training for governors (repeating the result of 89% in the previous survey in 2009).

3.7 The Government—through the National College—has invested in a chairs’ development programme which NGA lobbied for, was pleased to help develop and now in partnership with the Eastern Leadership Centre is one of the twelve licensees delivering the programme.²⁶

Again we lobbied for *National Leaders of Governance*; however it is a small scheme to-date, albeit growing, and will not be able to provide all the support required by struggling schools.

4. *The structure and membership of governing bodies, including the balance between representation and skills*

4.1 With the exception of those with a majority of foundation governors, there is enough flexibility to ensure the governing body can recruit the skilled people it requires. Headteachers are governors at their own schools unless they decide to relinquish that role,²⁷ which very few do, and NGA suggests heads should not be a member of the governing body as this creates an inherent conflict of interest by being a member of the body which holds you to account.

4.2 We do not believe that that skills and representation are mutually exclusive. In terms of its legitimacy it is important that key stakeholders are represented on the governing body, but such representation need not be at the expense of skills. It should not be used as an alternative to seeking the views of stakeholders: school leaders and governing bodies need to have such information to inform school self-evaluation.

4.3 *Size*: Discussion about size is largely based on anecdote; we have heard presentations from school leaders explaining how they have a “small” governing body when in fact it is 12 or 14 people, a common size.²⁸ It is important to note that there is no evidence to show that any size of governing body is necessarily better than another (we attach an article on this issue). The range and combined skills of the people are more important than the number of individuals.²⁹

4.4 *Diversity*: it is critical to good governance to have a diverse group of people bringing different skills, knowledge and experience to the discussions; “group think” can be damaging.

4.5 *Removal of elected governors*: There is no route to remove elected governors; and when there are disputes between governors, it can divert the governing body from its business. An elected governor who fails to understand the role but had a particular agenda of his/her own can cause disproportionate harm.

4.6 *Appointing chairs*: Chairs are currently elected from within the governing body. This should remain the main route as knowing the school is an important element of being a good chair, but consideration could be given to allowing chairs to be appointed from outside the governing body in situations where it is impossible to elect a skilled chair from amongst the serving governors.

5. *The effectiveness and accountability of governing bodies*

5.1 *Effectiveness*: Governance was reported by Ofsted for 2010–11 to be slightly weaker than the rest of school leadership. We attach two charts (appendix 4) which show an analysis of scores given by Ofsted in 2009–10; at this point individual scores were given for governance. Since then, we suggest that governance may be improving as governance has been given more prominence in a number of ways, but it is impossible to be categorical about the extent. For example the use of data by governing bodies is improving: this is an issue on which NGA has done considerable work over the past eighteen months, but do not have room here to do into detail, except to comment that we have been trying to ensure a good summary of RAISEonline is provided to all governors, and we have found the DfE to be slow to make this happen, despite mentioning this issue in the 2010 White Paper.³⁰

²⁶ Apart from a limited number of bursaries for small schools and half price places for Ofsted Grade 3 schools, schools do have to find the budget for this; and therefore there has been some doubt as to the take-up. However our initial work does indicate significant interest from chairs and aspiring chairs.

²⁷ This is at odds with the third sector where the majority of chief executives do not sit on the Board as it is considered a conflict of interest to be a member of the board which is holding one to account.

²⁸ Even before the new flexibilities were introduced, our June 2012 survey found over half of governing bodies had 12–16 members, with 24% having fewer than 12 and 24% more than 16. A few years ago 13 was reported to be the average number for primary schools and academies, with LA maintained secondary schools bigger (an average of 18 members). The average for academies may be slightly higher now as many outstanding and good secondary schools converted without substantial changes to their governing bodies, but also some sponsored academies have larger governing bodies due to accommodating sponsors as well as other stakeholders.

²⁹ We suggest the size of the board should usually bear some relationship to the size and complexity of the organisation being governed; and therefore we would expect small schools generally to be at the smaller end of this scale. Experience does show that more than a particular size can be too large for focused strategic discussion. Although there is no research evidence from which to draw, a commonly quoted figure is 18 above which discussions can become unmanageable, and there are some who have experienced governing on a reduced governing body (for example 10 to 14 people) who vouch for discussions having become more focused as a result of the change. On the other hand, federations sometimes have larger governing bodies due to needing representation from each school/academy and some sponsored academies have larger governing bodies due to accommodating sponsors as well as other stakeholders.

³⁰ The school data dashboard currently being designed by Ofsted, while welcome, should not be marketed as aimed at governors as it is not sophisticated enough for governors. If there are still governors who are not aware of the proposed level of information, it is highly likely that they are not governing effectively, and we would not want them or other governors to think this was level of interrogation of data was sufficient.

5.2 *We know what constitutes effective governance*: there are eight required elements:

1. The right people round the table.
2. Understanding role & responsibilities.³¹
3. Good chairing.³²
4. Professional clerking.³³
5. Good relationships based on trust, particularly with the headteacher.
6. Knowing the school—the data, the staff, the parents, the children, the community.
7. Committed to asking challenging questions.
8. Confidence to have courageous conversations in the interests of the children and young people .

5.3 We asked governors in surveys about the main barrier to their functioning more effectively at a strategic level, and the most common answer was the amount of time taken by examining and agreeing policies.³⁴ However there is also a substantial minority of governing bodies who believe the barrier is the level and quality of information provided by headteachers.³⁵ Many school leaders have not had a good enough understanding of governance; we have been working with the National College and are pleased there is more emphasis on governance in the new version of NPQH. We also encourage middle leaders to volunteer as governors in other schools, but sometimes senior leaders do not support this.

5.4 All the evidence—both academic and from Ofsted—shows governing bodies are not generally good enough at challenging their school leaders; as this is at the heart of good governance, more attention should be paid to developing this. We are currently drafting a piece of guidance with partners on developing lines of questioning.

5.5 *Code of practice*: we recommend that all governing bodies adopt a code of practice, and our surveys tell us 80% of respondents have done so. We attach our model code (6).

5.6 *Self-review*: Governing bodies should be evaluating their own performance and there are a number of frameworks for doing this, including Target Tracker's GSET, GovernorMark and the "Twenty questions" (appendix 7) published by the All-party group on education governance and leadership. Performance review for individual governors is uncommon, while becoming more usual for trustees and other board members.

5.7 *Accountability of governing bodies*: Governing bodies are held to account by local authorities or the Trust and the Secretary of State. They can be removed and replaced by an IEB. In some places this has not happened as swiftly as it should have. Where a governing body has presided over a failing school, they can consider resignation.

5.8 Given local authorities retain responsibility for all children within their area, there is an argument that they should hold all governing bodies to account for the outcomes of children. It has been suggested that this could be exercised through the scrutiny process. This would have the added benefit of strengthening the role of democratic accountability within the system of school accountability.

6. *Whether new arrangements are required for the remuneration of governors*

6.1 There is no evidence to suggest that paying governors would improve governance. All surveys³⁶ show a significant majority of existing governors do not support remuneration; and question the motivation of those who would only govern for payment. This same issue is being debated in the third sector. NGA is of the view

³¹ In order to understand their roles and responsibilities, it is important that both governors and particularly clerks have resources which clearly and succinctly lay out the legal responsibilities; we are concerned that the proposed demise of the Governors' Guide to the Law is a backward move and this document needs to be updated as a Clerk's Guide to the Law.

³² We do not have space to consider in any detail the important role of the Chair and the skills required: we refer the committee to the Chair's Handbook and to the joint publication produced with the National College. We also attach an article (5) written by Emma Knights, Chief Executive, and Clare Collins, former Chair of NGA about the important relationship between the chair and the head. We would also commend NGA's suggestion that it is good practice for a chair to serve no longer than six years at the same school; after that time a good chair could volunteer at another school in more challenging circumstances, helping spread effective practice.

³³ We are disappointed that the government, having recognised the importance of clerking in the White Paper in November 2010, has not taken any steps to support the further professionalisation of clerking, and by removing the Governors' Guide to the Law may be making their role harder.

³⁴ We have been in discussion with the DfE over this for the last couple of years, and as a result the latest list of required school policies issued by the DfE in October 2012 specified which of these can be delegated; this is welcome, but it will take some time to change custom and practice within governing bodies. There is a strong feeling with governing bodies that with these compliance issues the buck stops with us and therefore we have to assure ourselves that the policies are watertight; there is also commonplace confusion of policies and procedures.

³⁵ This is an issue also recognised by Ofsted where inspectors are asking how governors know the information they are being given by school leaders is correct. Before the September 2012 framework rightly raised the bar, the majority of governing bodies were not getting the relevant information on staff performance, quality of teaching or possibly even current progress of all year groups.

³⁶ In 2011 just under 28% respondents to our June survey supported remuneration for governors and in 2012 this had fallen further to 25%. However we recognise that there is more support amongst serving governors for payment for chairs (given the additional time commitment of chairs).

that one can perform a role professionally and in a business-like fashion without being paid. Governors are a significant part of the “Big Society”.

6.2 *Interim Executive Boards (IEBs)*—members of IEBs can be paid, and in some cases are paid either directly for the days they serve on an IEB or indirectly as they are employed in the education business, and their salary is paid for the hours spent on IEB business. IEBs—as their name indicates—perform a function over and above that of governance.

7. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

7.1 Getting these relationships right are key to good governance; however they differ enormously from school to school, and area to area, and in the space available we cannot make an expanded argument. Although there is little that central government can do to ensure these local relationships are strong and effective, it needs to be careful not to cause damage by action taken or messages given at national level.

8. *Whether changes should be made to current models of governance*

8.1 There is now great flexibility in the models of governance, and we have multiple models of governance, including IEBs. There is absolutely no need to add to the variety. Furthermore constant reference to models of governance—rather than effective practice—is a distraction from the business of improving practice.

8.2 We would like to see more emphasis being given by the government to federated structures of governance, especially for small schools. Consideration needs to be given as to whether it is an effective model for every small school to have its own governing body. The move to academies has brought this into sharp relief; some schools are simply too small³⁷ to carry out cost-efficiently the operational functions required of an academy structure. However the principle of what constitutes an effective “unit” to lead or to govern also applies to LA maintained schools and needs proper consideration by the government.

Attachments:

1. NAHT/ASCL/NGA statement of what we expect from each other.
2. Article from *Governing Matters* on Skills audit for governing bodies (Sept 2011).
3. Article on size by Professor Chris James (March 2011).
4. Ofsted scores for governance.
5. Article from *Governing Matters* on the relationship between chair and head (July 2012).
6. Code of Practice for Governing Bodies (we have a slightly modified one for academies).
7. 20 questions for governing bodies to ask themselves

January 2013

Written evidence submitted by Fergal Roche

I am writing as Chair of Governors at a voluntary aided secondary school in Lambeth and as a governor of an academy in Surrey. I am CEO of a medium sized (52 employees) education organisation. I am the former head teacher of three schools.

SUMMARY

- Governing bodies need to be much accountable for the success of their schools and stand alongside the head when judgments are made by Ofsted.
- Governing bodies should be run more like the boards of companies.
- They should be accountable to parents and contractually liable for meeting the demands of their funders.
- They should appoint professionally-competent, skilled individuals to oversee the strategic direction of the school and limit their numbers to ensure effectiveness.

1. *The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

1.1 Governing bodies should be like company boards, responsible to their stakeholders for meeting objectives which they have shared with them.

³⁷ We suggest too small for conversion is where the school does not have at least a share of a school business manager. The National College defines for other purposes a small school as 100 pupils, and at a recent Chatham House seminar it was suggested that under 250 pupils might be too small to survive as a stand-alone institution in a future self-improving school system.

1.2 They should meet the parent body each year to present their objectives for the year ahead and account for their results from the previous year—just like a shareholder meeting.

1.3 Governing bodies are often confused about their role and assume the local authority will take the main responsibility for the school. Paying the chair and chairs of committees would help to reinforce a clearer sense of ownership of responsibility.

1.4 The head teacher or principal should be seen by all to be the agent of the governing body, employed to lead the execution of its strategic aims.

2. *The implications of recent policy developments for governing bodies and their roles*

2.1 With schools becoming more independent and autonomous, governing bodies need to have skills that they previously got from local authorities.

2.2 Governing bodies should have the capacity to audit the performance of the school, so that Ofsted is highly unlikely to uncover weaknesses that are not already being dealt with.

3. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

3.1 The role of chair is so important that the chair's performance should be monitored carefully and a 360 degree appraisal take place each year. Boards need guidance as to how to make summative judgements regarding the chair's performance and how to insist on follow up action

3.2 Chairs should be required to report back to their governing bodies how they are going to follow up on feedback from their appraisals, including training that they will subscribe to.

3.3 I recently went through such an appraisal and subsequently issued the following statement (names have been changed to disguise identities) to my governing body:

Thank you to everyone who contributed (most people). I appreciate the encouraging remarks and will work on the following (not in order of importance):

1. encourage use of email with and between governors;
2. send round the vision and objectives of the school (Wanda/Denise, please);
3. continue to encourage the governing body's role as critical friend/strategic scrutineer;
4. make sure effective induction processes are in place (Tim, could your committee give this some thought please?);
5. work more to help governors to understand their roles and how the GB works;
6. strive to get the right balance between inclusivity and efficiency/effectiveness in getting the work of the GB done;
7. pass round the results of the skills audit (I actually gave these to committee chairs to share, so perhaps chairs you could pass these on please?);
8. delegate more (see 2, 4 and 7—see, I'm learning already ...);
9. encourage GB to review regularly how it works and how it can be more effective;
10. make agendas more strategically-focused; and
11. don't let meetings run on too long.

3.4 As we have become more disciplined in the way we run meetings, we seem to have found it easier to recruit governors.

3.5 Having a strong, well networked community leader on the governing body (in the case of the Lambeth school, this is the vicar of the local church) makes it easier to spot good candidates.

3.6 Governing bodies need access to flexible support tools, giving them the information and guidance they need to do their jobs effectively. One such service should answer questions directly from governors, but make the answers available to *all* governors.

4. *The structure and membership of governing bodies, including the balance between representation and skills*

4.1 The following skills/experience/understanding need to be key ingredients of a governing body:

- a strong, competent chair;
- financial;
- buildings;
- education leadership;
- local community contextual knowledge;
- legal;

- at least one person who is a close observer of the experiences of students/pupils (eg parents); and
- strong professional clerk.

4.2 The head/principal should be obliged to be a governor, so that s/he is equally committed to the strategy agreed by governors and is obliged to co-own that strategy rather than merely being its executor.

4.3 Various members of staff may attend governing body meetings to give or hear reports on particular matters, but they should not themselves be governors. Only the head/principal should bridge the clear dividing line between board and executive.

4.4 It is my belief that staff representation on governing bodies has grown in recent years out of a mistaken belief that staff will commit more fully to the school's enterprise if they have a stake in it via representation on the governing body.

4.5 It is incumbent on the part of the governing body to make sure there is clear and disciplined communication between the board and the staff so that the views of all sections of the staff are heard. The conduit for such communication should not be the head/principal alone.

4.6 Because the governing body should report to the principal stakeholders of the school each year, representation on that body from various stakeholders should no longer be essential.

4.7 I believe that governing bodies should be limited to a membership of 12 people, very much agreeing with Andrew Adonis, on pp139–141 of his Education Education Education book, recently published. More than 12 becomes unwieldy and bureaucratic, as well as making it more difficult to hold the head/principal properly to account.

5. *The effectiveness and accountability of governing bodies*

5.1 Governing bodies should audit themselves with the 20 questions developed by Lord Bichard (working with Ten Governor Support)/Neil Carmichael MP and the APPG:

Right skills: Do we have the right skills on the governing body?

1. Have we completed a skills audit of our governing body?
2. Do we appoint governors on the basis of their skills, and do we know how to find people with the necessary skills?

Effectiveness: Are we as effective as we could be?

3. Do we understand our roles and responsibilities?
4. Do we have a professional clerk and run meetings efficiently?
5. What is our training and development budget and does every governor receive the support they need to carry out their role effectively?
6. Do we know about good practice from across the country?
7. Is the size, composition and committee structure of our governing body conducive to effective working?
8. Does every member of the governing body make a regular contribution and do we carry out an annual review of the governing body's performance?

Strategy: Does the school have a clear vision?

9. Have we developed long-term aims for the school with clear priorities in an ambitious school development plan which is regularly monitored and reviewed?
10. Does our strategic planning cycle drive the governing body's activities and agenda setting?

Accountability of the executive: Do we hold the school leaders to account?

11. Do we understand the school's performance data well enough to properly hold school leaders to account?
12. How effective is our performance management of the head teacher?
13. Are our financial management systems robust and do we ensure best value for money?

Engagement: Are we properly engaged with our school community, the wider school sector and the outside world?

14. How do we listen to and understand our pupils, parents and staff?
15. How do we report to our parents and local community regularly?
16. What benefit do we draw from collaboration with other schools and other sectors, locally and nationally?

Role of chair: Does our chair show strong and effective leadership?

17. Do we carry out a regular 360 review of the chair's performance?
18. Do we engage in good succession planning?
19. Are the chair and committee chairs re-elected each year?

Impact: Are we having an impact on outcomes for pupils?

20. How much has the school improved over the last three years, and what has the governing body's contribution been to this?

5.2 The names of every member of the school governing body should be prominently displayed in the entrance halls of each school.

5.3 Ofsted inspection reports should name the head teacher/principal together with the names of governors and not separate these, in order to make clear that the governing body is responsible for the judgements made in the report.

5.4 If a school fails and the head teacher/principal is dismissed, it should be axiomatic that the whole governing body is also dismissed.

5.5 Any press releases concerning such matters should *only* name the head teacher/principal if all governor names are also mentioned.

5.6 All official documents and data related to the school should only name the head/principal if they also name the governors alongside.

6. *Whether new arrangements are required for the remuneration of governors*

6.1 I believe that chairs of governing bodies and committee chairs should be paid. Pay a £6,000 honorarium to the chair of governors and £2,000 to committee chairs (but no more than three of these) in London and the southeast and vary this according to regional cost of living.

6.2 Governing a school should be a serious undertaking and carried out to the highest level of competence possible. Paying governors is at the very least an important symbol that recognises this obligation and the burden it requires to deliver to such expectations.

6.3 I do not have a view as to whether other governors should be paid. However, it should be clear to every governor that their role is not an *honour*, but a requirement to work for the benefit of the school and the community it serves.

7. *The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions*

7.1 There should be a written agreement between the funder (whether or not this is the local authority) and the school, setting out the expectations and requirements. Governing bodies should ensure that they meet the school's side of the agreement—and demand the same of the other party.

7.2 Only in the case of school failure should local authorities be closely involved in the actual running of schools.

7.3 There is much to be gained by schools developing their own characters and unique organisational cultures. Governing bodies need at least some degree of independence from local authorities and other collective bodies for this to be encouraged.

7.4 Governing bodies should be encouraged to work with other groups to the mutual benefit of all.

7.5 Schools should be helped to procure effectively and, to that end, to join appropriate collaborative partnerships and schemes.

7.6 Governing bodies should be free either to engage in collective arrangements across groups/localities with unions—or to act independently.

7.7 Schools in more deprived communities should have the provision to pay higher salaries to its staff—and the freedom to make such decisions.

8. *Whether changes should be made to current models of governance*

8.1 The governing body needs to be the employer, if it is to have real authority.

8.2 The funder should receive a copy of the school's annual report to parents as evidence that the school is keeping to its agreement to deliver services and outcomes.

Written evidence submitted by Frank Newhofer

1.0 I have been involved in education for over 40 years as a teacher, senior adviser (in seven Local Authorities and across all phases), school improvement partner and as a governor. I have had direct experience of working with more than 200 governing bodies in that time. I have been a chair of governors in a large urban secondary school and am currently a governor in a large primary school.

2.0 We need a system for governance in our schools that can help to make a positive difference to pupils and to their communities.

3.0 For what should a governing body be responsible and to whom? Michael Gove says “we have to be more professional” in his call for better governance. There has been much talk about the importance of “accountability” in our schooling system. The expectation is that a governing body should be responsible **for** setting strategic direction, challenging the executive on standards (“forensically”), securing solvency and best value, compliance and engagement. In addition the governing body selects and hires the head teacher. Consequently it is now quite properly said that governors are required to have certain skills if they are to carry out such responsibilities in a beneficial way. And yet...and yet at the same time there is an equally proper expectation that a governing body should be accountable **to** (and even represent) its “stakeholders”. There is a problem of “realism” and “compatibility” here.

4.0 I remember when I first became a governor the main need on governing bodies was for skills that professional educators lacked in trying to run a school post LMS; accountants, business people with HR experience, people who understood things like health and safety, capital and buildings issues, and children’s health, were particularly prized as governors. Such skills were seen as helpful in adding to the “stakeholder” voice of parents and local community representatives. There was at least a tacit understanding that it would be inappropriate to supplant the skills of professional teachers when it came to the matters most directly concerned with the education of children. And we were also expected to represent what the Taylor committee advocated in 1977:

“We believe that there is a need to ensure that the school is run with as full an awareness as possible of the wishes and feeling of the parents and the local community and, conversely, to ensure that these groups are, in their turn, better informed of the needs of the school and the policies and constraints within which the local education authority operates and the head and other teachers work.

To meet this need we believe that all the parties concerned for a school’s success—the local education authority, the staff, the parents and the local community—should be brought together so that they can discuss, debate and justify the proposals which any one of them may seek to implement. We recognise that cooperation for the good of the school can and does take place between these interests both formally and informally on both an advisory and a consultative basis. We consider it necessary to go beyond this and propose that all the parties should share in making decisions on the organisation and running of the school since; in our view, this is the best way of ensuring that every aspect of the life and work of the school comes within the purview of all the interests acting together”.

5.0 Now the government wish that a governing body be effectively and predominantly part of the skilled leadership team in a school, accountable for standards **and at the same time** be necessarily drawn from and accountable to staff, parents and their communities (if even in a new more “flexible” regime). It’s a recipe for frustration and confusion and the solution lies in some clear policy direction, dare I say “regulation”, rather than more prevarication.

6.0 The government no doubt feels somewhat hoisted by its own “big society” petard in that to achieve its ideal governance model, one akin to a board of directors, with a paid chair and a small number of highly skilled/experienced scrutineers/monitors, risks removing a huge number of volunteer parents and community representatives from their governorships.

7.0 There are fundamental problems with a “commercialized” model of governance. Even assuming “new” volunteer governors can be recruited, either with the necessary skills sets, or the time and inclination to be trained in such, how does their role actually articulate with those more directly employed as leaders of learning and those responsible for inspection? The argument is that a school needs the “regular” challenge of a governing body. But there are few governors today that can and do spend more than 30 hours pa in their school. Schools are increasingly complex and the rigor required of inspection is extensive—can governor challenge/monitoring (without surveillance) ever be more than a poor shadow of a properly defined and necessarily expert process of “holding to account for progress”?

8.0 There is an expectation that all schools can/should be “good”. And of course this applies to their teachers. There is much that needs to be said about the essential nature of “trust” in relation to necessary professionalism and the unintended outcomes of unrealistic expectations and punitive cultures. We have the same, understandable, expectations of our doctors. And yet our relationship with the medical profession and its institutions is very different to that of our relationship with our schools. (Baroness Onara O’Neill is eloquent on the way that “accountability has replaced trust”, the importance of the way that “trust dispenses social capital” and the “complexity inherent in making ‘reliable’ judgements”).

9.0 In 1995 Putman wrote in “Bowling Alone” how “systematic enquiry showed that the quality of governance was determined by longstanding traditions of civic engagement. *“Networks of civic engagement foster sturdy norms of generalized reciprocity and encourage the emergence of social trust. Such networks facilitate coordination and communication, amplify reputations, and this allow dilemmas of collective action to be resolved. It is parental involvement, in particular in the educational process, that represents the most productive form of social capital”*. In my view, by sacrificing stakeholder accountability we will be eroding this social capital and that will only further serve to diminish civic engagement and social connectedness.

10.0 So is there a solution? The so called “new freedoms/flexible arrangements” for governing bodies just avoid the issue (*“we need to work towards more intelligent forms of accountability”* Baroness O’Neill). It is with some reluctance then that, in the face of the realpolitik of the government’s intentions, I compromise on Baroness O’Neill invitation and suggest that we now distinguish between a school’s Board of Directors and its Governors.

10.1 Schools should be **accountable to their communities**; they are responsible for listening and responding to their “stakeholders”—pupils, parents, staff, community representatives. Every school should have a “Stakeholders Committee” with nine “Governor” members—five parents, two staff, one pupil, one community representative. This “Stakeholders Committee” should have a right to send one representative governor to also be a director on the local “School Board”*. This committee should have a clear role and responsibility for “support and challenge” in relation to all pastoral, communication, extended school and site (saving budget) related issues.

10.2 A properly skilled ‘School Board’ should have **accountability for regular scrutiny** and the monitoring of standards of attainment. Such a Board could operate on a federalized’ or district locality basis for a group of schools. A “School Board”, of “directors”, should have the following membership: a paid chair—with employment experience in education/training and experience as a chair (or willingness to take on certified training in this area), one Stakeholder Committee governor from each school, three executive directors at least one of whom should have experience of finance and one of whom should have experience of the analysis of complex data. (It is debatable whether or not head teachers should be able to be Board directors). Questions remain as to how such Board Directors will be recruited and appointed (particularly given the increased diversification in the system) and in at least the case of the chair paid for?

Further written evidence submitted by Frank Newhofer

1. How much time is it reasonable to expect that a school governor be prepared to give to their role in order to properly fulfill the responsibilities required of them? How does this differ for the Chair of Governors?

2. Why are there 30,000 (11%) unfilled governor posts in England’s schools? Does this vary across phase and according to the socio-economic context of the school?

3. Given that it is agreed that a governing body should have a monitoring and support/challenge role in their capacity as “leaders” of the school, should this role include the monitoring of such important aspects of a pupil’s learning experience as:

- well-being (health and physical fitness);
- safety;
- enjoyment (expressed through the pupil voice);
- personal and social development;
- the quality of the school’s environment, sustainability & children’s environmental awareness;
- positive relationships in the school;
- parental involvement;
- enterprise;
- readiness for employment;
- access to outdoor learning;
- challenge for the most able; and
- creativity & access to the arts/creative experiences/musical performance.

All unlikely to appear on any “dashboard”—but all with a definite impact on academic achievement. Some may argue that these are “operational” matters but they are no more operational than knowing whether literacy is being taught well or not. Others may argue that they are not as important an element in schooling as the “basics”—I disagree and firmly believe that governance needs to be about attending to the needs and development of the whole child/person.

4. With the freedom to devise a school’s curriculum (and vision and ethos) becoming more and more diversified, through the various new school structures, is it not important that there is some co-ownership over what is distinctive about learning in each school? Is this not a fundamental role for governors as “stakeholders”—as the Taylor Committee commented 35 years ago. If we know anything from educational

research it is that where parents are involved in their children's learning those children do better. Are not parent governors the ideal champions for this practice in any school?

February 2013

Written evidence submitted by Richard Gold

EXECUTIVE SUMMARY

1. The current model of governance, with a high level of responsibility for specific aspects of the functioning of the school, is not fit for purpose because:

- (a) It imposes too great a work load.
- (b) It is difficult to recruit governors, especially reflecting the diverse nature of a school community.
- (c) There is no control over the appointment/election of governors or mechanism for securing an appropriate skills set.
- (d) The most disadvantaged schools are likely to have the greatest difficulty in recruiting good governors.
- (e) It does not actually make a real difference to the majority of school outcomes.

2. There is a need for a governing body with general oversight of the school and the direction in which it is going, ie with a strategic planning function and also to provide a forum for handling of complaints and concerns about the school.

3. The critical friend function of a governing body is important and should be retained.

4. School governors should not be remunerated but the scope of the task should be drastically reduced to make it easier to recruit governors.

INTRODUCTION

1. I am a solicitor specialising in education law and as such advise schools and academies on, amongst other things, governance issues. I am also a consultant to SSAT (Specialist Schools and Academies Trust) and to FASNA (Freedom and Autonomy for Schools—National Association) providing training for governing bodies on roles and responsibilities and other specific legal aspects of the governor function. I have been a governor of different maintained schools virtually continuously since 1974 and am currently a foundation governor of a voluntary aided faith primary school. The views that I express are personal ones.

RELEVANT HISTORY

2. The present governance structure in essence derives from Victorian concepts of lay oversight of charitable bodies providing public services, notably in the fields of health and education. The model was apt for relatively simple institutions with only very basic regulatory structures but in my submission it is not a suitable model for the overall management and direction of multi-million pound enterprises that are subject to heavy legislative regulation, government involvement and proper control of public expenditure. It is difficult to think of any other area where such responsibility is placed on groups of people brought together at random, with no quality control over appointment and, in the case of elected governors, no control at all over appointment.

3. The critical turning point came with the introduction of the delegated budget which meant that schools became responsible for financial management that previously had been in the hands of the local authority. That led to uncertainty as to the role of the governing body and undoubtedly led to governors micro-managing in an inappropriate way which confused the functions of governors and headteacher. The role of the governing body was clarified, following a similar investigation by this committee into the role of the headteacher, by The Education (School Government) (Terms of Reference) (England) Regulations 2000 which defined the role of the governing body as “largely” strategic and vested responsibility for internal organisation, management and control of the school, and implementation of the strategic framework, in the headteacher. The regulations also gave statutory recognition to the idea of governors acting as “critical friends” to the headteacher which had gained wide currency without ever being clearly defined. It is noteworthy, though, that the critical friend function as specified in the legislation is one to be discharged by the whole governing body rather than by individual governors. How this is to be done as a corporate expression can give rise to difficulties in practice although the concept is a good one and should not be lost.

DISCUSSION

4. If the governing body function were restricted to the two elements of strategic planning and critical friend it would probably remain a viable model. However, they also have overall responsibility for monitoring and evaluating the performance of the school and other specific functions that can only be discharged at governor level, such as ultimate responsibility for financial performance, staffing matters, handling admissions—why, incidentally, does each and every admission decision made by a voluntary aided or foundation school or by an academy have to be taken by governors rather than the headteacher?—reviewing pupil exclusions, special

educational needs and child protection. Most require a degree of technical understanding and skill which is likely to be outside the competence of many governing bodies, critically in those places that may have greatest social need such as in areas of high deprivation and where governor recruitment may be difficult.

5. The case for governing bodies in their present form rests with the concept of public and community accountability. Schools belong to their communities and it is right that the communities should be involved in how they function. However, it is difficult to see how governing bodies can be said to be truly accountable to their communities in the present climate of fragmentation of local authorities and the development of the academy model. It is also difficult to see how the effectiveness of governing bodies can be assessed, at least under the present Ofsted inspection regime. Unlike teachers, no-one observes a governing body in action. Ofsted assessments are based on a review of governor papers and interviews with a few governors who may well not be representative, given the lack of notice of inspections. A competent Clerk will ensure that the minutes of each meeting are written with Ofsted in mind. They will not convey the “feel” of the meeting itself or the quality (or lack of quality) of the debate nor will they show whether in truth governors are simply accepting what they are told with only notional challenge. Anyway, even if governors do challenge the headteacher they may well not have the skills to evaluate what they are being told or the skills to evaluate any independent data provided to them. Furthermore, any action that is required in the light of any appropriate challenge requires professional skills to determine and to implement. Governors may perceive that there are problems but they are not necessarily in a position to decide on or oversee remedies. When they take professional advice they are frequently not in a position to evaluate that advice even though the governing body has the responsibility for reaching a correct or reasonable solution.

6. I personally doubt that governing bodies actually make the difference between a successful and an unsuccessful school. An effective headteacher will lead a school well and enable it to thrive irrespective of the quality of the governing body. No capable governing body will overcome the handicap of an ineffective headteacher beyond securing a replacement. A capable governing body is a major support, though, to an effective headteacher and it would be unfortunate if radical change to governance structures led to this being lost.

7. One consequence of the weight of responsibility placed on governing bodies is that, despite the clear separation of functions in the Terms of Reference Regulations (which do not apply to academies anyway and which I deal with below), governors can be drawn into excessive involvement in day to day issues. That in turn leads to a dilution of the accountability of the headteacher who may be able to escape responsibility on the basis that governors through their involvement have taken the decision-making powers away from the headteacher. It is an understandable reaction but a wrong one. A further consequence is the fear that I hear frequently expressed that governors may be personally liable when things go wrong. I believe that fear, misconceived though it is, can be a barrier to recruitment.

8. Even when governors stick to their proper function the workload and volume of paper is excessive. Policy changes to reduce this, though, have unintended consequences. DfE guidance in many areas has been drastically slimmed-down so that in the main it guides on process rather than prescribing action. That is for laudable reasons but it has the effect of leaving schools—governors and headteachers—without indicators of good practice so that they have to reach their own conclusions. It adds to the weight of responsibility and, potentially, to wheels being re-invented.

9. All of this creates its own barrier to recruitment not least through the sheer time that a conscientious governor has to spend on school matters. From my experience this is particularly true at primary level and for small schools where the resources available do not allow for a good quality support infrastructure in the shape of, for example, business managers and HR specialists. Governors become additional resources for hard-pressed headteachers and for a governor with specific skills this can be a heavy demand. I spend probably half a day a week helping my headteacher with school issues that have a legal component quite apart from my six governing body meetings a year and regular meetings of the two committees that I sit on. Larger schools will be able to afford to take formal legal or other relevant advice but that generally is unaffordable for small schools and increasingly the local authority does not have the resource to provide good quality support. I believe, from my actual observation of governing bodies that I have trained in many different parts of the country including disadvantaged areas, that this causes a bias towards elderly, semi-retired or retired, middle-class governors who add significant value but may well not be truly representative of the school community.

10. There is an additional area of concern that relates to the relationship between the headteacher and chair of governors and the workload that the chair faces. The relationship is a difficult one to get right. It needs to be close but if it is too close there can be a lack of challenge—it is all too cosy. If it is at arm’s-length the headteacher will be inhibited in discussing major issues and the chair may be equally inhibited in suggesting change. The inherent danger so far as the functioning of the governing body is concerned is what I describe as the hour-glass syndrome. The school is the top half of the glass and the governing body is the lower half. All the sand—ie information—flowing from the school to the governing body goes through the constricted neck which is the headteacher and chair of governors. Unless headteacher and chair are scrupulous or the governing body is adept at seeking and interpreting independent data, there is a clear risk that the governing body will only see and hear what the chair and headteacher choose. There is no clear answer to this beyond securing good quality governors capable of independent thought.

11. The composition of governing bodies has recently been reviewed and a new, less prescriptive, model was legislated for. The new framework could lead to more effective governing bodies by potentially changing the balance of representation. The existing model for maintained schools—academies are different—provide for one-third of the governing body to be parents, either by election or (in the case of voluntary aided schools) a mixture of election and appointment. Parental involvement in governance is to be encouraged but one-third is too high a proportion. In my experience, apart from the lack of any form of control mentioned previously over who is elected, parents can find it difficult to look beyond the interests of their children and the children currently in the school and take a strategic view. The opportunity in the new framework to change the balance is good. Conversely, though, the restriction in the new framework (which may be an unintended consequence of the way the relevant regulations were drafted) to a single elected staff governor seems to me counter-productive.

12. Two further points arise in relation to the new framework. The first is that there is no compulsion on existing governing bodies to adopt it. The second is that, whilst the clear intention is to reduce the overall size of governing bodies, the workload imposed by the current level of responsibility is such that a governing body of less than, say, 14 governors will be hard-pressed to function effectively without making even greater demands on governor time. Smaller governing bodies are desirable—it is impossible to get good quality discussion or detailed decisions in a meeting of 20 people—but to achieve this and have effective governance the scope of responsibility needs to be materially reduced.

13. There is certainly a continuing need for governing bodies. It would be wrong for schools to be subject only to local or central government scrutiny. The issue to my mind is the scope and extent of their functions. I consider, as suggested above, that these lie in strategic planning—possibly in an advisory rather than determinative capacity—and acting as critical friend. They also have a role to play in reflecting community views and values—which should feed into strategic planning—and in resolving issues with parents and others that cannot be resolved by the headteacher and staff. In this context, the governing body can act in effect as a safety valve.

ACADEMIES

14. The foregoing relates to maintained schools. Similar considerations apply to academies but a distinction needs to be drawn between a multiple academy trust (MAT), which have a small governing body/board of directors and local governing bodies (LGBs), and a single or stand-alone academy. A further distinction needs to be drawn between sponsored single academies and single academies converted from maintained schools.

15. MATs in some ways represent a good governance structure in that the academy trust is separated from the individual academies and is able to focus on overall performance and strategy. The weakness lies in the fact that the LGBs function as committees of the MAT and have to operate within the scope of delegated powers. There is no single model for delegation so in some instances there is a high degree of delegation so that the LGB has a significant degree of autonomy and in other instances key decisions relating to individual academies are retained at Board level. Either way, my observations relating to the degree of responsibility and consequent workload on volunteer governors apply here as they do to maintained schools with the (important) qualification that a MAT is likely to have sufficient resources to maintain a high level and effective professional infrastructure that can make detailed governor involvement less necessary. The other weakness, which can also be regarded as a strength depending on one's perspective, is that being a member of a MAT reduces the degree of autonomy for the individual academy.

16. Sponsor academies in my experience tend to have small governing bodies and I have encountered governors appointed by the sponsor or sponsors who appear not to have great enthusiasm for the task. Governor appointments can be made from within the sponsor organisation and people serve from their own career motive rather than with the interests of the academy at heart. I suspect that many sponsor academy governing bodies are not effective in strategic planning or in the monitoring and evaluating role.

17. Converter academies, at least those that I have been involved in taking through the process, tend to have governing bodies that reflect that of the predecessor school in terms of individuals—in the interests of continuity—but with a formal governance structure that allows for changes in the balance of representation, very much in line with the new framework referred to above. They will tend to function in much the same way as previously and are subject to the comments already made. There is, though, one important difference between maintained schools and academies of all kinds, namely that academy governing bodies do not have the statutory division of functions that apply under the Terms of Reference Regulations. It is up to each governing body to determine the extent to which responsibility for each and every function of the running of the academy be delegated to committees or individuals including the principal/headteacher. I am aware that this comes about because of concerns from the Charity Commission about the fettering of trustee discretion but it is to my mind a governance weakness and I consider that there should be statutory guidance from the Secretary of State to the effect that academy trusts should, in the absence of factors indicating otherwise, secure a division of functions that mirror the maintained sector.

GOVERNOR REMUNERATION

18. I have considered the question of remuneration of governors. I am not in favour of this unless there is a radical change in structures so that instead of volunteers governing bodies were made up of professionals. I

would be comfortable with that change. Whilst I consider the burdens currently placed on governors to be excessive I think there is an important role for the unpaid, and therefore disinterested, governor with a function limited to strategic planning and critical friend-type support to the headteacher—which otherwise would be a very lonely job.

December 2012

Written evidence submitted by Professor Chris James (University of Bath)

1. INTRODUCTION

School governing in England is generally working well, but it can be improved. The Education Committee's inquiry into the role of school governing bodies (GBs) is therefore appropriate. Moreover, recent policy implementations have changed the context for school governing. The inquiry is therefore also timely.

The intention of this submission is to submit evidence for consideration by the inquiry.

Following this introduction there are two parts to the submission: the basis for the evidence and the evidence I wish to submit.

2. THE BASIS FOR THE SUBMISSION

Three projects that researched aspects of school governing in England underpin this submission. I was the director/a co-director of each project.

2.1 *School Governance Study (March to November 2008)*

This project reviewed school governing generally and in relation to the contribution of the business world to school governing. It was funded by Business in the Community. The project analysed the literature relevant to school governing; carried out 43 in-depth interviews with key stakeholders; undertook a large-scale random on-line survey of over 5000 school governors; and elicited the views of 42 headteachers. (Balarin et al., 2008).

2.2 *The "Hidden Givers" Project (February to October 2009)*

The second project, which was funded by the CfBT Education Trust, matched the survey data from the first project with pupil attainment and school context data. We analysed the data to establish the relationship between GB effectiveness and pupil attainment in primary schools and secondary schools in high and low socio-economic settings. We also studied governing in 16 primary and 13 secondary schools, which varied according to: GB effectiveness, school performance and socio-economic status (James et al., 2010; 2011).

2.3 *Chair of Governors Project (April to December 2011)*

This project, which was also funded by the CfBT Education Trust, researched the role and responsibilities of the school GB chair (James, 2012; James et al., in press). We reviewed the literature on the role of the board chair in a range of settings not just schools. We also surveyed chairs and headteachers throughout England and interviewed the headteachers and chairs of the GBs of 15 primary schools and 10 secondary schools.

3. MATTERS FOR CONSIDERATION

3.1 *The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

School governing in general

3.1.1 School GBs are responsible for the conduct of their schools, which is a considerable duty. Good governing helps to ensure that schools are the stable and secure institutions they need to be.

3.1.2 School governing can be complicated, demanding, and yet at the same time, very satisfying.

3.1.3 The governing of a school and the context for governing are typically continually changing and are vulnerable to substantial change. All governors serve a four-year term, which is an appropriate duration, but can lead to continual turnover. A school's setting can change quite dramatically for demographic reasons, which can affect governing and unforeseen events can cause considerable disruption. The collective nature of effectively managed GBs generally enables them to cope with these changes.

Descriptions of the role of the governing body

3.1.4 Over a long period, the role has been variously specified in policies and guidance and in ways which are often confusing and unhelpful. For example, GBs have been inappropriately assigned the roles of: conducting or leading their schools, as opposed to governing their schools; and championing professional development and making creative use of resources, both of which are arguably school leadership roles.

3.1.5 Various terms have been used to specify the role of the GB many of which inappropriate or unhelpful, for example: “critical friend”, which is unhelpful because of its metaphorical nature and because it configures governing as “being critical”; “supporting the school leadership” which is arguably redundant as governors should a priori support the school’s leadership; “challenging the headteacher”, which is inappropriate because it unhelpfully shapes governing as confrontational in nature; and “calling to account”, which, whilst an accurate description of a governing process, requires further explanation. Recent definitions by Ofsted (2011; 2012), are helpful and should be used consistently.

The chair’s responsibility for the functioning of the governing body

3.1.6 The GB has collective responsibility for the conduct of the school. At present no-one is formally assigned responsibility for the functioning of the GB although many chairs naturally assume that responsibility. Arguably, the responsibility for proper GB functioning should be assigned to the chair in regulations.

The appointment of the headteacher

3.1.7 Appointing the headteacher is very significant moment for a GB. The GB may have no experience of headteacher recruitment and the appointee can substantially affect the school’s performance. With a high “retirement rate” and a relative shortage of suitable applicants, appointing the headteacher is likely to become more challenging. Local authority support for headteacher appointments varies between different authorities, but is likely to decrease overall in the near future. Engaging private headteacher recruitment consultancies can be very expensive.

Governing body-headteacher relationships

3.1.8 Generally relationships between chairs and GBs are sound. Good headteachers want good GBs and vice versa. Where headteachers and chairs differ in their views on governing body and headteacher functioning, they are of the kind the “come with the territory” of board-CEO relationships.

3.1.9 The chair-headteacher relationship is pivotal. It spans the boundary between the school and the governing systems. Statistically, relationship quality is related to the chair’s availability (ie, whether they are retired or given paid time from work for chairing) but not to other contextual factors (eg, socio-economic setting or pupil attainment). Chairs and headteachers find managing the under-performance of the other difficult.

3.2 The implications of recent policy developments for governing bodies and their roles

The current context for school governing is challenging for school governing bodies

3.2.1 GBs are working in a time of considerable environmental turbulence resulting from: increased school autonomy; pressures to collaborate; and reduced capability of local authorities to support and underpin the system locally. In addition, there may be market instability with consequences for pupil enrolment and therefore for funding in a general context of declining levels of funding. School governing is typically resilient, a consequence of its collective nature, the commitment of those involved, and its capacity to respond and adapt to changing circumstances. The current challenges facing school GBs are likely to test those qualities.

3.3 Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

Understanding and recognition of the significance of governing bodies’ responsibility for the conduct of their schools

3.3.1 School governing in England is largely hidden from public view, which results in a lack of understanding of the responsibility and the role. This lack has implications for governor recruitment and the quality of governing practice for new governors. School governing’s public profile should be raised.

Recognition of the contribution of school governing bodies

3.3.2 The 350000 school governors in England are all volunteers and make a substantial contribution. Their contribution should be more widely recognised and more appreciation shown.

Governing body vacancies

3.2.2 The vacancy picture is complex and overall vacancy figures may be mis-leading. GBs with a high level of vacancies, for example 25%, at the end of one school term may have none at the end of the next because the vacancies had been filled. Nonetheless, 2–3% of schools persistently have high vacancy rates. There is no clear statistical relationship between GB effectiveness and GB vacancies.

Governing body recruitment

3.2.3 Governor recruitment is complicated. It is affected by the esteem in which a school is held, the school’s performance and the school’s socio-economic context. These factors in turn affect the network of individuals

and their capabilities and motivations that are available for the governing of a school—its “governance capital”. But recruitment is also affected by “governance agency”, which is the capacity of those involved in the governing of a school to act and to interact with the governance capital and to seek out potential GB members.

Governing body training

3.2.4 The quality of local authority provision varies between authorities but is generally valued. How the training for governors will be provided in the future with the general scaling down and reconfiguration of LA support remains to be seen. Further, as with all training, often those most in need of training may not undertake it.

3.2.5 Understanding the school and governing roles and responsibilities is complex even for experienced and capable new governors. Induction should be mandatory and monitored through inspection.

3.2.6 Training for chairs should be mandatory and monitored by Ofsted because of the importance of the chair’s responsibility (see paragraph 3.16).

3.2.7 Working appropriately with the GB should feature more prominently in headteacher preparation programmes.

3.3 *The structure and membership of governing bodies, including the balance between representation and skills*

The constitution of governing bodies

3.3.2 The current arrangements enable an appropriate balance between the self-perpetuation through co-option and election, for example of parents and staff. They give GBs sufficient flexibility to manage their membership in relation to the four-year term of office and enable GBs to organise themselves properly in order to govern appropriately.

3.3.3 The role of the local authority governor is unclear and often unsatisfactory. There is very little evidence of the link with the authority being used productively. There is evidence of some councillors who are authority governors making a significant positive contribution but also some evidence of some attending GB meetings very irregularly and some wishing to join the GBs of successful schools simply to advance their political standing.

The case for the stakeholder constitution of governing bodies

3.3.4 The justification for the stakeholder model is that schools are important social institutions in which there is wide interest. Schools should therefore be governed collectively by individuals who are representative of the various interest groups in their communities and take responsibility for ensuring schools’ proper conduct.

3.3.5 Many advocate a skills-based model where governors are recruited on the basis of the skills they bring to governing. Governing skills are of course very important and all GBs must have the skills they require. However, if skills are unduly prioritised over an interest in the school, the school may become detached from the community it serves. Those for whom schools are provided (parents and the community) would not have responsibility for the proper conduct of those institutions. They would be seen more as consumers than participants and the overall quality and meaning of schools would be undermined.

3.3.6 Effective GBs ensure they have both appropriate stakeholder representation and the requisite skills.

Governing body size

3.3.7 The size of GBs has been much debated and the regulations on size have recently been changed to enable GBs to be smaller. There is no statistical relationship between GB effectiveness and GB size or GB vacancies. In truth, size is not the primary consideration. Ensuring effectiveness—immediate and in the longer term through succession planning—and stakeholder involvement are more important.

Staff membership

3.3.8 Under current arrangements, members of staff can be members of the GB. Staff members are elected. The headteacher is an ex officio member but can choose not to be a member. Staff membership does complicate governing but GBs generally work effectively with the complexity and staff governors are typically a helpful presence. Similarly, headteacher membership is helpful and important. The headteacher’s membership rightly founds school governing on the stewardship model. Evidence shows there is sufficient flexibility for the contrasting principal-agent model to be adopted and that this can happen beneficially.

3.4. *The effectiveness and accountability of governing bodies*

Governing body performance and impact

3.4.2 Although school governing is generally functioning well, individual GBs may have to deal with serious problems which impact on their effectiveness, for example, rogue governors, critical incidents, and unexpected

changes in membership. However, GBs can be very resilient, cope with these difficulties and perform well in stressful times.

3.4.3 Generally, the statistical link between measures of GB effectiveness and pupil attainment is weak. However, an individual GB can have a significant positive impact on pupil attainment.

3.4.4 An underperforming or poorly performing GB is a substantial disadvantage for a school, not just a neutral presence.

3.4.5 School governing can be excellent in any socio-economic setting. GB effectiveness and socio-economic setting are not linked statistically. Nonetheless, governing in disadvantaged contexts can be more challenging.

Governing body organisation and the roles of the chair and the clerk

3.4.6 GBs' responsibilities are considerable and fulfilling those responsibilities can be complicated. A well-organised GB is likely to be more effective. Effective chairs take responsibility GB organisation.

3.4.7 GBs benefit enormously from an effective clerk. The clerk's status should be enhanced and clerking capability monitored by Ofsted.

Governing body participation in Ofsted inspections

3.4.8 Given their responsibility, GBs should participate more fully and centrally in Ofsted inspections. The argument that school governors may not be readily available to participate is not sufficient justification for current practice.

The inspection of a school's governing body by Ofsted

3.4.9 The work of the GB is now inspected more robustly than in the recent past. However, given GBs' responsibility for the conduct of school, there is a good case for them being inspected even more thoroughly. The quality of school governing should be reported on more fully in the Chief Inspector's Annual Report.

Reporting to stakeholders on the conduct of the school

3.4.10 Given GBs' responsibility to their stakeholders for the conduct of the school, arguably, they should report more fully, formally and frequently to those stakeholders. An annual report to all stakeholders would be appropriate. The report could easily be made available on the school website.

An annual risk assessment by governing bodies of outstanding schools

3.4.11 Schools that have been judged to be outstanding by Ofsted are now likely to be inspected less frequently than others, and that is appropriate. However, the quality of an outstanding school may begin to decline before the evidence becomes apparent in performance data. For example, changes in significant personnel could threaten a school's performance; or a school's context may change (local demographic changes may affect the number and kind of pupils joining the school) which may ultimately impact on overall quality. There is a good case for requiring all outstanding schools to submit an annual risk assessment to Ofsted.

3.5 *The remuneration of governors*

3.5.2 Our research has not revealed any evidence that governors feel they should be remunerated for their contribution to school governing.

3.5.3 We have researched the motivations of school governors. Payment would not incentivise current governors. They contribute to school governing for other reasons: a sense of duty; a moral commitment; wanting to make a contribution to the community; and feeling a need to "give something back" to something they have benefitted from. There is sufficient reward from doing "good work" and seeing their efforts bear fruit.

3.5.4 Remuneration would be extremely costly if it was to meaningfully recompense governors for their commitment and contribution.

3.5.5 Paying some or all governors would complicate the process of organising the GB. It would be an unnecessary distraction.

3.5.6 Paying governors might be counter-productive—financial incentives may "crowd out" public spirit (Sandel, 2012) and the quality of governing may actually decline if governors were remunerated.

3.5.7 The argument that it is difficult to make serious demands on governors because they are participating voluntarily fails to understand the motivations of governors and the meaning of governing to them.

3.6 *The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions*

3.6.2 Governors' often have a strong commitment to their school. It is important too that those who have a stake in schools take a measure of responsibility for their governance. Without that connection, schools may become detached from the communities they serve (see paragraph 3.44). This matter is important in the governing of schools that are part of large federations or chains. If the GB of an individual school in a large collaborative grouping simply becomes an advisory body for a governing board some distance away, the sense of taking local responsibility for the conduct of important local institutions will be lost. In such circumstances, the advisory body may take on the role of a "complaints forum" where participants simply and unhelpfully complain about the school.

3.7 *Whether changes should be made to current models of governance*

3.7.1 Evidence indicates that current models of school governing are not in need of radical overhaul. Indeed to radically change school governing at this time could destabilise and threaten a system that is already struggling to cope with considerable turbulence in addition to the everyday work of governing. However, a number of relatively small changes would make it work considerably better.

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December 2012

Written evidence submitted by National Co-ordinators of Governor Services (NCOGS)

1. EXECUTIVE SUMMARY

1.1 The evidence being submitted is on behalf of the National Co-ordinators of Governor Services (NCOGS) which is a committee representing Local Authority providers of services to school governors as well as Diocesan and Independent members. The committee is made up of Co-ordinators of Governor Services (COGS) covering the eight regional areas in England.

1.2 As a group the COGS exist to support and enable the delivery of high quality services to governors and to ensure effective governance in schools. The committee also provides a mechanism for professionals working in Governor services to access a range of materials and development opportunities.

1.3 It is the committee's responsibility to influence national policy and support local practice by identifying common themes emerging from the regions and then to communicate the outcomes to support the continuous improvement of Local Authority Governor Services.

1.4 The COGS' manifesto for governance (Appendix A) sets out the belief that COGS have in respect of what good governance should look like and how COGS can support the continual development of good governance.

1.5 NCOGS feel that the role of governing bodies could be enhanced by:

- Introducing mandatory training for governors, especially induction training for new governors.
- Making governing bodies accountable for their own continuing professional development (CPD).
- Elevating the role of the clerk through professional accreditation.
- The role of the clerk to governors being independent of the school staff.
- Appointing bodies being highly accountable for the quality of governor appointments.
- Governors being permitted to paid time off work to attend school during the school day.
- Headteachers or those preparing for headship undertaking substantial and compulsory components on governance.
- Ensuring that, where schools have entered into collaboration or federated arrangements, systems of governance and delegated authority are clearly defined and understood.

2. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

2.1 In spite of the many changes in legislation and school organisation in recent years the purpose of school governing bodies remains the same—ie to ensure that all children receive the best standard of education and are enabled to realise their true potential. The governing body are responsible for setting the strategic direction of the school, providing support and challenge to the headteacher and senior leaders, holding them to account for school improvement and ensuring transparency and probity.

2.2 The governing body remain collectively responsible for the conduct of the school and it is believed that this system of governance continues to be appropriate. There are concerns that some of the governance structures within non LA maintained schools may remove the decision making powers away from local governors, thereby impacting their ability to effectively govern the school and provide the independence to hold senior leaders to account.

2.3 The role of the clerk is essential to ensure that governors are well informed on school and national issues and fulfill their statutory responsibilities. It is the view of NCOGS that the person carrying out this role needs to be independent of the school and not a member of the school staff. The role of the clerk would benefit greatly from greater professional recognition. Consideration should be given to the establishment of a National Association to act as guardian of professional standards as well as being a source of support for clerks. The Co-ordinators of Governor Services (COGS) Annual Conference in 2010 received a paper on “Strengthening Clerking” (Appendix B) which demonstrates what changes could be effected to enhance the professionalism of this role.

2.4 In order for governance and school leadership to be effective, there needs to be true partnership working between the senior leaders and governors, built on mutual trust and respect and a shared understanding of each other’s roles and responsibilities.

2.5 A governing body can be hindered from being effective and conducting their statutory role if there is an imbalance of power. This could, for example, be as a result of a disproportionate number of Associate Members whose non-voting attendance at governing body meetings has the potential to influence the outcome of discussions.

3. The implications of recent policy developments for governing bodies and their roles

3.1 Recent policy developments bring many challenges for the governance of schools, especially changes to school funding reforms and provision for Special Educational Needs (SEN).

3.2 The implications of funding reforms within an autonomous schools system, require governors to demonstrate stronger financial discipline in exercising financial probity.

3.3 Governors are held accountable by Ofsted for ensuring that the pupil premium is targeted at the children for whom it was allocated and that the impact of its use can be validated. A recent Ofsted report on Pupil Premium showed; “only one in 10 school leaders said that the Pupil Premium had significantly changed the way that they supported pupils from disadvantaged backgrounds”. One of the key recommendations from this report was:

“If schools do not target Pupil Premium money effectively, then government should consider ring fencing, payment linked to outcomes, or other mechanisms to improve its use”. This has the potential to have an adverse effect on monitoring school improvement as it can be very challenging to determine impact of Pupil Premium spending when it is being used in a whole class, or whole school setting.

3.4 In the context of rapidly evolving and diverse governance arrangements in academies, a review of the impact of different governance structures across academies would be helpful in informing future development.

4. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

4.1 Recruitment of school governors is an ongoing process given that they are the single largest volunteering group in the country. There are a variety of recruitment activities taking place nationally including support from School Governors One Stop Shop (SGOSS—now Governors for Schools) and whilst recruitment is an ongoing activity, retention of good governors is a major concern for some governing bodies. This is not helped by the juniority principle in the new constitution regulations which gives precedence to governors that have been in post longest. The 2012 NGA annual survey noted that 60% were finding it difficult to attract governors with suitable skills, however, 90% had no intention of changing the size or composition of their governing body.

4.2 During the 2012 NGA annual survey, 90% of 900 respondents were in favour of mandatory training for school governors. Given the complexities of the role and the expectations of governors, NCOGS also supports mandatory training.

4.3 While there is much good practice regarding the appointment of governors there can be variability in the processes and criteria for making appointments. The appointing bodies such as local authorities, Dioceses and Academy providers, need to be highly accountable for the quality of the appointments they make, especially in respect of foundation, co-opted and authority governors. Governance is strengthened where the rationale for appointment of governors concentrates on the role those governors can play in support of school improvement.

4.4 In order to be effective governing bodies need high quality training regarding understanding school data and school improvement issues. The increasing range of providers and flexible on-line learning opportunities are a positive development. However it is also important to governors that they continue to have access to high quality local provision for governor training.

4.5 Whilst NCOGS welcome the introduction of governance within the new National Professional Qualification for Headship (NPQH) framework, we are disappointed that governance is not considered mandatory training for aspiring school leaders.

4.6 The benchmarking review carried out by NCOGS for 2011–12 (Appendix C), showed that of the LA's that responded, there was a national average of 12.3% of governor vacancies across all governor places, with vacancy rates ranging from 3.7% to 30.6% in some LA's.

4.7 The same review showed that 89% of respondents stated that their governing bodies had been represented on training during the previous year, however, only 56% of new governors had attended induction training during this financial year.

4.9 Whilst we welcome the chairs' development training programme that is now being offered under licence nationally, it is at an early stage and take up and impact is not yet known.

4.10 Anecdotal evidence suggests that governors can feel uncomfortable about putting themselves forward for training courses if they feel that they are spending what they see as the children's money. This can be a barrier to improving governing bodies and governors need to fully recognise the importance of their own professional development and how this benefits the school. Greater accountability through Ofsted for training and development will reinforce the value of continuing professional development.

4.11 Governors and clerks to governing bodies rely heavily on the Governors Guide to the Law. This is an invaluable document given the complexity of school governance and we feel it should be retained to provide governors with easy access to information on the law and procedures.

5. *The structure and membership of governing bodies, including the balance between representation and skills*

5.1 It is vital to the effective governance of any school that the governing body has a balance of skills and abilities and regularly reviews their strengths and weaknesses to ensure they continually develop and improve.

5.2 The School Governance (Constitution) (England) Regulations that came into force on 1st September 2012 permit governing bodies to consist of at least seven governors. It is the NCOGS view that seven is a very small number of governors and in order to be truly effective would need to be very focused and have sufficient available time to undertake the work that would otherwise be conducted by committees in larger governing bodies.

5.3 NCOGS are broadly in favour of these regulations, giving governing bodies the opportunity to re-constitute and provide for a co-ordinated skill mix across the governing body. It is recognised that this will benefit some schools that have traditionally struggled to recruit particular types of school governor.

5.4 The benefits of having governors with a diverse range of skills on a governing body is that they bring a fresh perspective to the issues at hand. It is our assertion that it is more important to have governors who are equipped and trained to ask pertinent questions and contribute to school improvement, strategic planning and financial management than it is to have particular professional qualifications.

5.5 The chair of governors holds a crucial role within the governing body, however, on occasions this can also be a barrier to effective governance. There may be a case for the chair of governors' term of office being

limited to six consecutive years. This could support succession planning and promote distributive leadership and effective governance.

6. The effectiveness and accountability of governing bodies

6.1 NCOGS recognise the value of the change from “satisfactory” to “requires improvement” in the Ofsted framework and the focus this puts on governing bodies to concentrate on driving school improvement.

6.2 Effective governance is an integral part of school improvement and has the ability to ensure governing bodies are accountable and take appropriate action where necessary. The benchmarking review (Appendix B) showed that 62% of governing bodies were graded good or better.

6.3 The HMCI annual report in 2011 identified considerable variations in the quality of governance across different types of school. Governance was judged good or outstanding in 58% of schools inspected this year overall, but this varied between 53% in pupil referral units and 55% in primary schools, to 64% in secondary schools and 71% in special schools.

6.4 For governors to be truly effective, they need to know what is going on within their school and this involves being in school during the school day to see whether their understanding of the school matches the reality. Having a clear purpose for governor visits and a robust reporting system to inform other governors of key issues or concerns helps to strengthen governance and demonstrate clear accountability.

6.5 Accountability of governing bodies has come under even greater scrutiny with the requirements of the Ofsted inspection framework since September 2012 having greater emphasis on the role of governance in the overall judgement of leadership and management. Consequently, where governance is deemed to be inadequate, Ofsted can recommend that the governing body undertake or commission a governance review and consider whether governors feel they have the capacity and capability to continue supporting the school.

6.6 What is often asked is, “who governs the governors?” and how do they hold their chair of governors to account when things are not going well. Governing Bodies have the right to remove from office the chair of governors. This requires the issue to be dealt with as an agenda item, however, this can often be quite confrontational, making it less appealing to some governors. Whilst the Secretary of State can exercise his intervention powers in respect of Academies, Local Authorities are expected to use their statutory powers of intervention in maintained schools that are causing concern which can range from issuing warning letters to applying for an Interim Executive Board to replace the governing body. Consequently, the local authority currently has the role of holding the governing body of maintained schools to account, although the future effectiveness of this arrangement is unclear given the budget reductions being imposed across the public sector.

7. Whether new arrangements are required for the remuneration of governors

7.1 A national survey conducted by the National Governors’ Association (NGA) in 2012 showed that 56% of the 900 respondents were against any form of payment, whilst just over a quarter were in favour. Current legislation allows the payment of Interim Executive Board (IEB) members, where they have been put in place to replace the previous governing body. Whilst legislation permits payment to IEB members, in many cases, only the chair of the IEB receives any remuneration and where payment is made, this is in recognition of the additional workload required in these circumstances. However, if the government were minded to legislate to make the role of school governor a paid role:

- does this assume that there are people currently not involved as governors who would be willing to take on the role if it is paid?
- would this encourage people to become school governors for the wrong reasons?
- what would the remuneration package consist of and who would pay for this?
- what additional accountability would this bring, if any?

7.2 Governors fulfill their roles and responsibilities as they often feel that they want to give something back and rarely claim the expenses they are entitled to. This can be a hindrance in some respects as it fails to show the true cost of school governance.

8. The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

8.1 Governance should be outward-looking, seeking opportunities to develop effective partnerships with a range of organisations and service providers in order to commission services offering best value to ensure that the school budget is maximised.

8.2 The relationship between governing bodies and partners, including local authorities is crucial to ensuring the relentless drive towards school improvement. Due to the different legal structures, current legislation prevents LA maintained schools from entering into formal collaboration arrangements with Academies. This has the potential to create a two-tier education system and hinder true partnership working.

8.3 NCOGS work in partnership with the Association of Professionals in Education and Children's Trusts (ASPECT) (now part of Prospect) to deliver high quality professional accreditation for Co-ordinators of Governor Services to raise the standards in school governance.

9. *Whether changes should be made to current models of governance*

9.1 New permissive legislation enables a high degree of flexibility allowing governing bodies in community schools to recruit effective governors, however, the same degree of flexibility is not necessarily available where foundation appointed governors are in the majority.

9.2 The greater challenges lie in the development of robust governance of increasingly complex federations, academy chains and in teaching school alliances.

10. *Conclusion*

10.1 The NCOGS committee are grateful for being given the opportunity to provide written evidence to the Education Select Committee and would welcome the opportunity to provide oral evidence to the inquiry in the New Year.

Written evidence submitted by the GL Education Group

(i) EXECUTIVE SUMMARY

(ii) The GL Education Group is a leading provider of independent educational tests and assessments, including stakeholder surveys. Assessments include the Pupil Attitudes to Self and School (PASS) attitudinal survey, the Cognitive Abilities Test (CAT) and Kirkland Rowell Surveys. In-depth interpretation services help to identify appropriate intervention strategies.

(iii) The company's Professional Development Services arm provides a range of training courses and modules for Governors. It is the provider, in partnership with Durham Education Development Services (EDS), of a new training programme that has been developed by the National College for Chairs of Governors to schools in the North East, and it also runs a series of dedicated training modules on School Governance that can be accessed by any member of a school's Governing Body.

(iv) As one of five commercial partners of the National Governors' Association (NGA), the company has produced briefing papers on stakeholder engagement as part of the NGA's *Knowing Your School* series. The first paper, *Getting to Know Your Parents*,³⁸ was published in September 2012 and *Getting to Know Your Pupils* and *Getting to Know Your Staff* will be published in 2013. The company has also presented on stakeholder engagement at a number of NGA conferences over the last 18 months and has contributed to some of their work with the APPG for Education Governance and Leadership.

(v) The GL Education Group believes that in order for Governing Bodies to be fully effective they must have a full and consistent understanding of the views of school stakeholders; use this information to support schools to make improvements through targeted interventions; monitor progress and encourage school leaders and staff to undertake regular self-evaluation.

(vi) It is also vital that Governors are given provision themselves to develop the skills necessary to provide schools with the support they need to develop and maintain high standards.

(vii) RESPONSE

(viii) There are over 300,000 Governors in the UK providing an invaluable service to schools across the country. Governors play a key supportive role to senior management teams, helping to define schools' strategic development, while also holding Headteachers and senior leadership teams to account. It is important that the valuable role Governors play in UK schools is recognised but also that this role is developed as necessary.

(ix) Governors are well placed to help schools improve and to develop overall delivery strategies with senior management. As part of this wider leadership and school governance role it is essential that Governors, along with senior management teams, have a comprehensive understanding of the views of key school stakeholders: pupils, parents and staff. Stakeholders can often have a perception of a school that Governing Bodies do not have access to and understanding these views can help Governors to identify areas of strength as well as areas for development and work with the school to introduce targeted interventions to bring about improvements where necessary.

(x) UNDERSTANDING, SUPPORTING AND STRETCHING STUDENTS

(xi) In order to have a full and in-depth understanding of stakeholder views Governing Bodies should ensure that their schools use attitudinal and stakeholder surveys. For example, Governors should encourage schools to use resources such as the *Pupil Attitudes to Self and School* (PASS) attitudinal survey. PASS is used by over

³⁸ The report is available at the following link (accessed 14 December 2012): http://www.nga.org.uk/getattachment/aa5b7e2e-5636-4a36-a634-f269d80594f9/Knowing-Your-Parents_high-resolution_21-September-2012.pdf.aspx

2500 schools and over 100 local authorities across the UK to address behavioural problems such as persistent absences. The survey is comprised of short psychometric statements that feed into nine attitudinal factors linked to key educational goals. These include how well children are responding to the curriculum, how prepared they are to learn and their attitude towards attendance.

(xii) Disengagement, poor attitudes to attendance and low self-confidence can manifest as poor behaviour and truancy and ultimately have serious detrimental impacts on pupil attainment. PASS can help to identify previously unknown areas where pupils may be disengaged or having difficulties and help schools to introduce targeted interventions before these problems become entrenched. PASS is especially helpful in terms of addressing absences as it demonstrates a high correlation between students who have a low score in attitude to attendance and their future actual attendance. Results indicated a very high (p. <0.0001) correlation for the whole of the rating scale and the relationship between attitude to attendance and actual attendance was 0.91. This means schools can identify those pupils who are at risk of future poor attendance and address this before absences actually occur.

(xiii) Understanding pupil attitudes is essential to helping bring about improvements in schools and is becoming increasingly important given Ofsted's focus on evaluating behaviour and pupil attitudes towards learning. Governing Bodies should therefore take the time to introduce these types of surveys into their schools and ensure that the results are used appropriately to tackle the problem areas highlighted through consistent targeted intervention programmes. However, it is not just pupil attitudes that schools and Governors need to understand but also pupil perceptions.

(xiv) A pupil perception survey can provide an objective view of the school through the eyes of its pupils; a view that Governors may not have previously understood. By using surveys such as those provided by Kirkland Rowell Surveys, schools can assess how important particular areas, such as "how well the school controls bullying", are to pupils and how satisfied they are with the school's management of these criteria. School leaders should then use these results to identify any discrepancies between those issues that pupils perceive as important and how well they feel the school manages them and subsequently introduce improvement programmes to ensure these discrepancies are addressed.

(xv) Using attitudinal and perception surveys can help Governors work with their school and its pupils to make the changes needed to bring about improvements in attainment but also in the areas like behaviour and wellbeing that Ofsted is increasingly focused on. Subject teachers can use the information to adjust lesson planning to suit the needs of individual classes and by repeating surveys leaders can measure the impact of intervention programmes in the longer term. In addition, the data obtained can form a significant part of the school's self-evaluation process and feedback for Ofsted.

(xvi) PARENTAL ENGAGEMENT

(xvii) In addition to understanding pupil views it is also important that Governing Bodies incorporate an understanding of parent views as a key component of their leadership role. The Government has repeatedly emphasised the importance of stakeholder views on schools and especially those of parents. Research has shown that parental involvement in schooling has a greater influence on attainment than family background or parental education and it is therefore essential that school leaders develop a good and consistent engagement with parents.

(xviii) In order to fully utilise their position Governing Bodies need reliable and detailed information with which to hold senior management teams to account where necessary and an independent assessment of parent views is important for this. Using stakeholder surveys like those provided by Kirkland Rowell Surveys provides Governors with the necessary information to understand parent priorities for schools and how satisfied they are with the school's provision in these areas. This is particularly important given Ofsted's introduction of Parent View. Schools have already expressed concerns that a small number of disaffected parents will skew the overall feedback on a school and Ofsted has confirmed that only three parental contributions will be needed for views to be seen.

(xix) If concerns continue to be raised via Parent View they can trigger an Ofsted inspection. Therefore it is essential that Governing Bodies engage with parents on a regular basis so that they can identify areas of concern and address them promptly. Given the reduced notice period for inspections, using perception surveys will also mean that Governors and their schools are prepared for any concerns that may be raised by parents as part of an inspection process and will be able to readily demonstrate to inspectors what is already being actively done to address them.

(xx) Additionally, as Ofsted begins to focus on factors such as attendance, pupil wellbeing and other areas that stakeholders are concerned by, evidence that an effective Governing Body is working with school leadership teams to monitor and address these issues will make schools much more attractive to prospective parents.

(xxi) STAFF ENGAGEMENT

(xxii) Staff views are also important indicators for Governing Bodies of areas where targeted work may be needed to make school improvements. If staff are dissatisfied with any aspects of the school leadership

Governors need to know in order to hold senior management to account. By using perception surveys, staff are provided with a confidential means of raising concerns and Governors will be able to have a realistic understanding of their views. In addition, these surveys can also be given to Governing Bodies with the dedicated Governor feedback providing a direct comparison of Governors' views with those of staff. This provides further insight into how attuned Governors are with the perceptions of other stakeholders and helps to identify areas where more specific engagement may be necessary.

(xxiii) Combining Governor and staff perceptions with the information obtained from pupils and parents will allow Governing Bodies to have the best understanding of their school and areas where extra resources may be needed. Understanding stakeholder views should therefore be seen as a key part of a Governing Body's leadership role.

(xxiv) UNDERSTANDING DATA AND MONITORING PROGRESS

(xxv) As well as understanding stakeholder views Governors should also ensure that they have a good understanding of the impact of teaching and learning on school development and progress. This will allow them to monitor the results of any intervention and improvement programmes but also allow Governors to identify other areas where improvement is needed that may not have been highlighted in the information obtained from stakeholders.

(xxvi) Governors and schools can use online systems that will allow both Governors and other school leaders to monitor progress across the school. Accessing this type of information can be difficult, particularly in larger schools, but this can be mitigated through the use of online tracking systems such as GO4 Schools. GO4 Schools provides schools with an efficient database that tracks progress by subject, group and student. This allows schools to always have an accurate and up to date picture of pupil and staff progress (which can be useful when Governing Bodies are considering setting performance-related pay) as well as highlighting where further work needs to be undertaken.

(xxvii) Using such programmes will enable Governors to identify where weaknesses lie and what actions senior management should take to address them. This can be especially useful when combined with tools such as Schoolcentre which allow school leaders to manage effective self-evaluation programmes and the School Development Plan to engage the school and its stakeholders to achieve school improvement goals. This can also allow for the sharing of best practice with other schools locally and nationally and, by using GO4 Schools, across academy chains. Using systems like GO4 Schools and Schoolcentre in conjunction with each other ensures that Governors, and senior management teams, are able to access key information efficiently and therefore introduce improvement programmes quickly. In addition, several of the GL Education Group's assessments such as the Cognitive Abilities Test (CAT), Progress in English (PiE) and Progress in Maths (PiM) will soon provide Governing Bodies with a separate, dedicated report, as well as cross-reporting between assessments, so that an even more detailed understanding of progress and areas where further improvements are needed can be obtained.

(xxviii) Ultimately, using these resources will help improve the effectiveness of Governing Bodies as they enable school leaders to act quickly to address problem areas and to track the progress of both pupils and staff. Additionally, the evidence provided by using these types of resources alongside stakeholder surveys will also demonstrate the positive impact of effective interaction between a school's Governing Body and its senior management and will help steer the school's drive for school improvement.

(xxix) PROFESSIONAL DEVELOPMENT AND TRAINING

(xxx) As well as ensuring they have a full understanding of the school, its stakeholders and its progress, it is also crucial that Governors undertake consistent continuous professional development.

(xxxi) Sir Michael Wilshaw has stated that 40% of Governing Bodies are only satisfactory or are inadequate and in order to tackle this, so that schools receive the best support possible, Governors should undergo training and development. For example, the GL Education Group offers a portfolio of professional development modules and courses for schools and Governors, including the National College Chairs of Governors' Leadership Development Programme. This programme gives Chairs the opportunity to develop their leadership skills through three units which focus on the role of the chair, effective governance and school improvement. Schools need strong and effective leadership otherwise efforts to make improvements, such as those outlined above, will not have the impact necessary to make real change. Training should be a priority for Governing Bodies so that they can develop the skills needed to provide their schools with effective leadership.

(xxxii) CONCLUSION

(xxxiii) Governing Bodies have a vital role to play in the success of any school and it is therefore essential that they are given the support they need to develop but also that they use the resources available to them to fully understand a school and their strategic role. This could be in areas such as RAISEonline, effective self-review of the Governing body, Governor and Headteacher performance management and ensuring the effectiveness of individual Governors and the Governing body as a whole. This will allow Governors to identify

the areas where improvements are needed, to monitor progress to ensure that interventions are successful and to ensure that ultimately their school is able to develop and maintain high standards.

January 2013

Written evidence submitted by The Haberdashers' Company

EXECUTIVE SUMMARY

1.0 Background

The Haberdashers' Company controls eleven schools, (six state-funded) and five independent. The schools are governed by five Boards of Governors/Federation Trusts. The Company applies the same principles of governance to all its schools/Academies. This response is therefore given in terms of governance of all schools regardless of the sector or constitution in/under which they operate.

2.0 Purpose, Role and Responsibilities

The *purpose* of a school governing body is to oversee the strategic direction of the school and regular monitoring of the school's operational performance. Its *role* is to oversee the management of the school as a "critical friend". Its responsibilities are to oversee medium and long term planning and the performance of the Headteacher. Finally there is a *responsibility* to ensure that there is a wide range of skills on the Governing Body to meet the needs of the school.

Governors need to be aware that their primary responsibility is to the school of which they are a governor as opposed to any other body that may have appointed them; this includes The Haberdashers' Company!

3.0 Recent Policy Developments

These relate primarily to state-funded schools and Academies.

The move to Academies for many schools, both secondary and primary, has highlighted the importance of Governing Bodies in the management of schools, particularly in relation to budgetary issues. The Ofsted document Subsidiary Guidance (No 110166) offers a good summary of these responsibilities.

4.0 Recruitment and Development of Governors

The Haberdashers' Company has well-developed recruitment, induction and wider training procedures. Chairs of Governors usually serve as Governors in other schools, either independent or state-funded, for three years before assuming the Chair role.

5.0 Remuneration

The Company relies on Governors' goodwill and commitment. There is no remuneration apart from agreed expenses for school visits. It is doubtful that remuneration would increase the quality of Governors—though it might increase the quantity regardless of suitability!

6.0 Relations with other Partners

The Company takes great care to ensure that the workings of the school are directed towards the classroom and the students. It always endeavours to ensure that the school plays a central role in the local community and thus values working with the local stakeholders; these relationships are crucial to the success of any school.

7.0 Possible changes to Current Models of Governance

Drawing on Haberdashers' experience of its five Boards of Governors/Federation Trusts covering eleven schools:

- Rigorous selection and interviews, matching skills to the needs of the school.
- Formal induction processes and ongoing training.
- A recommendation that Chairs of Governors serve as Governors for at least three years before assuming the role and/or show their experience equips them for the role.
- A requirement for Governing Bodies to complete a thorough self- evaluation every two years.
- "One size can never fit all" in terms of models/structures of governance but guiding principles can be universal in terms of how individual models/structures should operate. This view of "one size not fitting all" has been previously expressed to the DfE on other subjects covering, inter alia, the expansion of Academies. It is exemplified by the Company's own approach to its "family of schools".
- Risk Management; Academy finance (particularly Federations) can be complex. Governors need to be supported by the right financial structures and audit process. This is also true of schools in the independent sector but their funding streams are arguably less complex.

1.0 Introduction

1.1 The Haberdashers' Company (the Company) has a long and distinguished record as a provider of schools in the state and independent sector, starting with the foundation of its first school in 1594. At present there are five independent and six state-funded schools in the Haberdashers' "family of schools" educating ages between 3 -18.

1.2 In addition to providing individual governors for the schools, the Company realizes its education strategy by acting in an enabling role, as Trustee of the schools' foundations or as sponsors, and as a central focus for inter-school and inter-governor activity. The Company provides around 40 governors for its Schools/Federations.

1.3 Over the past five or six years the balance of students in the Company's schools has changed from two thirds being in the independent sector to two thirds being in the state-funded sector through expansion in the provision for the latter

1.4 This submission draws on the Haberdashers' Company Governors' Handbook "*Excellence in Governance*". The assertions in this evidence apply equally to the Company's independent schools. The Company regards all its schools/Academies as being equal members of "one family" and applies the same principles of Governance to all of them.

2.0 The purpose, roles and responsibilities of school governing bodies within the wider context of school performance and leadership

2.1 These should be clearly expressed in the Governing Body's Terms of Reference. Governing Bodies are a critical part of the leadership and management of the school. The Company knows that a school cannot become outstanding without outstanding governance.

2.2 The *purpose* of a Governing Body is to oversee the strategic direction of the school as well as regular monitoring of the school's operational performance.

2.3 Leadership of any school demands a tripartite relationship between the Governing Body (especially the Chair), the Headteacher/Principal and Bursar/Finance Manager.

2.4 Governors are non-executives and thus the *role* of the Governing Body is to act as critical friends of the management of the school. It is the Governors' role to oversee but not to perform the management of the school. In carrying out this role, Governors must have regard to the best interests of the school and students as well as the interests of other stakeholders. Governors, particularly parent Governors, may be a channel for communications between the school and parents but cannot speak for the school without prior approval.

2.5 Individual governors must recognize that their primary responsibility is to the school as opposed to any other body that may have appointed them; this is analogous to the responsibility of non-executive directors appointed by outside stakeholders of a company.

2.6 The principal *responsibilities* of the Governing Body are:

- The development of medium term (three to five years) and long term (five to 15 years) strategic plans including significant capital expenditure.
- Oversight of the Headteacher's/Principal's leadership of the school.
- Monitoring of operational performance; determining Key Performance Indicators (KPIs)—up to ten and both "lead" & "lag" indicators (examples can be provided)
- Honesty and discretion in all matters discussed.
- Ensuring that the Governing Body has the required spread of expertise to oversee school performance effectively, where typically budgets of £10 million plus may be involved. For Haberdashers' schools, expertise in business, financial, property knowledge, educational skills and external links are at the core of effective Governing Bodies.

3.0 The implications of recent policy developments for governing bodies and their roles

3.1 With the recent policy shift to further encouragement of schools to become Academies (currently over 2,400 in England) and the consequent loss of local authority guidance, the governance of schools is ever more important. Governing Bodies in the state-funded sector draw good practice from a variety of sources such as the DfE *Handbook for School Governors*. In their self-evaluation, where it takes place on a regular basis, it pays due regard to the Ofsted guidance, as set out in the *Framework for Inspection* and the complementary *Subsidiary Guidance*. The latter sets out in detail how Inspectors should view the effectiveness of the Governing Body. The practice of the Independent Schools Inspectorate (ISS) usually follows Ofsted guidance and this is welcomed.

3.2 Ofsted Guidance

The Ofsted Subsidiary Guidance mentions governance in the section on the quality of leadership and management of the school. It highlights the following:

- There are different models of governance, such as Federations (as exemplified by the two Haberdashers' Federations in SE London & Shropshire—though very different models/structures), free schools, Academy chains and LEA funded schools.
- Governors' challenge and support for the school, and holding senior staff to account.
- The Governors' responsibility for strategic decisions concerning the development of the school.
- Do Governors perform poorly and contribute to weaknesses and management?

3.3 The Guidance further considers the following detailed questions in addition to the usual statutory requirements and issues of vision and ethos. Do Governors:

- Understand the strength and weaknesses of the school, including quality of teaching.
- Understand student data.
- The impact of teaching and learning in different age groups.
- Understand how schools make decisions about staff pay progression.
- Performance manage and challenge the Headteacher/Principal rigorously.
- Ensure that the school's finances are properly managed.
- Ensure that safeguarding measures are fully implemented

These questions highlight the need for a wide range of expertise to be available on a Governing Body. It also highlights the need for full commitment from Governors. Haberdasher Governors are required to make such a commitment to school governorship (see next section).

4.0 *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment.*

4.1 The Haberdashers' Company has a clear and rigorous attitude to the recruitment of Governors to its schools. In addition, Chairs of Governors will have had at least three years' experience as a Governor in another school within the "family". They agree to become Chair a year before taking up office and are then able to take up further training as appropriate.

4.2 All Haberdasher Livery Company members are encouraged to become school Governors. Nevertheless the selection process is thorough and the Company is careful to match new Governors' skills to the needs of the Board/Federation. Newly-recruited Governors receive an induction pack and undergo an induction process, including a tour of the school with the Headteacher and Bursar, a discussion with the Bursar and a discussion with the Clerk and Chair. They are also interviewed by the Governing Body's "Safer Recruitment" Governor.

4.3 All Haberdasher Governors are expected to undergo periodic training by the Company and professional bodies, such as the National Governors Association (NGA) or the Association of Governing Bodies of Independent Schools (AGBIS). The regular, arguably annual, self-evaluation can identify gaps in training. In addition, the Company's Education Adviser is available to organize training and to advise Governing Bodies on related matters.

4.4 The Haberdasher Governing Bodies are all accountable to the Company as well as to the parents and students on the schools. The Company Education Committee meets regularly and reviews its family of schools' performance as well as their strategic direction. All Company Chair of Governors sit on this Education Committee. The Clerk to the Company is the Executive Officer in this process and is responsible to the Company Master and its Court. There is also an Assistant Clerk with specific responsibility for schools. The Chair of the Education Committee is usually a Past Master having several years of experience as a governor; he/she holds office for about six years. This accountability framework is particularly important as major capital works demand probity and skill. It must also be remembered that the Company is involved with education for the "long term"—it already has over 400 years' of commitment and experience!

4.5 Governors are responsible for all students and staff in the schools they serve, as well as overseeing the use of large budgets. The process outlined above helps to ensure commitment, a keen understanding of the challenge and support needed and knowledge that the Governor's contribution is making a difference to the school students' lives. It also addresses the key issue of balance between representation and skills. The Company recognizes that Governor capacity can be an issue, particularly since the Company appoints members of its Livery to be the majority of Governing Bodies/Federations in all its schools/Academies. To date, this has worked well and can offer pointers to more traditional LEA appointed Governors, particularly in relation to involvement, commitment and accountability to the school/Academy as opposed to the LEA itself.

4.6 Especially, but not exclusively, many people are fearful of becoming Governors. There may be two primary reasons:

- Concern about the time commitment (up to 10 days per annum); but this can be managed with clear advanced schedules of meetings—often in the evening/weekends.
- Concern about legal liabilities; but these can be managed by an efficient Clerk who regularly brings policies to the Board for discussion/approval.

5.0 *The Remuneration of Governors*

5.1 Haberdasher Governors give freely of their time and skills. The Company will pay travelling and accommodation expenses for visits to its schools around the country. An effective Chair of Governors will contribute the equivalent of a day a fortnight to the school and possibly more if the Governing Body is a Federation. There may thus be a case for the payment of an honorarium for the Chair of Governors to be compensated for this time; this case is, however, not founded upon much evidence; indeed it is very questionable whether it would lead to better Chairs. Commitment is not necessarily directly linked to financial reward. It is probably better to consider Chair/governor service like jury service, where employers also contribute by paying their employees whilst acting as Governors—part of an employers' CSR.

6.0 *The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders and trade unions*

6.1 Haberdasher Governing Bodies view their schools, whether state-funded or independent, as key elements in the local community. As such, clear and transparent dealings with the local authority are essential. In the case of the Academies, these have been founded with the full cooperation of the relevant local authority.

6.2 Academy Local Governing Bodies are formally subcommittees of the Governing Bodies of the Academy Federation trusts. It is however vital that they have clear delegated powers to ensure that the local Governors' work is valued and felt to be worthwhile. These delegated powers will be outlined in the terms of reference.

6.3 The Sponsor of the Academies is the Haberdashers' Company whose Governing Body, the Court of Assistants, discharges this responsibility by delegating to the Education Committee.

6.4 The best Governing Body would be ineffective if its relationship with the Headteacher and the senior team were to be dysfunctional. The Headteacher, as the Chief Executive of the enterprise, is the critical person in the success of the school and its students. Headteachers are not usually expected to be Governors in Haberdasher schools.

6.5 Haberdasher Governing Bodies would normally leave discussions with trade unions to the Headteacher.

7.0 *Possible changes to current models of governance*

7.1 The Haberdashers model of governance, as detailed above, has worked well. The following aspects may contribute to any changes:

- Rigorous selection and interviews.
- Skills match of expertise to match the school's needs such as business and marketing, finance, ICT, property management, or education.
- Accountability to a trust.
- Chairmen to serve as a Governors for at least three years before appointment.
- Required training.
- Required self-evaluation at least every three years.
- Ofsted inspection to look at the above.

7.2 "Models" are not as important as "principles" of governance.

January 2013

Written evidence submitted by Governor Services, Cambridge Education, Islington

INTRODUCTION

As part of the invitation to submit evidence on the point below, the attention of the Select Committee is drawn to the comments below and to the 2011 Review of School Governance undertaken by Islington Council, a summary of which is attached as an appendix. The Select Committee will be aware that there have also been a number of independent research reports in recent years which have addressed many of the committee's concerns in detail, some of which are listed at the end of this document. Although a number of recommendations were made, limited action has followed to date.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Consideration has been given to the points to be addressed. Based on these considerations, the points below summarise the recommendations made to the committee:

- The core purpose of governance to be restated, and any further changes to be subsequent to this.
- The roles and responsibilities vis a vis the Headteacher to be updated.
- The number of changes and pace of change demanded of GBs to be reduced.
- All GBs to be required to commission, annually, an independent report on the work of the school.
- All GBs to be required to undertake a process of self review annually.
- Some training to be made mandatory for all governors.
- All GBs to appoint a trained clerk who is external to the school.
- The work of the One Stop Shop in supporting the recruitment of business and community governors to be endorsed, and where possible, extended.
- There should be no compulsory requirement to reconstitute.
- The demands on governors and the value they add to schools should be more publicly recognised, as should the benefits which the experience of governorship offers to those who volunteer.

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1. What is school governance for? The assumption is that governance per se, as is the case for many other organisations (businesses, charities, etc) is the mechanism for the oversight of the effective performance of schools and to ensure the proper use of public funds, for both of which the level of public accountability is high. The importance of this role has increased, as the responsibilities of local authorities have been diminished. Governing bodies often see themselves as having a moral duty and purpose, and this brings a strength of commitment to the role. Other than a completely centralised system, there is no immediately obvious alternative.

2. Clarity of purpose, expressed through statutory responsibilities, is therefore the paramount requirement. If it is to be defined simply as a duty to secure school improvement, then the role as set out in current legislation should be more clearly defined, with less emphasis on the management of minor aspects.

3. On the issue of school leadership, the roles of the Head and of the GB are traditionally quite distinct, as is the case of any CEO and board. It is therefore less helpful for governance, which has a different function, now to be included and judged by Ofsted within the overall category of school leadership.

4. The opportunity should be taken under this review for these roles to be clarified and confirmed and, in doing so, it is suggested that the DFE document 2002 “Responsibilities of Headteachers and Governing Bodies” which clarified the respective roles, should be updated.

2. The implications of recent policy developments for governing bodies and their roles

1. Effective Governing Bodies are demonstrably able to assimilate change, and to oversee implementation at a strategic level. However there is a clear issue of increased workload arising from the extent and the rate of policy change, which deflects from and delays carrying out other responsibilities, and for which often insufficient information or guidance is available. Action should be taken both to limit this, and to improve the communication of any changes which are deemed unavoidable. Ever increasing demands, and the perceived introduction of a more politicised approach, are in danger of overwhelming some GBs or causing individual governors to feel the role has changed from that which they had volunteered to do.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

(a) Recruitment (NB issues of governor recruitment will vary across the country)

1. Within inner cities, there is high mobility across all aspects of the education community. For particular categories, the support of organisations such as the One Stop Shop has been very effective in identifying candidates for appointment as business/community governors, and also, as required, non political governors to fill any vacant LA places, in line with a commitment to a minimum LA vacancy rate.* It is recommended that the work of the OSS continue to be supported.

(b) Training and development

2. Although this is currently not mandatory, the development of governors through initial and then targeted training is essential, to maximise the effectiveness both of individuals and of the corporate body, as early as possible within the standard 4 year term of office. The statutory responsibilities of GBs (for safeguarding, staffing, finance etc.) which are set out in other than the governance regulations, require more than a casual understanding of the issues.

3. In addition, Ofsted evidence and the HMCI published characteristics of outstanding, and conversely, unsatisfactory governance, refer to knowledge and understanding of the role, relating to the ability to carry it out effectively. Action for GBs requiring improvement invariably includes training: in such cases we would submit that prevention is invariably better than cure.

4. Arguments against include time and cost, but even if compulsory this would be a very small percentage of any school's CPD budget. Most LAs, voluntary authorities and increasingly the private sector, offer training; schools are efficient at organising in-house or in-cluster training; and there are now many excellent on-line packages available.

5. It is strongly recommended that as a minimum, the national induction course is mandatory within the first year.*

* see recommendation 4.1 and 4.2 of the Council's Overview report.

The importance of high quality mandatory training, is also identified in the several research reports referred to at the end of this submission. The failure to endorse and deliver training not only denies schools the level of support they are entitled to expect from their GB, but also prevents individual governors from a non skills based background from making as full and proper a contribution to governance as they would otherwise be able to do.

6. An illustrative quotation from a Governing Body meeting in December 2012 whose members were clear that training had made them as individuals much more effective, much sooner: *"We have huge responsibilities and operate in very much the same way as trustees of some charities, of which I am one, and for which I am required to undergo training in governance. Why isn't this the case for school governors?"*

4. *The structure and membership of governing bodies, including the balance between representation and skills*

1. There have been a number of studies and reports in recent years but no conclusive outcomes. Some key research on this (see below) has demonstrated that amending the model has had no impact on GB effectiveness. The issue is therefore assumed to be less to do with the structure or model of governance, than with the effectiveness of its membership, which may be addressed by other means. (See point 5 below)

2. The view of this authority remains that schools are not primarily businesses, and the community engagement and "buy in" of the stakeholder model is the most important principle in ensuring trust and accountability across the wider public community.

3. Locally, we have no evidence that either vacancy levels, or schools with a smaller group of active governors, have limited the effectiveness of any GB. The views expressed by a current Governor-led working group which is reviewing this, is that where there are GBs with some more active governors, this system operates only with the trust and support of the wider membership, which in turn endorse and give legitimacy to the work undertaken. The pragmatic view is to support what works, and so identifying and sharing high quality leadership across GBs is now the relevant task of this Working Group.* (See also point 8 below)

5. *The effectiveness and accountability of governing bodies*

1. These are both predetermined by the current statutory duties and roles and responsibilities currently placed on GBs by the DFE, and assessed by Ofsted:

- effectiveness is assessed by Ofsted and by HMCI, whose judgements and findings are made public on three to five year cycle:
- accountability is characterised by the requirement to publish factual information annually: ie test results; use of pupil premium funding etc.

* see recommendation 4.6 of the Council's review.

2. Islington is currently among the 10 most improved local authorities in the country, and 89% of schools are judged good (61%) or outstanding (28%). There are currently no failing schools and the seven schools (11%) graded "satisfactory" are all making strong progress. The effectiveness of governance up to December 2011 was judged by Ofsted to be good or outstanding, in five out of six schools. Since January 2012 such judgements have been included within leadership judgements which, with one exception (satisfactory), have been good or outstanding. If the Ofsted framework is to continue to have relevance, then governance must be characterised as effective.

3. Substantial advice and evidence as to how GBs may become more effective in carrying out the above roles is already available from many sources, including Ofsted, the DFE, NGA, etc. and this too has been the subject of previous reports.

However, effectiveness could be further assured by introducing the following requirements on GBs:

- to attend some mandatory training (see 3 above);*
- to arrange an annual independent/external review of the performance of the school—this function is now largely regarded as limited to formal advice on HT performance management, with other topics determined by the Headteacher which support the work of the school. The importance of triangulation of information to enable any GB to be fully informed is recognised, but the required means to achieve this is wanting;**
- to appoint a well-trained and informed clerk, who is not line managed within the school, in order to provide external independent advice; and
- a requirement for all governing bodies to complete a self evaluation audit on an annual basis, which would be additional to the school's process. This would then form the basis of any subsequent external assessment of governance.

* 4.8 of the Council's Overview report.

** 4.9 of the Council's Overview report.

6. Whether new arrangements are required for the remuneration of governors

Arrangements already exist for the payment of allowances which help to ensure that no one is excluded from standing as a governor. The introduction of any form of remuneration would fundamentally change the nature of the role. This has not been raised as an issue of concern by governors in this borough. There would need to be clear evidence to support any case for its introduction, plus an examination of any benefits assumed, including the impact on school outcomes. The question would then arise of who would meet the costs?

7. The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

1. Within this authority, the benefits of collaborative working are widely understood and shared. Schools and governing bodies in this authority (and no doubt many others) are supportive of the new arrangements for working with each other and with the LA, as set out in the "Islington Community of Schools" which is the local framework within which changes in responsibility, decision making and commissioning powers are recognised and managed.

2. Schools and their governing bodies continue to make it very clear to the local authority that there is an on-going need for a central support role, recognising the pressures and demands on schools in inner city areas with high levels of deprivation, EAL, mobility and other challenges. *

* 4.7 and 4.11 of the Council's Overview Report.

8. Whether changes should be made to current models of governance

1. As stated in point 4 above, the view of this authority is that community engagement is an important principle and the "buy in" of the stakeholder model helps to ensure trust and accountability across the wider public community.

2. The 2007 regulations already offer considerable flexibility for GBs to work together in an informal way from partnering, through collaboration or soft federation through to a formal arrangement such as federation. There are many successful examples of this both locally and nationally.

3. With the introduction of the 2012 Constitution Regulations, the opportunity also exists for any Governing Body which chooses to do so, to reconstitute from the fully defined stakeholder model, to something closer to the skills based or executive model.

4. It is therefore not clear why any further changes should now be considered necessary. If further changes were to be proposed: ie introduction of a solely skills based model, these would need to be fully explained and justified, and, as is the case as for the regulations above, should remain optional.

Written evidence submitted by Buckinghamshire County Council

Buckinghamshire County Council is pleased to respond to the Education Committee's request for written submissions of evidence to support its inquiry into the role of school governing bodies. Our evidence below is applicable to all governing bodies regardless of their status (community, voluntary controlled, voluntary aided, foundation, trust, academy, free school) unless specified.

1. *The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

School governing bodies are the legal corporate bodies that are accountable in law (under the Education Act 2002) for the conduct of the school and to promote "high standards of educational achievement". This means that decisions are the joint responsibility of the governing body and individual governors may not act independently of the rest of the governing body.

Governing bodies have a mix of strategic and statutory responsibilities, their key ones being to:

- set the aims and objectives for the school;
- set the policies for achieving those aims and objectives;
- set the targets for achieving those aims and objectives;
- monitor and evaluate the progress the school is making towards achievement of its aims and objectives;
- ensure that the school complies with statutory regulations; and
- be a source of challenge and support to the headteacher.

An Academy Trust's object is to advance education through the management and development of a school offering a broad and balanced curriculum. The roles and responsibilities of governing bodies of academies are set out in their Trusts' Articles of Association and Funding Agreements and essentially mirror the above but the financial responsibilities are greater.

2. *The implications of recent policy developments for governing bodies and their roles*

The increasing diversity and autonomy that is being brought about by recent policy developments increases the accountability of governing bodies for ensuring that their schools take the lead in school improvement. It also develops an education system that is increasingly reliant upon the effectiveness of governing bodies to carry out their role as set out in the previous paragraph.

At the same time, policy developments are fragmenting support that is available to governing bodies in areas of the Country as Local Authorities (LAs) reconfigure themselves as their direct support to local schools is declining. For some areas this is currently producing a vacuum in school improvement and governor services. With this comes the loss of local knowledge about schools which is so important in understanding and supporting governing bodies in their role. This year only 60 LAs (39%) took part in the Co-ordinators of Governor Services (COGS) national bench-marking exercise, which is indicative of the significant reduction in governor support services across the Country.

In other areas, such as Buckinghamshire, the importance of high quality support for school governing bodies is recognised and will be maintained by offering services in new ways. Buckinghamshire is doing this through the development of a charitable trust in partnership with local schools, which will be fully operational by 1 September 2013. Once established, a partnership such as this would be able to offer services to governing bodies beyond its locality.

The academy programme has had implications for governing bodies whose schools have converted to academy status. Although conversion is a decision for the governing body, in reality this has often been driven by the headteacher and it is not uncommon to find governors of a newly converted academy school who have a very limited understanding of the governance structure they now need to operate in. In Buckinghamshire we are providing induction training for academy governors through our development programme as well as academy financial management training.

At the other end of the spectrum, in schools that are being directed to become sponsored academies, the sponsor takes on some of the responsibilities of the former governing body, such as appointment and performance management of the headteacher, leaving the "local" governing body more like a committee in status and power. This is especially true in academy chains.

The new Ofsted Framework (September 2012) with a much stronger focus on school governance is to be welcomed as is the recommendation by Ofsted that a governing body should commission an independent review of governance if its school is graded three for leadership and management.

3. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

School governors are the largest volunteer force in the Country (approx 300,000 governors) and in the COGS benchmarking review 2011–12 there was an average vacancy rate of 12.3%, with a regional average range of 10.2%–14.7%. This compares with 11.7% and 11.2% in 2010–11 and 2009–10 respectively. These figures would suggest that recruitment of governors is not a particular issue although it is always more difficult to recruit to schools in challenging circumstances or areas of deprivation. Our concern is, that with the increased expectations of governing bodies, it will be more difficult to recruit volunteer governors.

However, school governing bodies are not necessarily representative of their schools' communities. In Buckinghamshire our data at the end of March 2012 demonstrated that 4.5% of governors are from Black, Minority, Ethnic (BME) communities, whilst the school pupil population was 25.7%. Our Governor Services Team works with community groups to encourage greater BME community representation, but with the changes in LAs referred to in paragraph 2, this is not likely to be an approach that is replicated across the Country.

Buckinghamshire also works with the School Governors' One Stop Shop to recruit and place governors with business backgrounds and experience.

Traditionally, governor training and development has been provided by LA governor services and the COGS' benchmarking data for 2011–12 gives a national average of 84% of governing bodies subscribing to a LA governor training service with a regional average range of 71%–92%. This is 5% lower than in 2010–11.

The benchmarking data on training shows that 89% of governing bodies were represented on training in 2011–12, with a regional average range of 83% to 96%, compared to 91% the year before.

In Buckinghamshire 100% of governing bodies were represented on training in 2011–12, compared to the national average of 89%.

The National College has developed a licensed leadership development programme for chairs. There are 12 licences across the Country and Buckinghamshire is taking an active role in its partnership with the Eastern Leadership Centre, the National Governors' Association and other LA governor services to ensure this is available to Buckinghamshire chairs. There has been a high level of interest in this Leadership Programme from chairs and aspiring chairs in Buckinghamshire, with over 90 registering an interest so far. As well as inviting our chairs to undertake this leadership programme, we are also encouraging our aspiring chairs to support governing body succession planning which is important in supporting continuity.

Induction training for new governors is essential in ensuring that they understand their role. In Buckinghamshire new governors³⁹ are pre-booked onto our induction course, which consists of two full days and two evenings and in 2011–12 90% of new governors attended, compared to a national average of 56%.

It is the view of Co-ordinators of Governor Services, the National Governors' Association and many governors that induction training should be mandatory for all new governors.

4. *The structure and membership of governing bodies, including the balance between representation and skills*

The stakeholder model of school governance as set out in the Constitution Regulations 2007 is a good one in ensuring that parents, staff, the school's community, and foundations (if any) are represented on a school governing body and can bring their different perspectives to bear to the benefit of the corporate governing body. Very occasionally it can make the appointment of governors with the right skills difficult, but this is rare.

The introduction of the 2012 Constitution Regulations means that the governing bodies of LA maintained schools now have more flexibility and can avoid the difficulty mentioned above. It allows LA maintained schools to have a constitution akin to that of academies if they wish. Under this model it is still possible to ensure stakeholder representation on a governing body and this is something we would always recommend, given our belief that governing bodies should be representative of the communities they serve and are accountable to.

Some suggest that there is a tension between the stakeholder model of governance and the skills required to make a governing body effective. They believe that the stakeholder model of governance should be removed and replaced by a smaller governing body based on skills. However, no sound evidence has yet been produced to substantiate these views.

A piece of research entitled, "*Schools, Governors and Disadvantage in England*", was published by the Joseph Rowntree Foundation in June 2007, is often quoted as providing the evidence that smaller, skills-based governing bodies were more effective and efficient. However, the research sample base for the study was very small, only 14 schools; and the sample included interim executive boards (IEBs) which are put in place for a very specific purpose for a time-limited period when a LA intervenes. This study did not provide the evidence for its conclusions.

³⁹ on governing bodies subscribing to our governor development programme.

It is our view that there needn't be a contradiction between stakeholder representation and having a skilled governing body. We would argue that a willingness to learn and get involved is what is crucial. Combine this with good support and access to training and new governors can learn the skills needed to undertake school governance effectively. Governors need to be able to question, challenge, monitor and evaluate. As mentioned in paragraph 3, we consider that a good induction programme for new governors is essential and should be mandatory.

5. *The effectiveness and accountability of governing bodies*

The most recent Ofsted inspection judgements for maintained schools at the latest inspection (as at 30th June 2012) were: outstanding 4,477 (21%); good 10,539 (49%); satisfactory 6,100 (28%) and inadequate 571 (3%), of which 226 were subject to a notice to improve⁴⁰.

Figures comparing the most recent and previous overall effectiveness judgements for all secondary schools inspected twice between September 2005 and April 2011 (2,153 in total) showed that of the 937 previously judged satisfactory, 50% were unchanged at the next inspection (the so-called "stuck" schools), but 42% had improved and 8% declined.

Analysis of the first 127 primary school inspection reports under the new framework published on the Ofsted website shows that two-thirds (64%) of those previously judged "satisfactory" have now been graded "good".

Under the previous Ofsted Inspection Framework (2009) where governance was given a separate grading for "the effectiveness of the governing body in challenging and supporting the school so that weaknesses are tackled decisively and statutory responsibilities", the COGS' benchmarking data shows that governance was graded good or better nationally on average in 62% of schools, with a regional average ranging from 50% to 71%. Governance was graded satisfactory or better nationally in an average of 94% of schools, with a regional average ranging from 94% to 100%.

There is a strong correlation between good governance and good schools and, where a school is failing, governance is weak with the governing body not holding school leaders to account or effectively monitoring the work of the school (*Getting to good: how headteachers achieve success, Ofsted report, September 2012*).

In May 2011, Ofsted published "*Learning from the best*", a report on school governance which listed a number of common factors that were found in the governing bodies of outstanding schools:

- Positive relationships—trust, transparency.
- Shared high quality information.
- Ability to make hard decisions.
- Honest self-evaluation supporting action.
- Clarity of roles.
- Strong core structure in governing body.
- Regular visits with clear protocols.
- Searching questioning—meaningful support.
- Integrity and mutual support.
- Using skills to hold leaders to account.
- Clear procedures, systems & processes.
- Effective use of a professional clerk.
- Timeline of activities.
- Knowing and using skills of governors.
- Governing Body self evaluation.
- Governors know their school.

The leadership role of the chair of the governing body is crucial in the effectiveness of the governing body and it is essential that a chair has access to training to ensure they understand their role.

The "pivotal" role of the clerk to governors was recognised in the "*Learning from the best*" report in ensuring that statutory duties are met, meetings are well-organised and governors receive the information they need in a timely way. In Buckinghamshire, we provide a professional clerking and advice service which is purchased by 90% of our LA maintained schools and academies, which supports governing bodies and "frees" governors' time to concentrate on their strategic role.

There are plans to "slim down" the Guide to the Law for School Governors so that it is more of a handbook. We are very concerned about the potential loss of the detail contained in this very valuable guide and would urge that it is absolutely essential to retain this for clerks, if not for governors.

Governing bodies are accountable to Ofsted and the communities that they serve. However, as mentioned in paragraph 2, we are concerned that the increased accountability that these groups of volunteers now carry due

⁴⁰ figures from csn policy briefing: Competition Meets Collaboration: Policy Exchange Report, 20 November 2012.

to recent policy developments will lead to a need for more LA interventions at a time when the LAs' resources and capacities are severely reduced. There is also a danger that potential governors will be discouraged from standing due to the further increase in the responsibilities that a governing body bears.

6. *Whether new arrangements are required for the remuneration of governors*

The model of school governance we have in England is a powerful one with an independent lay body holding the professionals in school to account for standards and financial probity. To introduce remuneration would alter the independence and autonomy of the governing body in holding the school to account.

Some advocate remunerating the chair of governors citing the IEB model, where the chair is usually paid. But, again, this is a different body of people brought in for a specific purpose for a time-limited period. To be effective a governing body needs positive relationships between its governors and with the headteacher based on trust, openness and transparency. Introducing remuneration for the chair would inevitably alter those relationships and they would no longer be "first amongst equals".

Rather than remunerating governors, we should do all that we can collectively (nationally and locally) to raise the profile of school governors especially with employers. Despite being legally entitled to take unpaid time off work for their school governor duties, some governors report that their employer does not recognise this and they have to take annual leave.

We should also encourage governors to claim legitimate allowances from their schools. Most frown upon this, preferring to leave the money for the benefit of the children in their schools. However, an alternative approach would be for all governors to claim their allowances and then those who can afford to could "gift aid" it back to the school if they wished to do so⁴¹. In this way, any governor who would benefit from claiming allowances does not feel unwilling or uncomfortable in doing so and the school has the benefit of the "gift aid".

7. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders and unions*

This is going to be extremely variable depending on the governing body, its context and the area it is in. Lots of governing bodies will never have relationships with Unions or their Local Authority. They will all have relationships with school leaders and it is really important that these are sound, open and based on trust. The relationship between the chair and the headteacher is a vital one, which is why it is so important that each understands the other's role as well as their own. Again this is why good training and support is so important.

With recent policy developments many LAs are considering how they will maintain/build relationships with their governing bodies, schools, free schools, academies and sponsors so that they continue to champion the child and ensure sufficiency of school places.

8. *Whether changes should be made to current models of governance*

As stated in paragraph 5, the stakeholder model of governance allows the inclusion of the different groups with an interest in a school in a way that protects their representation and provides balance between the different perspectives. It is a powerful model and works well when utilised in this way.

The introduction of the 2012 Constitution Regulations gives LA maintained school governing bodies the opportunity to adopt a smaller, more flexible model of governance if they wish, whilst not removing the ability to have stakeholder representation.

There is no contradiction between the stakeholder model of governance and having governors with appropriate skills given the right support and training

Given the above, we do not believe it is necessary to make further changes to the current models of governance. There is always the danger that to do so, will divert some governing bodies' attention away from school improvement and they will spend valuable time considering their own structure.

In a recent NGA poll on whether governing bodies were going to reconstitute under the new Constitution Regulations 2012, the results were as follows:

No	57%
Probably not	18%
Don't know	3%
Considering it	16%
Yes, definitely	6%

January 2013

⁴¹ would this be permissible under financial regulations in LA maintained schools?

**Written evidence submitted by the National College for School Leadership
(now National College for Teaching and Leadership)**

EXECUTIVE SUMMARY

National Leaders of Education (NLEs) are outstanding school leaders who use their knowledge and experience of teaching to provide additional leadership capacity to schools in challenging circumstances. Many NLEs will have previously worked to support schools in challenging circumstances and all have worked beyond their own school. The government is expanding the number of NLEs as part of its school reform programme.

Each year, some NLEs apply and are selected to join a Fellowship Programme to develop their leadership experience and skills. As part of the 2012 Fellowship, participants were asked to develop policies that they believed could improve the effectiveness of school governance, so that there are no underperforming schools.

This report is the work of those of us who took part in that programme. It draws both on our own experience and on discussions we had during the Programme with a wide range of national and international policymakers, teachers, school leaders and academics.

These proposals are about transforming school governance

We have drawn on evidence from the public, private and voluntary sectors highlighting the importance of good governance both for strategic leadership and accountability.

These are practical proposals drawing on years of excellent leadership experience

The practical nature of the key proposals reflects our desire as school leaders to ensure that governors focus on the right functions, so that they can play the most effective possible role in schools like those that we lead. We have developed our proposals to make the most of the freedoms and flexibilities enabled by the government.

Most of these proposals require no new money; they are about using existing resources more efficiently

We recognise that money is tight. We want to ensure that resources are as effectively deployed as possible. Good governance must be efficient governance, but does not require significant new resources.

What lies behind our proposals

We want to encourage schools to have smaller, more tightly focused governing bodies that concentrate on core functions, so that all schools perform well.

To achieve these goals, we have put forward key proposals based around our four key themes of having the right information, incentives, interventions and innovations linked to governing bodies focused on five core functions.

1. *The Five Core Functions*

The five core functions we identified were (a) to ensure clarity of vision, ethos and strategic direction; (b) to hold the Executive accountable for standards against benchmarks (c) to ensure solvency and probity (d) to ensure leadership complies with statutory regulations; and (e) to engage stakeholders. We believe that this also means smaller, more focused governance backed by the right information, incentives, interventions and innovations.

2. *The Right Information*

We propose four key improvements. First, a national data dashboard to highlight key information to enable governors to focus on where improvements are most needed. Second, a communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy converters. Third, the 256-page governor manual should be replaced by online high quality support and training. Finally, new governors could be interviewed using a competency matrix.

3. *The Right Incentives*

We need to attract younger and ethnically diverse governors. A new business-backed Govern First programme would raise the profile for governance. People who become governors should see its wider moral purpose, beyond their own school, and have access to high quality accredited training. There should be a review of potential corporate tax breaks for governors.

4. *The Right Interventions*

With Ofsted changing its approach to inspections, it should be clearer about the importance of good governance. Ofsted should focus its governance judgements on our five core functions. Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement. Where schools are placed in special measures, Ofsted should recommend

Interim Executive Boards (IEBs) to support improvement. The instigation of an IEB should take place within six weeks. IEB membership should include a small focused core team led by a paid Chair with NLE support money used to support this payment. Good and outstanding leaders, including Chairs of Governors, should be commissioned to lead IEBs to help turn schools around. The IEB should be built around the five core functions, with the purpose of training a new governing body over an agreed timeline.

5. *The Right Innovations*

New clusters, federations and chains require new forms of governance. Effective governing bodies should consider governing more than one school, to drive improvement and to benefit from economies of scale. Converter academies should actively contribute to system leadership including through innovative and shared governance. Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed and to support vulnerable and underperforming schools.

1. INTRODUCTION

Each year, the National College organises a Fellowship programme for outstanding primary, special and secondary head teachers. The programme allows them to examine cutting-edge theory and practice in leadership and management. It provides access to leading academics and policymakers, as well as opportunities to see excellent practice.

It equips strategic leaders who have proved themselves through the National Leaders of Education (NLE) process as capable of improving both other schools and their locality. The National Leaders of Education are heads of successful schools who work with one or more schools in challenging circumstances to help them improve.

The programme also gives participants a chance to learn from the best of the public and private sectors, so that they can improve their own system-wide leadership. During the course of the programme, school leaders spend time at leading business and management schools. Some had the chance to see how education works in Singapore. They also take part in a week-long residential event where they have the opportunity to help formulate policy proposals and present them to senior policymakers. This year we were asked to look at policies that could transform school governance to ensure that there are no under-performing schools.

This report and its recommendations are the result of our deliberations. The Fellowship Commission Week was delivered by HTI, an independent non-profit leadership development organisation with strong industry links.

The Process

The Fellowship participants had two day-long workshops and an intensive four-day session to develop proposals drawing on our own experience as leading heads supported by expert advice. Our objective was to develop policies that could ensure the transformation of school governance, within the context of higher expectations of schools, greater autonomy within the state sector, increased governance flexibility and the growth of federations, clusters and chains.

We spoke to leading educational experts and stakeholders [see Appendix 1]. To get an understanding of the pressures involved in making policy work, we heard from the schools minister and the policy adviser to the Secretary of State. We heard from successful governors and school leaders, as well as from the National College and Ofsted. We also drew on a range of written material, including Ofsted evidence, the Walker Report on Corporate Governance and reflected on the Government's ambitions in this area. We particularly drew on our own experiences as NLEs working with governing bodies in outstanding schools and adapting to the changes in governance associated with NLE status, academies and federations.

Having considered evidence on what would make a difference, we discussed a range of ideas and developed them into four core proposals which we presented to Dr Liz Sidwell, the Schools Commissioner; Penny Jones, Deputy Director, Independent Education and School Governance at the DFE; and Steve Munby and Toby Salt of the National College.

Credibility and Integrity

Crucial to the value of these proposals is the extent to which they draw on our own experience as successful school leaders. We know how important it is to ensure that governing bodies are focused on their core functions. Many of us have been trying new forms of governance in response to our wider system leadership. The practical nature of the key proposals reflects our belief that the system can be improved by schools themselves. They do not require legislation, but they do require greater awareness of what is already happening and what is possible.

The process of talking to leading academics, practitioners and policymakers allowed us to draw up proposals that recognised the various pressures involved in implementing new policies like these. But we believe that the real strength of our proposals rests in the integrity of ideas that come from years of frontline experience. We are confident they will help ensure a step-change in school governance.

What Happens Next?

When the Fellowship met in March 2012, we were told that the Department for Education was undergoing a review of governance. The National College had also introduced National Leaders in Governance. Ofsted was planning its new inspection framework from September 2012. We were particularly pleased to be able to present the proposals to those officials from the DFE and the College who are central to changing governance policy.

We believe that if these proposals are adopted, they will lead to real improvements in the quality of governors, both new and serving, the development of improved system leadership and a real reduction in the number of underperforming schools, including those currently rated satisfactory (or required to improve in future) by Ofsted.

We are feeding these proposals into the DFE's review of governance, and sharing them with Ofsted and the National College. We hope that policymakers will give them their full consideration.

2. THE BACKGROUND

We started with the challenge that we had been set:

How can school governance be transformed to ensure that there are no under-performing schools?

Our deliberations gave us an insight into the practical and political pressures that would arise if our proposals were to be implemented.

School Governance in England

There are 300,000 governors in English maintained schools and academies. Since 1988, school governing bodies have had increased responsibilities, with a more important role as schools have gained increasing autonomy.⁴² Theirs is a voluntary role, and they are drawn from parents, staff, business and the wider community. As a corporate body, governors have significant responsibilities in law for the strategic direction of schools, and specific legal responsibilities for aspects of the school's safe running, curriculum, leadership appointments and financial health.

The Government's Approach

In 2010, the coalition government set out its vision for schools in its White Paper "The Importance of Teaching". On governance, it said that:⁴³

School governors are the unsung heroes of our education system. They are one of the biggest volunteer forces in the country, working in their spare time to promote school improvement and to support head teachers and teachers in their work. To date, governors have not received the recognition, support or attention that they deserve. We will put that right.

The White Paper went on to say that

"The time and expertise of governors needs to be better respected and deployed. Sometimes governing bodies lack the information or training to challenge effectively and support the head teacher and senior leadership of a school to improve. We will ... clarify governing body accountabilities and responsibilities to focus more strongly on strategic direction, and encourage schools to appoint trained clerks who can offer expert advice and guidance to support them. We will make it easier for governors to set high expectations and ask challenging questions, by giving governors easier access to data about how their school compares to others, and the National College will offer high-quality training for chairs of governors."

The White Paper also stated that:

Many of the most successful schools have smaller governing bodies with individuals drawn from a wide range of people rooted in the community, such as parents, businesses, local government and the voluntary sector. Smaller governing bodies with the right skills are able to be more decisive, supporting the head teacher and championing high standards. We will legislate in the forthcoming Education Bill so that all schools can establish smaller governing bodies with appointments primarily focused on skills.

The 2011 Education Act delivered this ambition for flexible governance. From September 2012, maintained schools can adopt a new approach. Governing bodies will still have to include the head teacher, but will have less prescription over the number of parent governors, and whether they are elected or appointed; they will only have to include a single local authority governor. Foundation and church schools retain foundation governors.⁴⁴ Lord Hill, the schools minister, told us that he had wanted even greater flexibility, but the House of Lords wished to retain a degree of local representation.⁴⁵

⁴² DFE website

⁴³ DFE (2010) 'The Importance of Teaching' p71

⁴⁴ Education Act 2011, clauses 38–39

⁴⁵ Oral evidence by Lord Hill to the Commission, March 2012

What Ofsted Says

In her 2010–11 Annual Report, Miriam Rosen, the previous chief inspector said that⁴⁶

[I]nspections identified considerable variations in the quality of governance across different types of school. Governance was judged good or outstanding in 58% of schools inspected this year overall, but this varied between 53% in pupil referral units and 55% in primary schools, to 64% in secondary schools and 71% in special schools. Although in the majority of schools the governing body acts as a critical friend, inspection findings show that where governance is less effective a lack of transparency and accurate information restricts the ability of the governing body to monitor the work of the school systematically.

A report by Ofsted in 2001 noted that schools in special measures often have governing bodies not fulfilling their responsibilities. They were supportive and gave enormous amounts of time, but were not offering any real challenge.⁴⁷ A more recent Ofsted report on how schools could learn from the best suggested that effective governing bodies had these key characteristics:⁴⁸

- Positive relationships between governors and school leaders are based on trust, openness and transparency. Information about what is going well and why, and what is not going well and why, is shared. Governors consistently ask for more information, explanation or clarification. This makes a strong contribution to robust planning for improvement.
- Governance supports honest, perceptive self-evaluation by the school, recognising problems and supporting the steps needed to address them.
- Absolute clarity about the different roles and responsibilities of the headteacher and governors underpins the most effective governance.
- Effective governing bodies are driven by a core of key governors such as the chair and chairs of committees. They see themselves as part of a team and build strong relationships with the headteacher, senior leaders and other governors.
- School leaders and governors behave with integrity and are mutually supportive; school leaders recognise that governors provide them with a different perspective that contributes to strengthening leadership; the questions they ask challenge assumptions and support effective decision-making.
- Governors are able to take and support hard decisions in the interests of pupils; to back the headteacher when they need to change staff, or to change the headteacher when absolutely necessary.

More recently, the new chief inspector, Sir Michael Wilshaw has expressed his views on the importance of school governance:⁴⁹

“I think we need to spend a lot more time on governance arrangements. When schools do poorly or badly, it is not just the issue of the school leader, the head, and the school leadership team; it is the way the governors have held the leadership to account. I have already said that our new inspection arrangements will focus more on governance and the effectiveness of governance than ever and there will be a subsection under leadership and management to say important things about governance. My view is that when a school is doing poorly we need to think about paid governance. I am on record as saying that, and my view is if a school goes into a requirement to improve category on the first occasion, the Secretary of State should intervene and think about paid governance there. That is my general view about governance.”

The Growth of Academies

At the same time, the coalition made it easier for existing schools to become academies, with greater freedom over their governance, and to establish new schools with academy-style governance, including free schools, university technical colleges and studio schools. In March 2012, there were 1,635 academies and 24 free schools, with significantly more expected in future years. Nearly 1,300 academies were former maintained schools that had converted in the last two years.⁵⁰ When they did so, they had the opportunity to change their governance, but there is little evidence that many choose to do so. It is also the case that when a school is under-performing, too little attention has been paid to governance.

However, those representing academy leaders argue that the new freedoms place greater emphasis on effective, accountable and more independent governance. In academies, rather than being volunteers, usually parents, with a single school perspective, governors should become non-executive directors of autonomous, not-for-profit public companies in a multi-school framework and perspective. In this environment, governors

⁴⁶ Ofsted (2011), *The Annual Report of Her Majesty's Chief Inspector 2010–11*, p66

⁴⁷ Oral evidence by Thomas Winskill, Principal Officer Ofsted, to the Commission, March 2012

⁴⁸ Ofsted (2011) *School Governance: Learning from the Best*, cited in Ofsted (2011), *The Annual Report of Her Majesty's Chief Inspector 2010–11*, p66

⁴⁹ Uncorrected transcript of oral evidence by Sir Michael Wilshaw to the Education Select Committee, 29 February 2012 at <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/uc1819-i/uc181901.htm>

⁵⁰ <http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0069811/open-academies-and-academy-projects-in-development>

needed a clearer understanding of the difference between executive and non-executive responsibilities. This also required a more professional appointment of chairs, a questioning of the size of governing bodies and more professional training.⁵¹

A Changing Schools Landscape

As NLEs, we are part of a changed schools landscape. With increasing school autonomy, there is greater accountability—high autonomy with high accountability, as Sam Freedman put it.⁵² Local authorities are seeing their role reduce, but there has been a significant growth in the number of federations, clusters and academy chains, where groups of schools often have a single strategic governing body. 600 academies are now in chains, nine of which have 10 or more schools.⁵³ Robert Hill, author of a new book for the National College on effective academy chains, told us that academy chain governance was mostly two-tier, with clear schemes of delegation and overlapping membership. They had small boards, with high calibre people and good training. There was a focus on performance, using a standard data dashboard. But they also faced challenges adapting to scale.⁵⁴ We also heard a variety of examples of such governance both from our witnesses and from some of our own number. Most had the common feature of a strong core team of governors, either at a trust level across several schools, or with a strong core team within a single governing body.

A former schools minister, Lord Knight, recently argued in the TES that all schools should be part of clusters with shared governance⁵⁵

“...rather than trying to have 25,000 governing bodies, we would be aiming at having just 1,500–2,500; each with high levels of skills for supporting and challenging school leaders. Most governing bodies pay for their clerks. With this reduction in the number of governing bodies, we should also move to paid chairs of governors. This would mean proper recruitment on the basis of skills and experience. The rest of the governing body should also be appointed for the balance of skills needed.”

Lord Hill favours a model where schools themselves decided on the best form of governance while seeing the merits of many of Lord Knight’s arguments. Government does not wish to direct schools (except those failing) on the best way to organise their governance.⁵⁶

Tackling Underperformance

Under the 2006 Education and Inspections Act, a local authority or the Secretary of State may appoint an Interim Executive Board to replace a Board of Governors as a temporary measure in a school that is failing. By having a focused small group of typically around six people with the right skills, the IEB can act decisively. One former IEB chair said that he saw its responsibility as providing external challenge through great leadership, and a strong short-term technocratic solution.⁵⁷ Some of our members have had experience of IEBs and found that it could take a long time to establish them—up to two years in some cases—and were concerned that they were not used where academies were failing.

The National College has launched a new programme of National Leaders of Governance, to enable highly effective chairs to use their skills and experience to support other chairs. The first NLGs were being designated in late March 2012, and may be partnered with NLEs. The programme was opened to those with at least three years’ recent experience as a chair in a good or outstanding leadership team who could commit between 10 and 20 days a year to the role.⁵⁸

“I have never seen a distressed organisation that could not be traced back to ineffective governance.”
Larry Scanlan, President and Chief Operating Officer of the Hunter Group

Governance in Other Sectors

We also looked at how other sectors are governed, and at recommendations for how they should be governed. In his review of corporate governance in banking and the finance industries, David Walker said⁵⁹:

Good corporate governance overall depends critically on the abilities and experience of individuals and the effectiveness of their collaboration in the enterprise and, despite the need for hard rules in some areas, will not be assured by box-ticking conformity with specific prescription.

⁵¹ Oral evidence by Tom Clark, chief executive of FASNA, to the Commission, March 2012

⁵² Oral evidence by Sam Freedman to the Commission, March 2012

⁵³ Robert Hill et al. (National College for School Leadership, 2012), *The Growth of Academy Chains: implications for leaders and leadership*

⁵⁴ Oral evidence by Robert Hill to the Commission, March 2012

⁵⁵ Knight J, “Do gooder governors must do better” (TES, 24 February 2012)

⁵⁶ Oral evidence by Lord Hill to the Commission, March 2012

⁵⁷ Oral evidence by Patrick Scott to the Commission, March 2012

⁵⁸ Oral evidence from Paul Bennett to the Commission, February 2012

⁵⁹ HM Treasury (2009) *A review of corporate governance in UK banks and other financial industry entities*

We heard a similar message from those working in the charitable and voluntary sectors. Helen Baker, chair of Advance Housing and Support, a housing association, said that good governance was about focus, collaboration and continuous learning. “If you have core purposes, you are not going to go off and chase political and other agendas,” she told us. She explained that boards should have five high level objectives which go right through an organisation, against which everybody delivers. Good risk management required a strong flow of information so that governors could focus their efforts strategically.⁶⁰

Governors Today

While there are around 300,000 governors in schools today, there is also a skills shortage. 11% of governors’ posts are vacant.⁶¹ Researchers at the University of Bath, based on information on 2,200 chairs of school governing bodies, say 97% are white and British. A third is aged over 60 while just 8% are under 40.⁶² A pupil governor from Broughton Hall High School in Liverpool suggested that school governance would be better if university students were recruited to the role.⁶³

Governing bodies are always run by older people. You don’t see say university students as governors. Being student governors we know we will be governors in the future but we don’t think you can be if you are in your twenties. It would be really good if we could get young people onto governing bodies, we don’t mean student governors we mean young people from around the school area. You could get undergraduates or people who have just finished university. But how would they know about it?

There is also significant evidence that governors are recruited for their representative role—as elected parents or staff, for example—rather than for particular skills, as would be the case in other fields. Some academies have sought to focus on skilled recruitment, perhaps reflecting their sponsorship, but they still appear to be in a minority.

The challenge of recruiting the right governors with the right skills seemed to us to be the paramount goal. Gareth Wynne, chair of governors at Smallberry Green Primary School in Hounslow, had five key ideas which struck us as crucial. First, raise the bar, so that governors are recruited for their skills, with clearer accountability to stakeholders. Second, cut the size, so that all governors add value, perhaps finding new ways to ensure parental representation. Third, contextualise the support so that it is governor specific. Fourth, exploit the skills of individual governors and use small problem-solving teams. And fifth, find ways to incentivise governors, including through tax breaks.

Mapping the Way Forward

On the basis of the evidence we heard, we set out what we believe should be the five core functions of governance, and make a series of recommendations in four key areas.

3. OUR PROPOSALS

The Five Core Functions

As outstanding school leaders, we know the importance of strong strategic leadership. Many of those we spoke to—including the Charity Commission—stressed the importance of having absolute clarity about the core purposes of governance, and the time that should be spent on the different functions.

Governors have a mix of strategic and statutory responsibilities. Yet, too often there is an imbalance between their strategic responsibility for holding the Executive to account and their statutory responsibilities to ensure that appropriate policies are in place on matters such as safeguarding and health and safety.

We want to see a rebalancing of effort so that Governors, who are often busy people giving their time freely, work as effectively as possible. So we identified what we believe are the five core functions for every governing body. We believe they should be inspected against these functions and that their primary focus should be on the first two, as these are most related to ensuring that high standards are achieved by students.

1. Ensure clarity of vision, ethos and strategic direction

Governors should ensure clarity of vision. They should challenge the school’s vision until it is clear, and then check proposed policies against it. Governors should understand the difference between their strategic role and the operational responsibilities of the executive. By having such clarity of vision, ethos and direction, and assessing progress towards associated goals, they can do so. An important part of this function is the appointment of strong school leaders who can deliver.

⁶⁰ Oral evidence by Helen Baker to the Commission, March 2012

⁶¹ Oral evidence by Lord Hill to the Commission, March 2012

⁶² Cited on the *Guardian* website, October 2011 at <http://www.guardian.co.uk/education/mortarboard/2011/oct/19/school-governors-old-and-white>

⁶³ Oral evidence by Hannah Spencer to the Commission, March 2012

2. *Hold executive accountable for standards against benchmarks*

Schools have more data than ever. With a clear data dashboard (see our policy recommendations) governors should focus particularly on “exceptions”—areas where goals are falling short—and be able rigorously to interrogate the school leadership on them.

3. *Ensure solvency and probity*

Governors have a legal responsibility to ensure the overall financial health of their school, a role that is stronger in academies. But this should mean ensuring rigorous audit and risk management, rather than deciding on day-to-day spending.

4. *Ensure leadership complies with statutory regulations*

Governors have legal duties in this regard, but their role should be to ensure that the executive complies with regulation rather than themselves producing detailed policies.

5. *Engage stakeholders*

Exercising these first four functions requires an expertise and experience that many current governors do not have. But we recognise that it is vital that parents and community stakeholders have their voices heard. This can be through a strong parents’ council, which could act as the voice of parents rather than as a parent’s voice, or by having a wider governing body with a strong core governors’ board. This approach can be more efficient and more effective than 20 governors trying to attempt all the issues.

This Means Smaller, More Focused Governance.....

We recognise that the evidence is mixed on the size of governing bodies. Nevertheless, we are persuaded that schools should be encouraged to have a small core team of governors who rigorously focus on the five core functions.

There are several possible models, and we think that rather than prescribing a single model, the potential benefits of each should be made clear to heads and governors as they consider how to respond to new governance flexibilities or to changing to academy status. Each brings together people with the right skills to focus on the five core functions.

Possible models include:

- An inner core model, where a small core of five or six governors acts as an executive board rigorously focused on the core functions, with the wider governing body ensuring representation and engagement with parents, staff and community.
- A board/council model, where the governing body is made up of a small number of governors recruited for or trained with the right skills to work strategically on the five core functions, but wider representation is provided by a strong parents’ council.
- A federal model, where a core board acts across several schools focusing on the key functions, but individual governing bodies (or councils, as in the Cabot Federation and the Girls’ Day School Trust) reflect the voices of each of the constituent schools.

We believe that it is for schools and academies to decide the right model for them, but it is crucial that governors are encouraged to be more focused and to consider the potential benefits of sharper governance models. They should focus on the core functions and review and evaluate performance against core standards.

These five functions lead us to make policy proposals across four key themes. We grouped these as the right information, the right incentives, the right interventions and the right innovations.

The Right Information

Too often governors lack the information they need to hold the Executive accountable for standards. There may be an awareness of key exam data, such as the level 4 or five GCSE benchmarks, but there is too often not enough additional information to allow governors to drill beneath the headlines, identifying, for example the strengths and weaknesses of different subject departments or how well students are making progress given their backgrounds.

A national data dashboard should highlight key information from the performance tables and Raise Online to enable governors to focus on where improvements are most needed.

We welcome the additional information that the Government is placing in the public domain, and our schools all make good use of the data provided by Raise Online and by organisations such as the Fischer Family Trust to provide us with challenging but realistic targets. However, as not all governing bodies have access to the data they need, we believe it would be very helpful to have a centrally produced dashboard which provides equality of data across the country. This would be a tool that we could provide to our governors and against which they should hold us accountable.

The dashboard would be different for primary, secondary and special schools, but would focus on the key performance data. While we share the Government's goal of being non-prescriptive, we believe that it would be a real help to have something easily downloadable from the DFE or Ofsted websites, and for official encouragement to be given for its use. This would allow governors to make challenging comparisons with other similar schools, and to see trends and where schools are not performing well.

Governors in special schools have been particularly poorly served by existing data, making their job of understanding attainment and progression for pupils with complex needs harder, so any new dashboard should meet their needs.

A communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy conversions.

Had we not been engaged in the Commission work, we suspect that few of us would have been aware of the greater freedoms to governance available from next September. When schools convert to academy status, there is little strong encouragement given to them to look afresh at their governance. Indeed, there is a strong expectation that the existing governors will simply become the new academy board. This is a huge missed opportunity. We believe there should be a strong communications campaign to both chairs of governors and headteachers to make them aware of the different options available to them, and encouraging them to discuss potential new ways of working.

The 256-page governor manual should be replaced by online high quality support and training.

The current governor manual is an unread document that may fulfil statutory purpose but fails to inspire governors to focus on what should be their key role. A government that prides itself on scrapping needless paperwork should replace it with a simple easily navigable online alternative, providing genuine support and training. There is a rich stream of examples of accessible, professional online training modules provided by the National College.

Job descriptions, competencies framework and core functions

At the same time, we would like to see job descriptions for potential governors with a competency matrix linked to the core functions, describing what they could bring to the role and interviews used where appropriate so that their skills match the needs of the governing body.

The Right Incentives

The age demographic of our governing bodies does not match that of our nation. Being a governor is not seen as either attractive or a natural option to young people, even though their experiences are often more relevant to the development of the school than those of people who were in school thirty years before. We want to see a more balanced representation on our governing bodies, we want to see more young governors and more governors from different socio-economic backgrounds. We are also concerned that too few Black and Minority Ethnic people are becoming governors, not least in schools with significant BME intakes.

We propose a new Govern First drive to attract new governors

So we propose a new approach to governor recruitment, one that fits well with our belief that governors with the right skills should be recruited. Many of us have seen the benefits of Teach First attracting the best graduates to teaching. We think a similar high profile, high quality project is needed for governance. Hence our proposed Govern First campaign (which mirrors a proposal by Teach First). We recognise that money is tight, so we believe it should operate as a charity with business backing from firms keen to contribute CSR support to education. It would focus on attracting young people and BME people to become governors where strong governance matters most. The programme would make governance a highly valued volunteering opportunity with a higher bar and a higher profile. In particular, it could focus on tapping the skills of 18–25 year-old undergraduates and graduates. A Govern First campaign in universities would highlight the opportunity and benefits of governing in local schools, using effective younger governors as case studies. This practice is already widespread with political interns—we need to capture this example and roll it out to university groups and Alumni.

Governors should have access to accredited training

People who become governors should be encouraged to see its wider moral purpose, beyond their own school, and should have access to high quality accredited training. Govern First could provide some training, but there should also be opportunities to accredit the leadership skills that are developed in governance so that their value can be seen by potential employers. The National College and Teaching Schools are well placed to deliver this either online or locally to provide quality assured provision at all levels. The National College is developing training for Chairs of Governors which should be available as a licensed provision from September 2012.

There should be a review of the potential for corporate and other tax breaks for governors.

One option would be to introduce a flat rate reduction in corporate tax liability, of say £500 a year, for every school governor that a business has on its books. While this would need discussion with HMRC, it would send

important signals. Alternatively, a higher personal allowance for governors could be offered, increasing it from £9,205 a year, though we recognise that this may add complexity to the system. Nevertheless, higher rate tax payers who donate money to charities receive Gift Aid tax relief, so this is not unprecedented.

The Right Interventions

Governance is particularly important where schools are not good enough. With Ofsted changing its approach to inspections, we have said that the inspectorate should be clearer about the importance of good governance. This should be extended to the judgements that Ofsted gives on schools requiring improvement and those in special measures.

Ofsted should focus its governance inspection judgements on our five core functions.

Meanwhile, we were concerned that the strong messages about clear focus from the Chief Inspector were not yet being reflected in Ofsted's messages. It is crucial that in its new framework from this autumn Ofsted focuses its governance inspection judgements on our five core functions.

Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement.

Ofsted should make clear in its inspection report, where a school is deemed to require improvement because it has not been making good progress, that the Governors should invite an independent external person or body—such as a Teaching School Alliance, an NLE or an NLG, or the chair of governors of an outstanding converter academy—to undertake this review. The subsequent monitoring inspection would then comment on how well the Governing Body had responded to any recommendations.

Where schools are placed in special measures, greater use should be made of Interim Executive Boards (IEBs).

As NLEs, with substantial experience of intervention, we know that IEBs are an effective vehicle for ensuring that failing schools focus on what really needs to improve. We have also experienced delays in establishing such boards, partly because of the controversy involved in “sacking” existing governors. But we know that the pupils in such schools cannot wait so long. Ofsted should explicitly recommend IEBs when placing schools in special measures. Good and outstanding leaders should be commissioned to help turn the school around immediately. In all but exceptional circumstances, an IEB should be instigated within six weeks of the inspection report. IEB membership should include a small focused core team led by a paid Chair, with NLE support money used to make this payment. The IEB should be built around the five core functions, with a clear plan to train and hand over to a new governing body within an agreed timeline.

The Right Innovations

Effective governing bodies should consider governing more than one school, both to promote improvement and to enable economies of scale with smaller primaries.

More and more schools and academies are forming clusters, federations and chains. This often requires new forms of governance, and such organisations certainly benefit from getting their governance right. As part of the communications campaign we have proposed, such innovative approaches should be shared and governors expected to consider alternative approaches, particularly where federations, clusters or chains are involved.

Such innovative governance can help bind weaker to stronger schools, to their mutual benefit. This can be particularly important where school-to-school improvements are being introduced, including by NLEs. But they can also be useful in achieving economies of scale with small rural primaries, and helping to reduce vacancies in the system.

Converter academies should actively be expected to contribute to system leadership including through innovative governance.

Some 1,300 schools have converted to academy status in the last two years. The Education Secretary has made clear that he believes that outstanding schools that become academies should help support weaker schools. The Chief Inspector has echoed this in recent speeches. One recent report suggested that barely 3% were sponsoring weaker schools, and there is little evidence of how most converter academies are contributing to system leadership. We believe the Government should actively promote the idea of innovative cross-school governance as an important part of the duties that go with academy status, linked to their funding agreement.

Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed.

With a growing number of federations and chains, it is important that their capacity is inspected in the same way that local authorities had their capacity in education and children's services inspected. Such inspections should not duplicate individual school or academy inspections, but should focus clearly on leadership and governance, and their ability to achieve the strategic objectives of their partnership. Inspections should take place particularly where a number of schools in a chain or federation are placed in special measures or lack the capacity to improve from what is currently deemed satisfactory status.

4. CONCLUSIONS AND RECOMMENDATIONS

To achieve these goals, we have put forward key proposals based around our four key themes of having the right information, incentives, interventions and innovations linked to governing bodies focussed on the right functions.

1. *The Right Functions*

The five core functions we identified were (a) to ensure clarity of vision, ethos and strategic direction; (b) to hold the Executive accountable for standards against benchmarks (c) to ensure solvency and probity (d) to ensure leadership complies with statutory regulations; and (e) to engage stakeholders. We believe that this also means smaller, more focused governance backed by the right information, incentives, interventions and innovations.

2. *The Right Information*

We propose four key improvements. First, a national data dashboard to highlight key information to enable governors to focus on where improvements are most needed. Second, a communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy converters. Third, the 256-page governor manual should be replaced by online high quality support and training. Finally, new governors could be interviewed using a competency matrix.

3. *The Right Incentives*

We need to attract younger and more ethnically diverse governors. A new business-backed Govern First programme would raise the profile for governance. People who become governors should see its wider moral purpose, beyond their own school, and have access to high quality accredited training. There should be a review of potential corporate tax breaks for governors.

4. *The Right Interventions*

With Ofsted changing its approach to inspections, it should be clearer about the importance of good governance. Ofsted should focus its governance judgements on our five core functions. Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement. Where schools are placed in special measures, Ofsted should recommend Interim Executive Boards (IEBs) to support improvement. The instigation of an IEB should take place within six weeks. IEB membership should include a small focused team led by a paid Chair with NLE support money used to support this payment. Good and outstanding leaders, including Chairs of Governors, should be commissioned to lead IEBs to help turn schools around. The IEB should be built around the five core functions, with the purpose of training a new governing body over an agreed timeline.

5. *The Right Innovations*

New clusters, federations and chains require new forms of governance. Effective governing bodies should consider governing more than one school, to drive improvement and to benefit from economies of scale. Converter academies should actively contribute to system leadership including through innovative and shared governance. Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed and to support vulnerable and underperforming schools..

If policymakers adopt our proposals on governance, we believe that we will see more effective, better focused governing bodies that are better able to support improvement within their own schools and the wider system.

APPENDIX 1
EXPERT WITNESSES

During our workshops and the Fellowship week, we spoke to the following expert witnesses:

DfE

Lord Hill of Oareford, Parliamentary Under-Secretary of State for Schools
Sam Freedman, Policy Advisor to the Secretary of State

Ofsted

Thomas Winskill, Principal Officer, Ofsted

National College

Paul Bennett, Director, National College for School Leadership

Academy and school leaders

Kathy August, Deputy Chief Executive, Stockport Academy
David Carter, Principal, Cabot Learning Federation
Tom Clark, Chairman, FASNA
Jon Coles, Chief Executive, United Church Schools Trust/United Learning Trust
Mike Gibbons, CEO, Richard Rose Academy
David Wootton, Chair, Independent Academies Association

Governors

Emma Knights, Chief Executive, National Governors' Association
Elizabeth Rhodes, Chair of Governors, St Mary's C of E Primary School, Twickenham
Sophie Russell, Student Governor, Broughton Hall High School, Liverpool
Patrick Scott, former IEB chair of governors, Fulhurst Community College, Leicester
Hannah Spencer, Student Governor, Broughton Hall High School, Liverpool
Gareth Wynne, Chair of Governors, Smallberry Green School, Hounslow

Governance in other sectors

Helen Baker, Chair of Advance Housing and Support (Housing Association)
Alan Cook, Chairman, Highways Agency Board
Lucinda Hunt, Head, Notting Hill & Ealing High School (Independent Schools Sector)
Anne-Marie Piper, Head of Charities Group, Farrer & Co (Charities)
Prof Paul Stanton, De Montford University, Leicester (Health)

Other experts

Bernard Donoghue, communications specialist
Robert Hill, Robert Hill Consulting
We also received helpful advice from Russell Hobby, General Secretary, NAHT, Brian Lightman, General Secretary, ASCL; Toby Salt, Di Barnes and Toby Greany, National College.
The 2012 Fellowship Commission was facilitated by HTI led by Anne Evans OBE, Jane Creasy, Geoff Southworth OBE, Conor Ryan and Deryn Harvey, HTI Consultants.

APPENDIX 2

FELLOWSHIP PROGRAMME PARTICIPANTS 2012

Chris Owen	Bartley Green School
Dr Anne Maddison	Belmont School
Nick Taunt	Bishop Luffa Church Of England School
David Watson	Chorlton Park Primary School
Chris Wheatley	Cotgrave Candleby Lane School
Deborah James	Crosshall Infant School Academy Trust
Nick Weller	Dixons City Academy
Pat Smart	Greet Primary School
Richard Sheriff	Harrogate Grammar School
Patricia Walters	Holte School
Gerida Montague	Holy Family Catholic Primary School
David Pearmain	Kenton School
Richard Thornhill	Loughborough Primary School
Brian Crosby	Manor Church of England Academy Trust
Marie Cahill	New Haw Community Junior School
Helen Arya	Oasis Academy Limeside
Andrew Fielder	Sandy Hill Academy
Bozena Laraway	St Helen's Catholic Junior School
Elaine White	St Mary and St Thomas Aquinas Catholic Primary School
Heather Mullaney	The Heath School
Andrew Burns	The Redhill Academy
Sylvia Jones	Valentines High School
Anne Winstrom	Whitchurch First School and Nursery
Christine Weaving	Whiteheath Infant and Nursery School

Written evidence submitted by NASUWT

The NASUWT's submission sets out the Union's views on the key issues identified by the Committee in respect of the role of School Governing Bodies.

The NASUWT is the largest teachers' union in the UK, with over 280,000 serving teacher and school leader members.

EXECUTIVE SUMMARY

- The expansion in the number of academies and free schools means that governance in schools is increasingly becoming a "secret garden" subject to little or no meaningful Parliamentary or stakeholder oversight or involvement.
- This set of circumstances arises from the fact that governance arrangements in academies and free schools are established on a contractual rather than statutory basis, given that the requirements on academies and free schools in this respect derive from funding agreements and associated Articles of Association.
- The effect of these arrangements is that the terms on which academies and free schools are governed are established and maintained through a process to which only the Secretary of State and the relevant academy or free school Trust are parties with effective contractual rights.
- In principle, school governing bodies should be well placed to provide effective support structures for schools but, in practice, they often have difficulty in carrying out their key responsibilities.
- Many governing bodies continue to experience difficulties in maintaining or achieving the requisite number of school governors. This has proved to be the case with particular regard to parent representatives and those representing the relevant local authority.
- Many difficulties experienced in relation to school governance derive from a lack of clarity about the respective roles and responsibilities of headteachers, governors and the local authority. This can lead either to conflict between headteachers and governors or inadequate strategic leadership on the part of governing bodies.
- The effectiveness of governance is hindered by the fact that there is no effective national programme of mandatory training that governors are required to undertake and that the levels of support available to them are variable in terms of their quality and availability.

INTRODUCTION

1. The NASUWT welcomes the opportunity to submit evidence to the House of Commons Education Select Committee Inquiry into the Role of Governing Bodies.

2. The issues identified as significant by the Committee invite reflection on the development and implementation of policy relating to the:

- implications of the Coalition Government’s academies and free schools programmes on school governance arrangements;
- composition of governing bodies;
- recruitment and retention of school governors;
- exercise of the role and responsibilities of governing bodies; and
- training and support available to governors to assist them in undertaking their responsibilities.

3. These themes are considered in further detail below.

THE IMPLICATIONS OF THE ACADEMIES AND FREE SCHOOLS PROGRAMMES FOR SCHOOL GOVERNANCE

4. Since taking office, the Coalition Government has set out a markedly different agenda for state education from its predecessor administration in relation to the governance arrangements of state-funded schools. Specifically, the ongoing commitment of Ministers to expand significantly the number of academies and free schools needs to be considered in terms of the impact of this policy on the ways in which governing bodies can be held to effective account for their activities, the transparency of school governance arrangements and the extent to which legitimate stakeholder constituencies are given meaningful opportunities to participate in these arrangements.

5. Notwithstanding these concerns, the NASUWT is clear that the established model of governance in the maintained school sector does not operate consistently to ensure that governing bodies are able to discharge their key responsibilities effectively. In particular, the Union is concerned that the weakening of the role of local authorities and the increased powers being given to headteachers is resulting in a significant displacement of governance across the system. The NASUWT’s concerns in this regard are considered in more detail elsewhere in this evidence.

6. However, in this context, it is important to note that governance in maintained schools is underpinned by statute and regulation. This provides a clear mechanism by which Parliament can not only take steps to ensure that governance arrangements in these settings are established on an effective basis but also to secure the active participation of key stakeholder groups in these arrangements. The statutory framework for governance in the maintained sector also provides the means by which Parliament can act to ensure that governing bodies can be held to public account for their activities.

7. However, the framework for governance in academies and free schools denies to Parliament the opportunity to set the legal parameters within which governance is undertaken in academies and free schools. This set of circumstances arises from the fact that governance arrangements in these settings are established on a contractual rather than statutory basis given that the requirements on academies and free schools in this respect are determined through funding agreements and associated Articles of Association.

8. The effect of these arrangements is that the terms on which academies and free schools are governed are established and maintained through a process to which only the Secretary of State and the relevant academy or free school Trust are parties with effective contractual rights. Parliament is therefore excluded entirely from the determination of these arrangements, undermining the degree of democratic scrutiny and oversight to which they are subject.

9. The contractual basis upon which governance in academies and free schools is established also has broader implications for the ability of other legitimate stakeholders, including parents and members of staff, to challenge non-compliance with expectations in respect of governance set out in funding agreements and Articles of Association.

10. As stakeholders are not parties to these contracts, they face significant obstacles to securing enforcement of contractual terms in which they might have a reasonable interest through use of the Contracts (Rights of Third Parties) Act 1999.⁶⁴ While third parties might seek to use judicial review to enforce the terms of funding agreements and Articles of Association, it is worth noting in this context the refusal of Ministers to agree to the incorporation of a specific provision in the Academies Act 2010 confirming the ability of third parties to make use of judicial review to secure rights that the DfE continues to assert, clearly incorrectly in practice, are confirmed by academy and free school funding agreements.⁶⁵

11. The Committee will note the provisions established by the DfE through which stakeholders can pursue complaints against academies and free schools in respect of governance arrangements by application to the Education Funding Agency (EFA).⁶⁶ However, it is important to note the effectiveness of the EFA complaints process from a stakeholder perspective is compromised to a significant extent given that it is not underpinned

⁶⁴ Exton, J (2007). “Trading blows over third parties”. *The Law Society Gazette*. 30 August. (<http://www.lawgazette.co.uk/gazette-in-practice/benchmarks/trading-blows-over-third-parties>), retrieved on 5 December 2012.

⁶⁵ Hansard HL Deb. 7 July 2010, vol. 720, cols. 249–253.

⁶⁶ Education Funding Agency (EFA) (2012). *Procedure for dealing with complaints about academies (Version August 2012)*. (<http://media.education.gov.uk/assets/files/pdf/e/efa%20academies%20complaints%20procedure%20august%202012.pdf>), retrieved on 5 December 2012.

by statute. In any event, the EFA's powers in this regard are limited to investigation of the degree to which academies and free schools have complied with their own complaints processes rather than with a common complaints framework underpinned by statute.

12. With specific regard to the composition and function of governing bodies in academies and free schools, it is important to note that, with the exception of parent governors and the headteacher, the power to provide for different categories of governor on governing bodies and to appoint a significant proportion of the governing body rests with members of the relevant academy or free school Trust board. While the NASUWT is clear that some Trusts may use these powers to retain an open and inclusive stakeholder model of governance, it is also apparent that these arrangements create circumstances within which highly inappropriate practices and procedures can become established.

13. Of specific concern in this regard is the fact that the members of Trust boards are appointed for terms of no fixed duration. Given that Trust board members have considerable discretion to appoint and dismiss governors, these arrangements cannot be regarded as sufficiently transparent to ensure that Trust board members can be held accountable to stakeholders for their actions as they relate to the governance of the schools with which they are associated.

14. In relation to the composition of the governing bodies of academies and free schools, it is important to recognise that the Articles of Association place no requirements on Trusts to ensure that key stakeholder groups, including staff, local authorities and other community representatives, are able to participate in governance arrangements. The Committee will also want to note that while the Articles provide for the election of parental representatives, no framework has been established to ensure that these elections are conducted in a way that meets basic tests of transparency and openness.

15. Without a significant change in Government policy in this area, it is therefore evident that governance in schools will increasingly become a "secret garden", subject to little or no meaningful Parliamentary or stakeholder oversight or involvement.

THE COMPOSITION OF GOVERNING BODIES

16. The experience, time or desire to be able to undertake the full range of responsibilities associated with effective, transparent and fully representative school governance often place excessive demands on those undertaking the role of school governor. In this context, it is important to note that no particular qualifications or experience are necessary to serve as a school governor.

17. In principle, a school governing body should be well placed to provide an effective support structure for schools but, in practice, they often have difficulty in carrying out key responsibilities including the planning of schools' future strategic direction, selection of headteachers and other senior staff and accountability for school performance to parents and the wider community.

18. To make an effective contribution to the success of the schools with which they are associated, it is evident that all governing bodies need to have the necessary expertise, shared goals and motivation and substantial amounts of time to undertake their responsibilities effectively. It is clear that this is not always the case at present.

19. There is also imbalance in the composition of many governing bodies. This is of particular significance in the context of the requirement upon governors to discharge extensive personnel and curriculum responsibilities. Governing bodies that lack an appropriate balance of representation are often unrepresentative of both the local and wider community. They can, for example, experience difficulties in addressing equality issues and the contribution effective whole-school approaches to equality and diversity can make to school improvement and raising standards.

20. Proposals, advanced particularly during the passage of the Education Act 2011, to replace the stakeholder model with one in which majority membership of governing bodies would consist of individuals with perceived expertise in areas of school governance, would represent an inappropriate means of addressing these concerns, given the marginalisation of parent, staff and community involvement they would represent. With particular regard to the school workforce, the Union is clear that effective representation of the interests and perspectives of employees on governing bodies is not only an essential means by which fair and equitable working practices can be established and sustained but is also critical to ensuring that decisions made by governors can benefit from the expertise and experience of the school workforce.

21. The Committee will note that the previous Government established a Ministerial Working Group on School Governance, comprised of a wide range of stakeholders, including the NASUWT, to examine these and other critical issues in relation to the future of school governance. The Group had begun to make genuine progress in exploring these issues and developing approaches to securing effective ways forward in respect of governing body composition. It is therefore to be regretted that the Coalition Government has not taken this work forward and that, as a result, governing body composition remains an issue of significant concern.

RECRUITMENT AND RETENTION

22. Many governing bodies continue to experience difficulties in maintaining or achieving the requisite number of school governors. This has proved to be the case with particular regard to parent representatives and those representing the relevant local authority. Local authority governors, who have a critical responsibility for representing the interests of the local community, are restricted in terms of the number of governing bodies on which they can serve and all governors find increasing demands on their time difficult to meet.

23. Recruitment and retention are fundamental to the effective operation of governing bodies. The adverse consequences of a failure to attract sufficient governors include inquorate governing body meetings unable to make key decisions and to function effectively as well as a lack of competition for vacancies, which provides opportunities for particularly unrepresentative interest groups to dominate the work of the governing body.

24. With specific regard to the interest of the Committee on the payment of governors as a means of addressing recruitment and retention, the NASUWT believes that considerable further investigation is required in order to ascertain whether the introduction of payments would generate tangible and sustainable benefits in terms of the effectiveness of governing bodies. These considerations would need to include: the extent to which payments would incentivise suitable individuals to decide to become governors and to sustain their involvement with school governance over a reasonable period of time; the levels of payment required to have a meaningful impact in this regard; how arrangements for payments would be undertaken on a transparent, consistent and equitable basis across the education system; and an assessment of the opportunity cost of allocating available resources to systems of payment in terms of the alternative uses to which these resources might otherwise be deployed.

25. The Ministerial Working Group on School Governance found that issues related to recruitment and retention are complex and that further consideration and investigation of the barriers to enhancing rates of recruitment and retention is required before meaningful solutions can be developed and implemented. The failure of the Coalition Government to continue the work commenced in this area by the Working Group is therefore profoundly disappointing.

THE EXERCISE OF THE ROLE AND RESPONSIBILITIES OF GOVERNING BODIES

26. Lack of time to devote to understanding and discharging their responsibilities, combined with a lack of confidence, expertise or experience, often results in over-reliance by governors on the headteacher or the headteacher and the chair of governors. This, in many schools, effectively concentrates key decision-making powers into the hands of one or two individuals. Developments in central Government policy, particularly in relation to the remuneration and performance management of teachers, have sought to give increased executive power to headteachers, marginalising further the legitimate role and function of school governing bodies.

27. Conversely, there have been well-documented cases of governing bodies, dominated by groups with specific agendas, ignoring the professional advice of the headteacher and the local authority and causing serious disruption to the life of the school for which they are responsible. It is clear that too many governing bodies demonstrate behaviour that falls into one of these two broad categories.

28. These difficulties are increased by a lack of clarity about the respective roles and responsibilities of headteachers, governors and the local authority. Many governors are unaware of the division of responsibility between strategic management and day-to-day management. This can lead to conflict between heads and governors.

29. In respect of pay, governing bodies have significant discretionary powers. Evidence continues to exist that governing bodies have not always used these powers well. Examples of this include the extensive use of discretionary power in relation to headteachers' pay and the performance management of headteachers. In this regard, the action of governing bodies leads to a high degree of variability in headteacher pay between comparable schools without any clear objective justification and thereby undermines their ability to ensure consistency in decisions regarding the ways in which headteachers are paid or performance managed.

30. In relation to behaviour management, governing bodies are under a clear legal obligation to ensure that an effective whole-school behaviour management policy is in place. However, based on its extensive experience of representing members when these arrangements break down, the NASUWT has found that governing bodies are either unaware of these issues or are not able or willing to ensure that purposeful steps are taken to address concerns.

31. More broadly, it should be noted that in maintained schools, governing bodies have responsibility for all staffing matters. However, an inherent weakness in the current system is that governors often lack the necessary skills and experience required to deal with complex employment issues and fail, in many circumstances, to heed the advice of their local authority. Governing bodies have also used scarce school resources to purchase inappropriate external personnel advice.

TRAINING AND SUPPORT

32. Much emphasis has, understandably, been placed on seeking to resolve issues relating to the effectiveness of governing bodies through the provision of additional training and support.

33. However, the NASUWT is clear that this approach is hindered by the fact that there is no effective national programme of mandatory training that governors are required to undertake. A particular shortcoming of current approaches to the training of governors is that participation in training and development activities is voluntary. Governors are free to choose whether or not to attend and governing bodies make the decision whether to purchase any training at all. It has been suggested that it would be difficult to enforce mandatory training on school governors in light of their status as volunteers. As a result, approaches to improving the quality of school governance through the provision of more training tend to be, at best, variable in terms of their impact on the capacity and confidence of governing bodies.

34. The provision of high quality external support and advice, crucial to securing effective governance, is too often inconsistent in terms of its quality and availability. Identifying suitable sources of external advice can be challenging for governing bodies and there are many private sector organisations not subject to any meaningful quality assurance process seeking to sell services of this nature to schools. Governors have little or no independent advice on evaluating the range of services available to them in terms of value for money or potential effectiveness.

35. The role of governing body clerks is a particularly important consideration in this regard. Currently the status, training and functions of clerks is left to a significant extent to the discretion of the governing bodies they serve. However, the NASUWT is clear that there would be considerable merit in relation to enhancing governor effectiveness in developing the role of clerk so that it resembles more closely for all schools that of university registrars or a company secretaries, in which clerks are able to provide professional and competent legal and technical advice to the governing body and to do so on an impartial basis. The impartiality of clerks in this context might be secured by ensuring that they are contracted to provide services to schools rather than being employed directly. The role of local authorities in the provision of clerking services on this basis could be particularly worthy of further investigation.

36. The NASUWT is clear that local authorities remain the best available source of advice and guidance to governing bodies. However, their continued ability to undertake this function is at significant risk from ongoing reductions in central Government financial support and the substantially increased delegation to schools of control over funding taken forward by the Coalition Government. In many instances, local authorities rely on schools purchasing their services and, because of the insecurity for local authorities associated with this, often reduce the support service to a level below that required to offer good quality advice and support to governing bodies. Financial dependency also appears to have bred a reluctance on the part of some local authorities to adopt the much needed critical friend approach in case governors find advice unpalatable and, as a consequence, discontinue the purchase of their services.

January 2013

Further written evidence submitted by the Haberdashers' Company

The Chair was clearly very keen to obtain "recommendations" and The Haberdashers' Company's written submission contained several. Nonetheless, I would like to reinforce/add some in no particular order:

1. Governing Bodies should be served by an independent, professional & remunerated Clerk.
2. A skill/competence/experience based Board is preferable to one comprised of too many "stakeholders".
3. The ideal Board size is around 12–15 for several reasons, including: it is easier to chair; all members will have the opportunity to contribute—no-one should feel a "passenger"; others can be involved via representation on sub-committees (curriculum, property, finance etc—and school committees where the Board covers more than one school); its workings will tend to be more efficient.
4. Federations can provide an effective/efficient governance structure provided that there is a synergy (eg geography, values, traditions etc) between the schools covered.
5. Whilst Board members may be professionally qualified as accountants/lawyers/surveyors etc, they should not be seen as a source of "cheap/free" advice but rather as people who will know when professional advice should be sought.
6. Training is very important but there is a need to distinguish between knowledge based and role based learning eg knowledge about specialist areas such as trends in education, health & safety, special needs provision, admissions policy, finance etc; role based such as chairing, role of a Board member, involvement with school etc.
7. Self and external evaluation of a Board's performance is important; governors should also be appraised.

8. Being a governor needs to be recognised as a valuable community service and celebrated (events, public acknowledgement, “honours” etc). The positives must be emphasised (education is important, schools are fun places to be, “out of the box” experience, meeting fellow governors with diverse backgrounds and skills etc) in order to offset perceived negatives (time commitment, liabilities etc).
9. A school strategy supported by up to 10 high level KPIs is essential to enable the Board to remain focused on the big issues and to avoid micromanaging.

March 2013

Further written evidence submitted by Ofsted

I was grateful for the opportunity to appear before the Education Committee as part of your inquiry into the role of school governing bodies. I hope the session was helpful to you.

We touched briefly on whether senior leaders, as part of their National Professional Qualification for Headship, should receive training on working effectively with governors. As you know, the NPQH course has been discontinued. However, the main consideration about whether or not training on governance should be part of a new senior leader’s induction process is the quality of that material, and what the training would be attempting to achieve. For instance, it might range from a straightforward update on the role of governors, to more complex work related to how well governors can be supported by headteachers to interpret data, or contribute towards the development and implementation of a school’s action plan. Either way, it is the quality of the training that matters most.

I also said that I would provide you with some further background on Ofsted’s involvement with Warning Notices. Under section 60 of the 2006 Education and Inspections Act, it is stipulated that if a local authority serves a standards and performance warning notice to a school, it is required to forward a copy of that notice to Ofsted.

If the governing body of the school chooses to appeal against the warning notice, then likewise, they must copy their appeal to Ofsted. Ofsted then assumes a quasi-judicial role in that an assigned investigating officer weighs up the evidence that underpins the grounds on which the local authority served the notice. Equally, they weigh up the evidence provided by the school to support the view that the notice has been inappropriately served.

During this process, the investigating officer may ask for additional evidence from one or both parties. Where this is the case, Ofsted takes care to ensure that additional evidence provided by one party is shared with the other to ensure transparency. Once Ofsted’s investigating officer is in receipt of all the evidence, a conclusion is reached whereby either the warning notice is confirmed and the appeal rejected, or the appeal is accepted and the warning notice is not upheld. In all cases, the evidence is reviewed by Ofsted’s lawyers and the final conclusion is signed off by one of Ofsted’s directors.

March 2013

Written evidence submitted by Liz McSheehy, Chief Executive, SGOSS

As we didn’t put in a written submission, and as the debate touched on a large number of topics, under the umbrella of governance, I thought it would be helpful if I wrote to you to expand on some of the detail and make some recommendations on the recruitment and placing of Governors:

I am aware I sounded like a broken record in making the case for SGOSS, but I believe that this is an extremely effective mechanism for recruiting skilled and successful governors. We have done a good job, with a model which is flexible to meet local circumstances and have consistently recruited high quality governors; 24,800 recruited since 2000. I think we have been a “best kept secret”, and where we have been used, have attracted much repeat business. Government needs to strongly encourage schools to use us to recruit school governors. We use a brokerage model to identify volunteers, match them with the needs of schools and skills of individuals and work with the local authority or schools to make the best match possible. There is a causal link between high quality business volunteers and effective governing bodies. Research by Punter and Adams from University of Hertfordshire (2007) surveyed a sample of our volunteers and found them more likely to take on additional roles, stay the term, more likely to be the chair and that involvement had a likely effect of influencing Ofsted grades. Our service needs to be expanded, and we need to make more people aware of it.

It is fairly easy to get volunteers, as we build a close working relationship with employers to target their employees. However there is a time lag on recruitment, typically taking 6 months to place a volunteer, when the system works properly. However there are log jams in the system, which would be helpful to tackle and reduce placement time. Schools should not be able to reject volunteers without good reason, we have had volunteers who have been offered and rejected by schools because

people didn't live in the schools postcode or do not have a previous connection with the school, if in any other respect they appear to offer added value to the governance of the school.

There is a key challenge to encourage schools to be open to new influences and focus on recruiting people for their skills. There is a role for Government and the COG in helping to promote this amongst schools.

Governing bodies need to be able to articulate the skills they need, and the governing bodies themselves need to be able to monitor their own performance. This is a reach for some boards, and the inclusion of governance in the Ofsted inspection framework enables the quality of governance to be included and commented on and seen as areas of strength or weakness, and this reporting could be further developed with Ofsted being able to recommend schools use us to recruit quality governors.

The SGOSS model is tried and tested, and it works for hiring governors. The services of SGOSS could be developed to find skilled volunteers to become clerks to the board of governors and indeed identify suitable people to become chairs, providing an even more bespoke recruitment role, an SGOSS plus service.

The need to focus on the skills for the governing body is very important. SGOSS volunteers are able to add value quickly because their work experience has prepared them to ask the difficult questions, analyse the data and question and challenge the Head Teacher. Transferable skills are not enough to drive school improvement, Governors need to care.

This is a wide ranging debate, which has to take into consideration many different perspectives in the mix. What appears to be missing is the evidence to look at the impact that different types of governors have on the school. Well commissioned impact research would give some strong indications of which approaches are working, and start to give a firm evidence base to the debate. It would be helpful if government were to commission this.

March 2013

Further written evidence submitted by Professor Chris James, University of Bath

I thought you might find it helpful to have a summary of the changes that our research shows would improve school governing. I do not think this is the time to make radical changes to school governing but nonetheless the work of governing bodies can be and should be improved. The changes are as follows.

1. The profile of school governing should be raised—by the government and by governors themselves, for example, by the provision of information on the school's website.
2. Chairs should be made responsible for the functioning of governing bodies.
3. The inspection of governing bodies should be improved.
4. The expectations of governing bodies, for example terms of participation in training, clerking arrangements and headteacher performance management should be made clear and Ofsted should inspect governing bodies in relation to those expectations.
5. The governing bodies of outstanding schools, which are not inspected as frequently as other schools, should be required to submit an annual risk analysis setting out the risks to the school's outstanding status.
6. Governing bodies should be required to make an annual report to the school's stakeholders that would be published on the school's website.
7. The current stakeholder model should be maintained. Every local school should have a "local governing body" which comprises people who have a strong and legitimate interest in the school and who ideally live locally the school. The stakeholder model is not at odds with the skills-based model.

February 2013

Further written evidence submitted by the GL Education Group

Following my appearance before the Education Select Committee as part of its inquiry into "The Role of School Governing Bodies" on 27 February 2013, I wish to thank you for your time and the interest you showed in the work of The GL Education Group.

The Committee session coincided with the announcement by Ofsted of the new School Data Dashboard. I warmly welcome this development but, as I mentioned during my evidence, would highlight the need for it to be coupled with access to more granular data to ensure that it is of greatest benefit to parents and schools. It is crucial that schools use this research and information carefully to contribute to a more thorough dialogue around the use of data, in which we are keen to participate.

It is vital that Governing Bodies engage with parents and other stakeholders effectively. As you will be aware, we discussed the limitations of Parent View and the potential for it to be abused by a small group of parents. Through its established range of stakeholder perception surveys, The GL Education Group can provide schools with a unique way for Governing Bodies to engage with parents, staff and pupils and thus the tools to combat problems, whether they are actual or perceived.

April 2013

Further written evidence submitted by the Department for Education

ACCOUNTABILITY STATEMENT

<http://www.education.gov.uk/aboutdfe/departamentalinformation/reports/a00214167/system-statements>

Paragraphs 6–10 provide an overview of how for maintained schools the Department relies “on accountability through LAs, underpinned by local democracy, with intervention from central government used in extremis. These systems of accountability through LAs and elected members have long been used to drive regularity, propriety and value for money. It is right that we continue to trust local government and local democratic accountability where services are coordinated and funded through this route.” These paragraphs also explain that “Academies are outside the LA accountability framework and so we have created a clear chain of accountability between each academy trust, the Education Funding Agency, and the Department. We have also increased the transparency and accountability of these providers, bringing them into a proper externally audited system.”

INTRODUCTION

For Academy Trusts (ATs), which includes Free Schools, University Technical Colleges and Studio Schools, the Education Funding Agency (EFA), has developed strong accountability mechanisms which reflect the greater financial responsibilities ATs have in being funded directly from the Department through the EFA. There are a number of features which apply over and above those relating to Local Authority Maintained Schools and the system is therefore more robust.

As charitable trusts and companies limited by guarantee ATs have to produce and publish a statutory annual report and accounts which have been independently audited.

As public bodies each AT has an Accounting Officer who forms a key link in the chain of financial accountability ensuring that each AT is managing its resources appropriately and achieving value for money.

The financial relationship between the EFA and ATs is set out in a funding agreement, of which the Academies Financial Handbook (AFH) forms part.

The AFH sets out all of the accountability requirements for ATs so that there can be no ambiguity about what is expected of them. It was last updated by the EFA in September 2012. It contains statutory and regulatory guidance with which the academies must comply.

The AFH provides guidance for the Accounting Officer who in AT 2011–12 accounts were required to provide a statement relating to their responsibilities for regularity, propriety and compliance with the terms and conditions on their use of public funds.

The AFH also ensures audit access rights for both EFA staff and the NAO to the Trust’s records.

AT BUDGETS

ATs are required under their funding agreement to submit an annual plan of expected income and expenditure for the forthcoming year, which is reviewed by the EFA.

The AFH provides under section 2.1 Financial Oversight that *the full board of trustees must approve the budget and this approval must be minuted.*

The AFH provides under section 2.2 Financial Planning that:

The board of trustees of the Academy Trust must approve a balanced budget for the financial year, and

The Academy Trust must submit to the Education Funding Agency (EFA) a copy of the budget in a form and by a date specified by the EFA, and

That any significant changes to budget plans must be notified to the EFA.

This requires the governing board of the AT to be fully engaged with the budget position and ensures that EFA are informed of the budget and updated on any significant changes to those budgets.

For 2012–13 the specified budget forms had to be sent to the EFA by 28 September 2012 for existing academies. New academies had to return their forms within six weeks of the academy receiving its final funding letter.

On receipt, the budget forms were reviewed by financially qualified staff and issues followed up. Late returners were also followed up and the data from the forms and the checks recorded in a database.

EFA's scrutiny of the budget forms provides EFA with early assurance by taking a forward look at the financial health of an academy.

ANNUAL ACCOUNTS AND AUDIT

ATs are required by law (as companies and charitable trusts) to produce and submit annual accounts setting out their actual financial performance for the previous year. These are submitted to the EFA acting on behalf of the Secretary of State as charitable regulator.

Section 1.4 of the AFH provides a reminder to the statutory requirement and states *As companies, and under their Funding Agreement, ATs must produce audited company accounts.*

ATs were required to have their 2011–12 accounts for 2011–12 independently audited and sent to EFA by 31 December 2012. ATs were also required to publish their accounts on their website.

EFA places reliance on the professional opinion of the auditor in a number of respects, including assurance that the AT remains a going concern, and that proper accounting records have been kept. For the first time in 2011–12 external auditors also provided an opinion confirming the proper and regular use of public funds.

On receipt the accounts are examined by suitably financially qualified staff who complete a series of checks on the contents, recording their findings in a database. This includes specific checks that look at the proper use of public money including staff severance payments, payments to trustees/governors, instances of fraud and the proper use of public funds. Any issues identified are followed up with the AT and/or the auditors.

In the event that poor financial health or poor financial management and governance is identified the EFA may issue a Financial Notice to Improve (FNtI) to the AT and/or intervene to facilitate a return to a satisfactory financial position.

This scrutiny of the content of the accounts and the auditors' opinion provides the main assurance on the financial health of academies and their proper use of public funds.

STAFF PAYMENTS

The AFH provides under section 2.4 Financial Monitoring and Management that:

If an AT is considering making a compensation payment it must consider whether the proposed payment is based on a careful appraisal of the facts, including legal advice and that value for money will be achieved, and that any novel and contentious payments must always be referred to the EFA for explicit approval prior authorisation.

The AFH also provides in Section 2.5 that *the Academy Trust must ensure that:*

- *Spending has been for the purpose intended;*
- *No trustee, governor, employee or related party has benefited personally from the use of funds;*
- *All trustees have completed the register of business interests kept by the AT and there are measures in place to manage any conflicts of interest;*
- *There are no payment(s) to any Trustee unless such payment(s) is/are permitted by the Articles and (where applicable) comply with the terms of any relevant agreement entered into with the Secretary of State. The latter includes situations where payments are made to other business entities who employ the trustee, are owned by the trustee, or in which the trustee holds a controlling interest;*
- *Their senior officers' payroll arrangements fully meet their tax obligations and comply with the Secretary of State's directions regarding the employment and contract arrangements of individuals on the avoidance of tax (Please see HM Treasury's Review of off-payroll payment to public servants);*
- *There is probity in the use of public funds;*
- *A competitive tendering policy is in place and applied; and*
- *There is no disposal of public funded assets (subject to the thresholds set out in Part 2.4 of this Handbook) without the Secretary of State's consent (through the EFA).*

ADDITIONAL ASSURANCES

As well as the processes mentioned above EFA's assurance is enhanced by a series of other returns from and audit visits to ATs.

New ATs that have not been open long enough to produce annual accounts are required to submit a self-assessment questionnaire to the EFA stating whether they have are complying with the key requirements of the AFH. The EFA desk-reviews all returns and carries out sample validation visits and visits to those indicating significant non-compliance with the AFH.

EFA also carry out a sample of funding audit visits to ATs to obtain assurance that the pupil number census returns which determine the funding were accurate.

EFA also acts on intelligence received in the normal course of business or by whistle-blowers and takes appropriate action to work with ATs to safeguard public funds.

April 2013

Further written evidence submitted by the Department for Education

The following briefing aims to provide additional information and correct a small number of inaccuracies relating to issues arising at the Committee's hearing on 31 January 2012.

ELECTION OF CHAIRS OF GOVERNING BODIES

Chairs do not have to be elected every year. Regulation 5 of the Procedures Regulations allows governing bodies to determine a term of office between one and four years for chairs and vice chairs. Academies are at liberty to set their own term of office.

NEW NPQH AND GOVERNANCE

In the new, non-mandatory NPQH aspiring head teachers study three essential and two electives modules. Governance features in all essential and some electives modules. Legal aspects of governance, the governing body's role in the strategic leadership of the school, and the head teacher's accountability to the governing body are covered in the essential modules. Also addressed in these modules is the responsibility a head teacher has to develop an effective relationship with the governing body and its chair of governors.

GOVERNING BODIES' RESPONSIBILITY FOR ADMISSIONS

Only some governing bodies are admissions authorities:

<i>Type of School</i>	<i>Who is the admission authority?</i>	<i>Who deals with complaints about arrangements?</i>	<i>Who is responsible for arranging/providing for an appeal against refusal of a place at a school?</i>
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

Governing bodies with admissions responsibilities can delegate the administration of attendance processes and attendance at admission hearings, but they cannot delegate the responsibility for these. Further details can be found at: <http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

PEER SUPPORT FOR GOVERNORS

The Government has introduced the concept of National Leaders of Governance building on the successful National Leaders of Education model. The National College is responsible for designating and deploying chairs of good and outstanding schools to provide peer support to other chairs of governors.

TERMS OF REFERENCE REGULATIONS

The Department for Education is planning to launch shortly a targeted consultation with its partners on proposals to repeal the Education (School Government) (Terms of Reference) (England) Regulations 2000 for maintained schools. In parallel, we will consult on changes to the School Governance (Procedures) (England) Regulations 2003—within which essential information on the role of Governing Bodies will be retained.

April 2013

**Further written evidence submitted by the National College for Teaching and Leadership
(previously National College for School Leadership)**

**NATIONAL COLLEGE’S PILOT PROGRAMME FOR REVIEWS OF GOVERNANCE IN SCHOOLS
AND ACADEMIES JUDGED TO BE “REQUIRING IMPROVEMENT” FOLLOWING OFSTED
INSPECTIONS: SEPTEMBER 2012—FEBRUARY 2013**

1. INTRODUCTION AND PROCESS OF REVIEW

The National College conducted a pilot of external reviews of governance where these were recommended following HMI-led Ofsted inspections. These reviews were offered free of charge to schools. The purpose of the reviews was to enable schools to move out of the requires improvement category into at least “good” by helping the governing body to identify priorities for improvement in governance and to provide support on what steps should be taken to achieve those improvements. The reviews were offered as support to improve and develop governance, and not as an additional inspection. Reviews were led by trained reviewers who were NLGs or NLEs.

Core activities for the review included the following:

- Supported self-review.
- Review of documentation.
- Face-to-face discussion(s).
- Written record.
- Reviews were adapted to the context and capacity of the school

2. OUTCOMES OF REVIEWS

This report is based on the written outcomes of 36% of the reviews and conversations with some of the headteachers, chairs of governors and reviewers.

- written report by the reviewer agreed by the school;
- governing body’s action plan agreed by the chair of governors and the reviewer; and
- evaluation feedback from reviewers and schools.

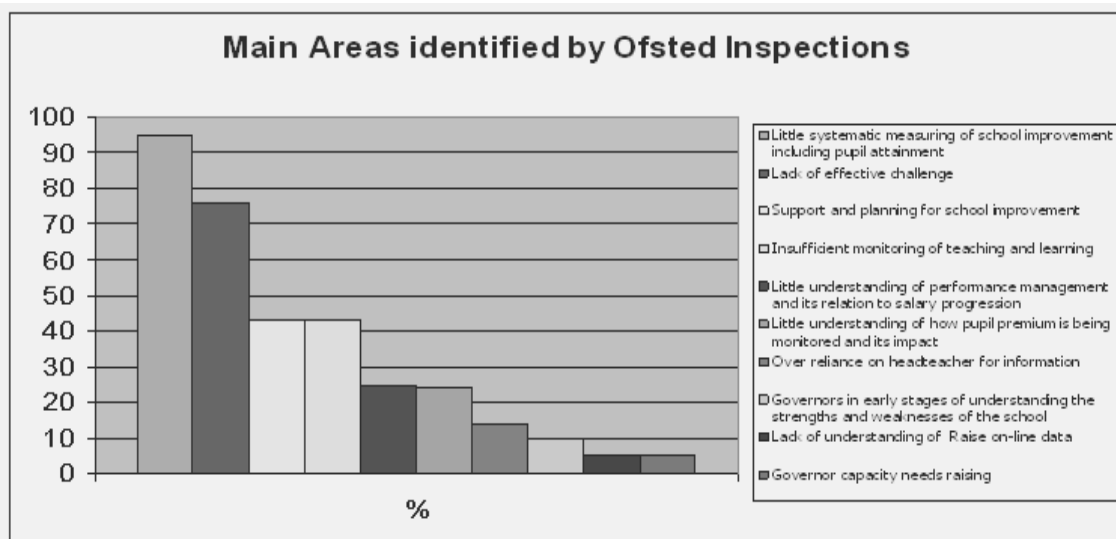
62 schools were reviewed, representing a phase and geographical mix.

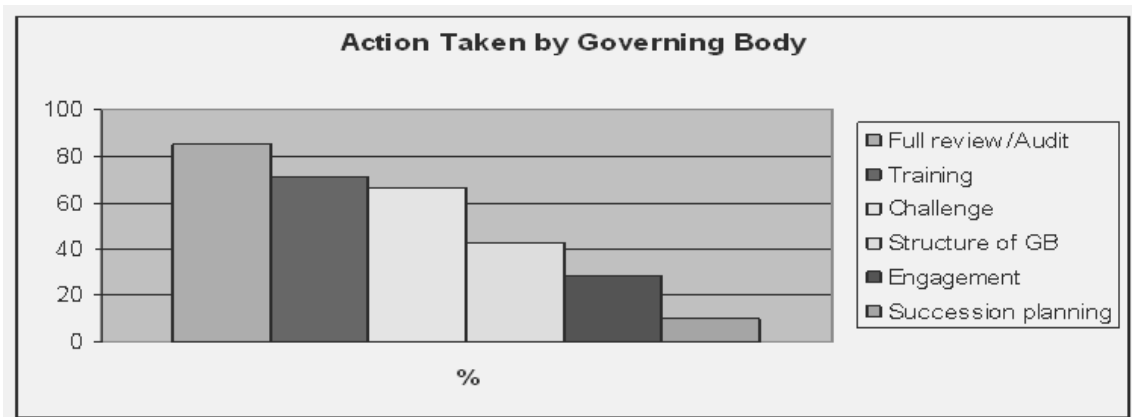
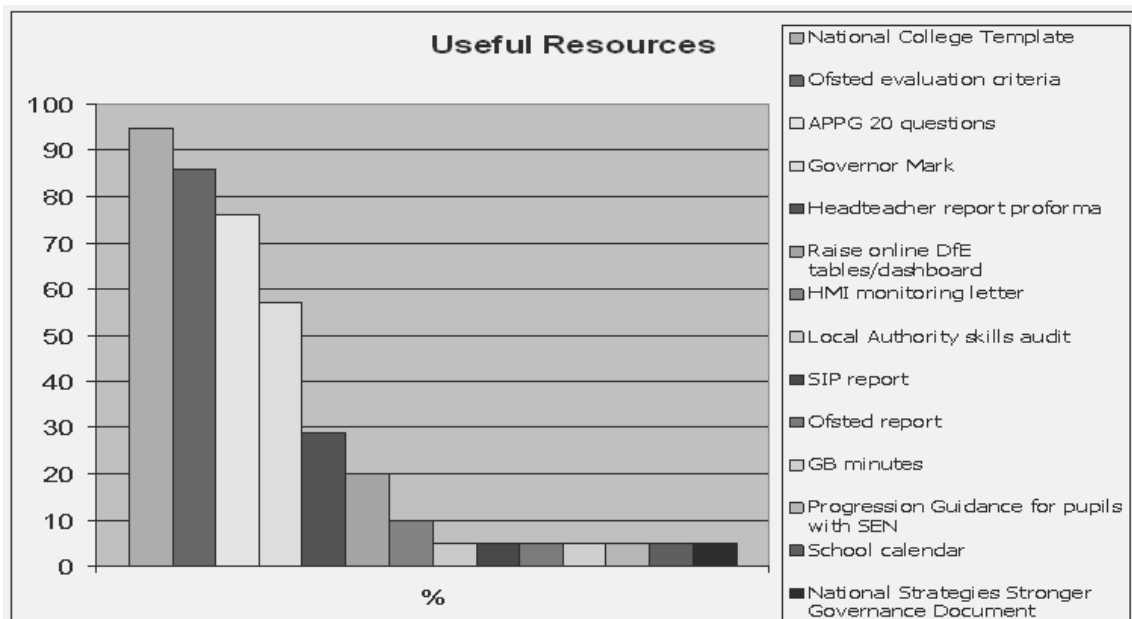
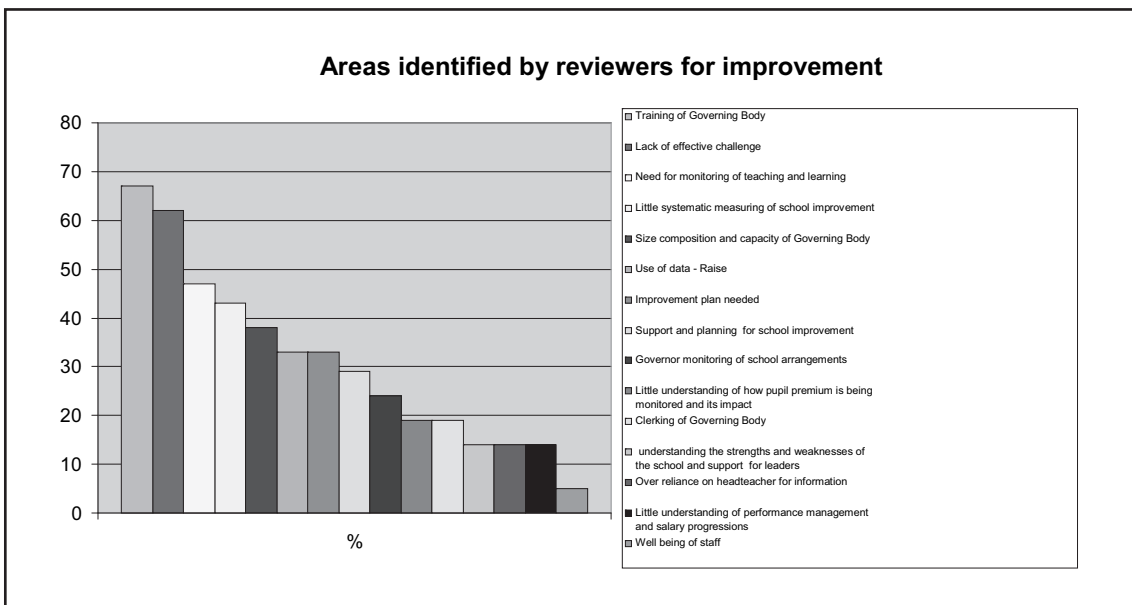
26 in south, 22 in central and 14 in the north. 43 LAs represented.

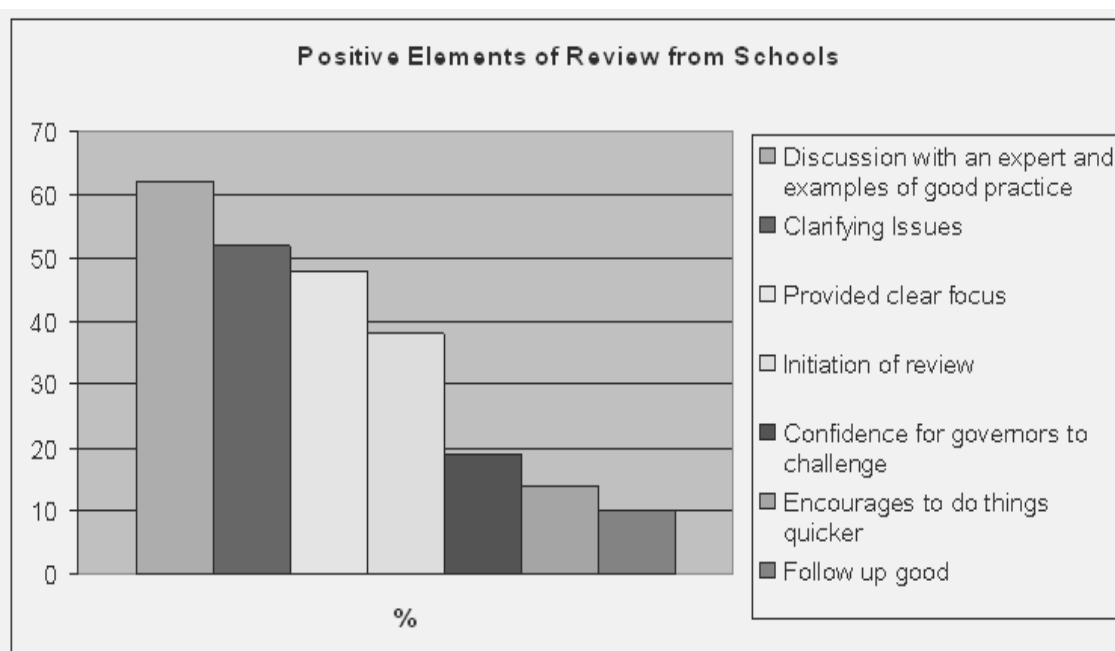
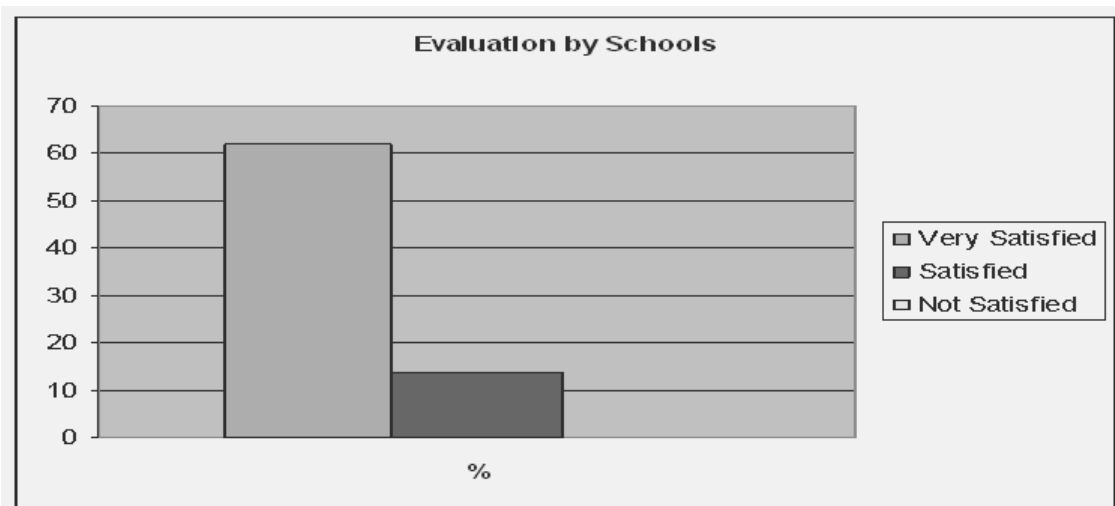
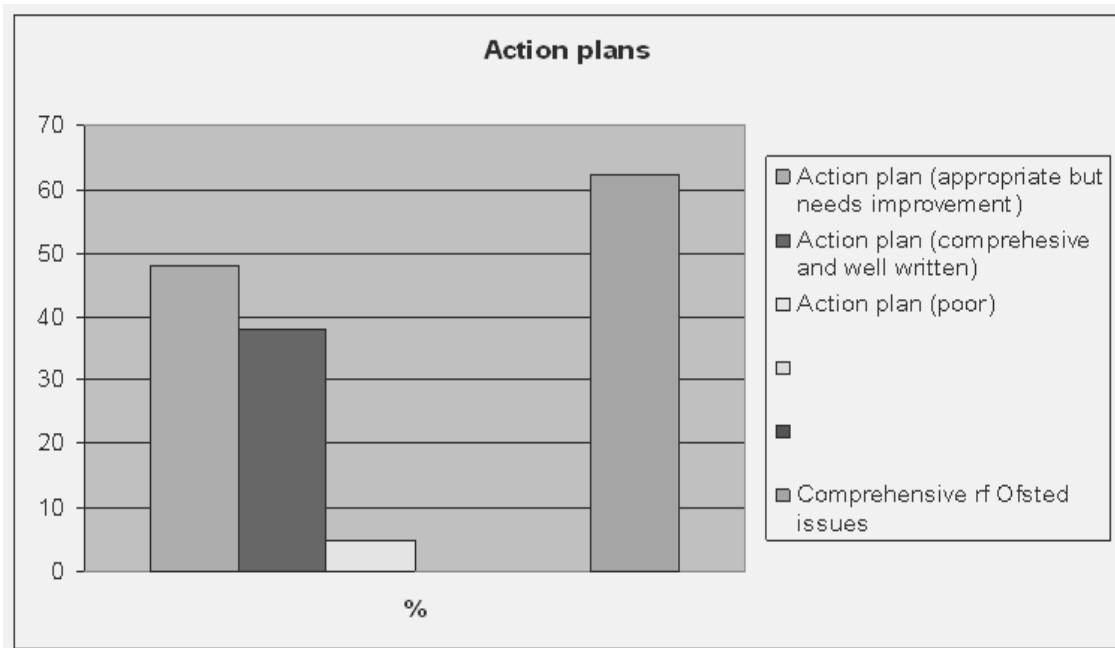
The type of school:

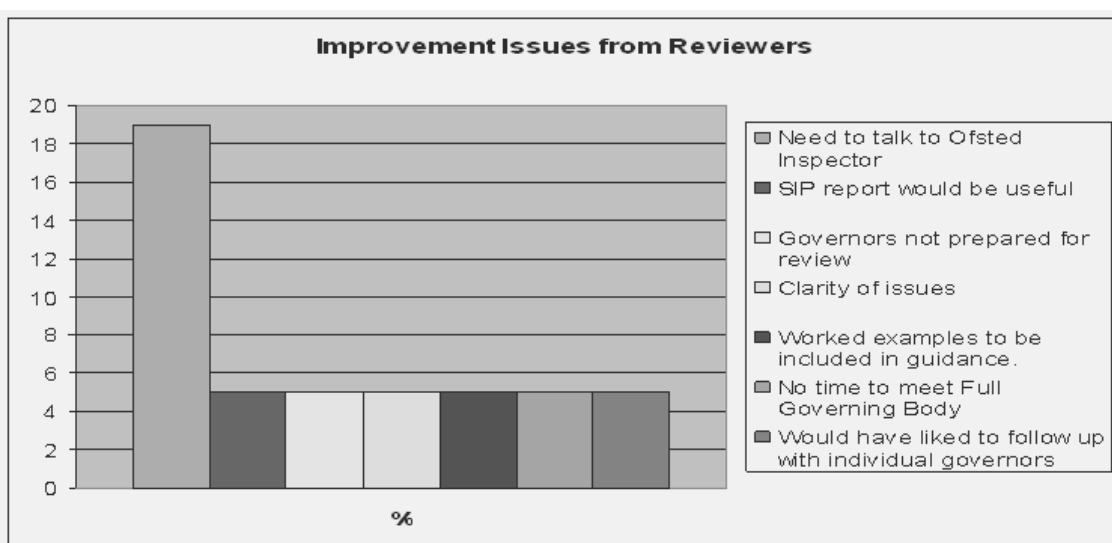
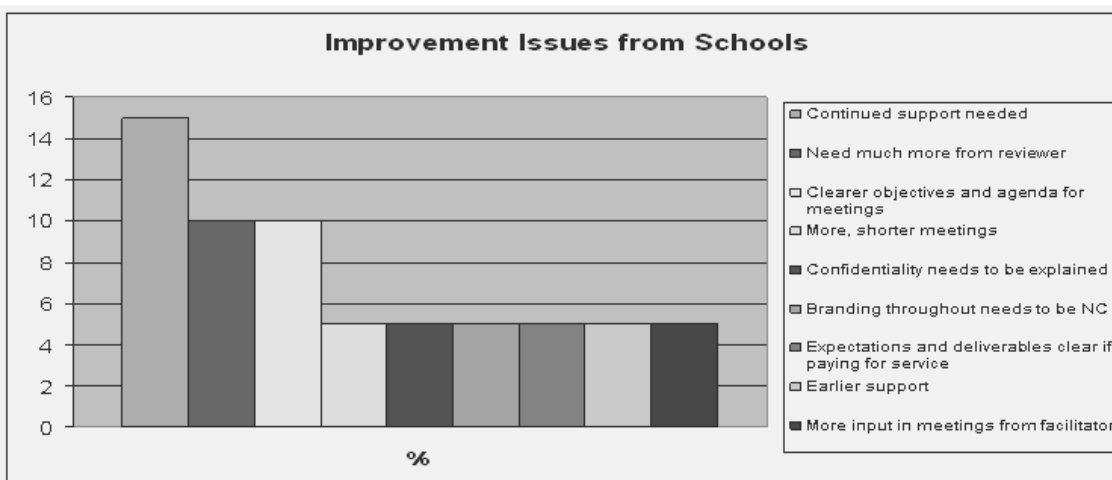
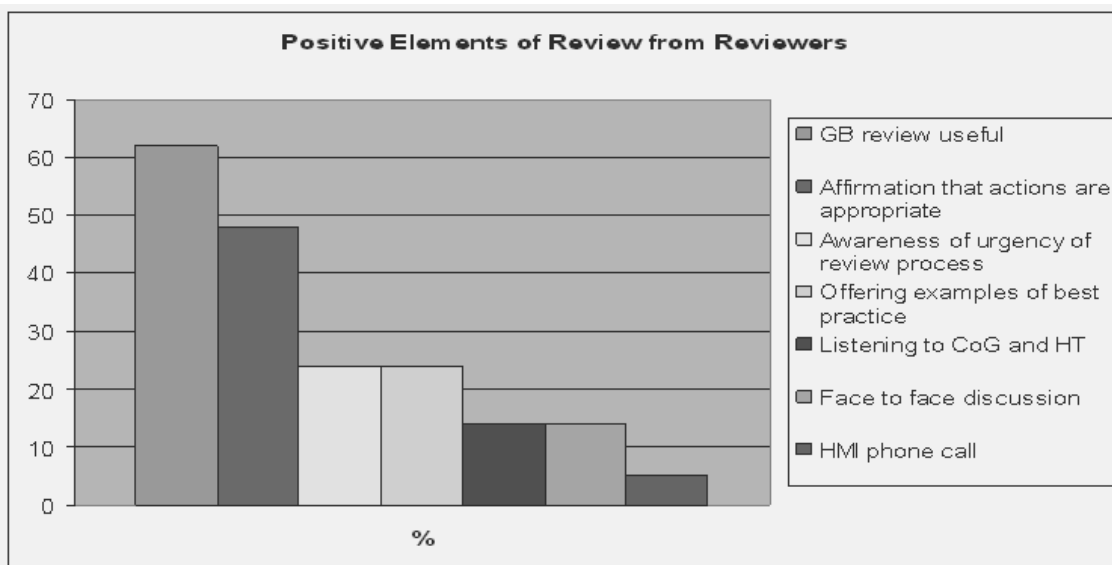
- Primary 45
- Secondary 13
- Special 4

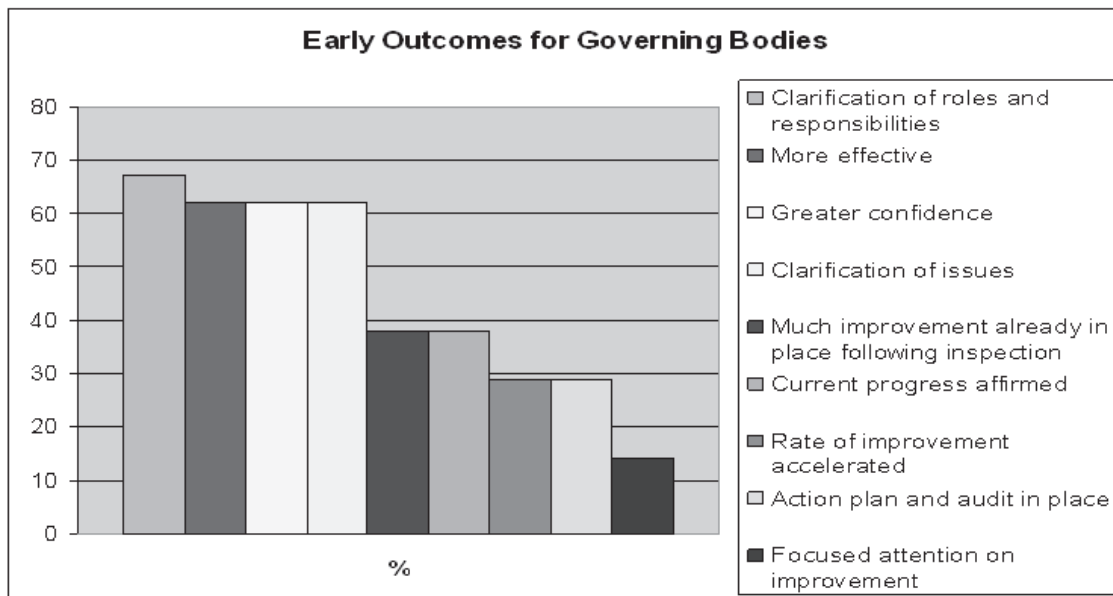
3. MAIN FINDINGS FROM REVIEWS











4. RECOMMENDATIONS

4.1 Overall

- Governors, headteachers and reviewers are positive about the reviews.
- Credibility of the reviewers is key.
- Schools welcomed the reviewers as experienced professionals who understand the situation, can support and offer effective advice.
- Schools think the review will impact positively on outcomes for pupils.
- The process has been very useful and should continue, with modification
- In future the reviews will be provided by a range of professionals and these will be commissioned and paid for by individual schools. It is important there is consistency and high quality in these reviews.

4.2 Engagement

- Schools may be charged for these services in the future.
- All parties must understand what the review will and will not offer in terms of time, expertise and outcomes.
- **KEY recommendation = a firm agreement must be made so that all parties are fully aware of what is expected of them and the commitment which they will have to provide in order for the review to be effective.**
- This will ensure the process is realistic and completed in a timely and efficient way.

4.3 Guidance

- The pilot reviews were carried out in a variety of ways and whilst it is important to allow for flexibility so that the needs of different governing bodies can be addressed
- **KEY recommendation = specific, clear, comprehensive and transparent guidance for review methodology.**

The guidance may cover the following areas:

1. A bank of resources to include pro-forma and methodology for review processes, details of performance tables, Ofsted criteria, information relating to headteacher performance management and salary structures, use of pupil premium and its relation to pupil outcomes.
2. Documentation required of the school available to the reviewer.
3. Objectives and suggested agenda for; preparatory meetings with chair of governors; preparatory meeting with headteacher; joint meetings with headteacher and chair of governors.
4. Facilitation of governing body review.

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5. Meeting with governing body.
 6. Meetings with governing body committees.
 7. Suggested time frames for the process and its constituent parts.
 8. Involvement of the local authority, diocese, academy chain where appropriate.
 9. Exemplar materials in terms of a good practice by including high quality anonymised reports from reviews, outcomes of self review, action plans, activities and time allocated by reviewers.

4.4 Key areas for action

- Clarity for reviewers is required about the key areas for action.
- The highest quality reports took the Ofsted areas and recommended specific actions which would facilitate the required improvement.
- Many of these included a change to the size, composition or capacity of the governing body and it may be that this becomes as a standardised part of the review process.

4.5 Action Plans

- Form the basis of future development and improvement by the governing bodies.
- These were the most variable element of the process in terms of quality.
- Weaker Action Plans.
 - Did not include overall objectives explaining why the actions were required.
 - Recorded generic actions (eg governor training).
 - Identified the chair of governors or full GB as being responsible for all the actions.
 - Time frames reported “on-going”.
 - Did not have success criteria.
 - **KEY recommendation = pro-forma provided for the process needs review and development and should include as a minimum—overall objectives, key actions, personnel, time frames and success criteria.**
 - **KEY recommendation = Reviewers may require guidance and training in action planning methodology.**

4.6 Follow up

- Overwhelming feedback from chairs, heads and reviewers is that these reviews need follow up.
- General agreement that the reviews have achieved a great deal, the measurable outcomes will only be evident over the next months.
- Ofsted inspections will ultimately determine if the school has improved but the detail of how the governing body has contributed to this improvement will be minimal.
- Governors have found the discussion with experienced professionals invaluable
- In some cases the reviewer has already been engaged by the school to continue their support or to evaluate progress in six months.
- **KEY recommendation = follow up is built into the review process from the beginning so that expectations are clear. In this way the long term impact of the reviews will be identified.**

June 2013
