School Governance

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Summary

This briefing provides information on school governance structures in England, Northern Ireland and Wales and looks at the main responsibilities of school governors in England.

School governors provide strategic leadership and accountability in schools in England, Northern Ireland and Wales. Scotland does not have a formal system of school governance and instead schools have Parent Councils to maintain links with the school community.

The first section of this briefing looks at how school governance is structured in different school types in England, Northern Ireland and Wales. The following sections look at the main roles and responsibilities of school governors and some of the challenges associated with the position. Finally, the briefing will look at recruitment and skills of school governors.

1. Introduction

School governance in the UK

School governance varies for each country in the UK. England, Wales and Northern Ireland all operate similar systems of school governance for state schools, whereas Scotland does not have formal school governors and instead has Parent Councils. In England, Wales and Northern Ireland, governors have similar roles and responsibilities but there are differences in governance structures and representation on boards.

In England, school governors provide strategic leadership and accountability in schools through three core functions:

- Ensuring clarity of vision, ethos and strategic direction;

- Holding senior leaders to account for the educational performance of the school and its pupils;

- Overseeing the financial performance of the school and making sure its money is well spent.

These functions are also similar in Northern Ireland and Wales. There are currently around 300,000 school governors in England. The Department for Education collects information on school governors of state schools in England, which can be accessed on Edubase.

There are approximately 23,000 school governors in Wales and over 11,000 school governors in Northern Ireland.[1,2]

What does this briefing cover?

This briefing provides an overview of the different structures, responsibilities and challenges associated with school governance in England, Wales and Northern Ireland and, where necessary, outlines differences between the countries.

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[1] Welsh Government, School governance, March 2016
[2] Northern Ireland Assembly, Research and Information Service, School Governors, August 2011

2. Structures

2.1 England

Maintained schools

In local authority maintained schools there will be a sole governing board that carries out the functions outlined in Section 3. Maintained school governing boards must have:

- At least two parent governors, elected where possible;
- The headteacher, unless they decide not to serve on the board;
- One elected staff governor;
- One local authority (LA) governor;
- Faith schools may also appoint foundation governors, nominated by the appropriate religious body.

The board may then appoint as many co-opted governors as is appropriate, although the number of co-opted governors that can also be staff governors must not exceed one third of the total number on the board. Co-opted governors do not have to have a specific connection to the school or local community but should have the skills or experience necessary to carry out the functions of the governing body.

Academies

Both single academy trusts and multi-academy trusts (MAT), as charitable companies, have both Trustees and Members. The Trustees manage the business of the academy trust and should focus on the three core functions of the governing board:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding senior leaders to account for the educational performance of the school and its pupils;
- Overseeing the financial performance of the school and making sure its money is well spent.

The Trustees must ensure compliance with charity law, and are accountable to Parliament and the Secretary of State. The Department sets out limited requirements for the constitution of a board of Trustees:

- Must have two elected parents;
- No more than one third can be employees of the Trust;
- No more than 19.9 per cent can be LA employed (including teachers and headteachers of LA maintained schools);
- For University Technical Colleges, there must be a representative from the employer and university sponsors.

Members of academy trusts have a similar role as shareholders in a company limited by shares. They are signatories to the articles of association, which includes the trust's governance structure and the

definition of the trust's charitable object. They also have powers to amend this article of association in particular circumstances, as well as appointing Trustees. For academies that have a sponsor, the sponsor may have a right to appoint Members set out in its articles of association.[3] For academies that are not part of a MAT the board of trustees will act as the sole governing body.

Multi-academy trusts

In multi-academy trusts (MATs) the board of trustees is able to decide whether to appoint local governing bodies (LGBs) for individual schools within the trust, and which, if any, governance functions the LGBs would take responsibility for. Some MATs may appoint LGBs in an advisory capacity as a link to parents and the local community, whereas others may delegate more substantial responsibilities over standards or finance.

The different models of governance have raised concerns within some governing bodies in MATs. As schools convert to academy status or join MATs, responsibilities of local governing bodies may diminish and some school governors may no longer be required. However, there may be some benefits of a smaller governance structure to ensure clear and effective accountability to the executive board of trustees.

2.2 In Northern Ireland

There are three main types of school in Northern Ireland:

* Controlled schools;

* Maintained schools;

* Voluntary grammar schools.

Controlled schools are funded by the Education Authority (EA) through the school governing board. Primary and secondary controlled school governing boards will have representatives of parents, teachers, the EA and transferors (representatives nominated by the associated church). There are also a minority of controlled schools that are integrated, or Irish-medium, and will have suitable representatives on their governing boards.

Maintained schools (typically Catholic Maintained Schools) have governors who are nominated by trustees – mainly Roman Catholic – along with parents, teachers and EA representatives.

Voluntary grammar schools are managed by a board of governors that is constituted in line with each school's scheme of management - usually representatives of foundation governors, parents, teachers, the DE and in most cases EA representatives.

2.3 In Wales

All state schools in Wales are local authority maintained schools, including community schools, foundation schools, voluntary maintained

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[3] Department for Education, Governance handbook, March 2019, p47

schools and voluntary aided schools.[4] The main types of governor are as follows:

- Parent

- Teacher

- Staff

- Local education authority

- Community

- Foundation (for example religious representation for schools with a religious characteristic)

The numbers of each type of governor on a governing board will differ depending on the type and size of the school. For more information see the detailed tables on pages 10 – 13 of 'Governing body constitution', part of the Welsh Government's School Governors' guide to the law.

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[4] For more information see, Constituency casework: schools in Wales, CBP 7904

3. Responsibilities

School governors in England, Northern Ireland and Wales have similar roles and responsibilities.

The school governing board or board of trustees operates at a strategic level, with the headteacher and senior leaders responsible for the day-to-day running of the school. As described by the Department for Education, the board's role is to "hold the headteacher to account for exercising their professional judgement" over the educational performance of the school and for the internal organisation and management of the school.[5]

The board, alongside the headteacher and senior leaders, must agree the strategic priorities of the school, including processes of accountability and monitoring. For example, the board and senior leadership team may develop a school development plan setting out strategic targets and key performance indicators (KPIs).

In order to effectively hold schools to account, governors are responsible for asking challenging questions, reviewing school data against national data and visiting the school.

For maintained schools, governors also have responsibility for appointing a new headteacher and other members of staff. In England, to appoint a new headteacher, the governing board must create a selection panel with at least three governors, other than the current headteacher.[6] The board will select candidates for interview, carry out the interviews and recommend the appointment to the local authority. The governing board also has responsibility for notifying the local authority for any staff dismissals.

For academy schools, the Department for Education and National Governance Association has produced guidance for recruiting and selecting headteachers. The guidance explains that "academies are not subject to the same regulations as maintained schools and, subject to their articles of association, are free to set their own arrangements."[7]

Governing boards are also responsible for agreeing the school budget and ensuring financial sustainability within the school. Governors must be confident in challenging school leadership over financial matters and carrying out internal audits, usually with external support, for example from a local authority.

[5] Department for Education, The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, January 2014, p5
[6] Department for Education, The school staffing (England) Regulations, 2009
[7] DfE and NGA, Recruiting a headteacher, December 2017, p19

4. Recruitment and skills

Recruitment of school governors can be challenging. In 2016, Ofsted reported that "recruitment and retention of governors is a serious challenge."[8] A 2014 report from the University of Bath found that there was a shortage of potential parent governors and willing volunteers from staff and the wider community. It also found that "recruiting governors is harder in special schools and primary schools, schools serving disadvantaged areas, schools in urban/city and town locations, schools with below average levels of pupil attainment, schools with a Requires Improvement/Satisfactory Ofsted grade and schools that are not academies."[9]

In 2013, the House of Commons Education Committee produced a report, The Role of School Governing Bodies, which stated "vacancies continue to be an issue for many governing bodies" and that the "quality of governance in many schools is also inadequate."

In September 2012, the Government introduced regulations that gave governing boards more flexibility over the size and representation of the board to introduce a greater focus on skills.

The Government recommends that boards should develop a skills-based set of recruitment criteria for new members and has published a 'competency framework for governance'. This includes six competency areas:

- Strategic leadership – setting direction, decision making and risk management

- Accountability – education improvement and data analysis

- People – building an effective team

- Structures – roles and responsibilities within the board

- Compliance

- Evaluation

Useful Library briefings
- Constituency work: schools in England, CBP 5396

- Constituency casework: schools in Scotland, CBP 7819

- Constituency casework: schools in Wales, CBP 7904

- The School System in Northern Ireland, CBP 8024

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[8] Ofsted, Improving school governance, December 2016
[9] University of Bath, The state of school governing in England, 2014

BRIEFING PAPER

Number 08072
17 December 2019