RSA

Action and Research Centre

Who governs our schools?

Trends, tensions and opportunities

by Tony Breslin FRSA

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About the Report

This report has been written by RSA Associate Tony Breslin and is the outcome of an 18-month scoping study into school governance in England. The study has been informed by the support and input of an Expert Group, participants in a Governance Summit held at the RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) in June 2016, colleagues in the Creative Learning and Development Team at the RSA and at RSA Academies, and a range of governors and those with an interest in governance with whom the author has had contact during the course of his research. It has been further informed by the author's experience as a governing board member and school and federation chair, the chair of an academy council and a charity trustee. The Expert Group has met on four occasions and its members have met on a one-to-one basis on several occasions with the author.

While the text that follows has been informed and enriched by all who have participated in this process, the views expressed or cited, and the recommendations offered in it are not necessarily endorsed by the supporting partners who include the Association for School and College Leaders (ASCL), Breslin Public Policy, the Centre for Public Scrutiny, the Elliot Foundation, the Local Government Association (LGA), the National Governors' Association (NGA), the RSA and RSA Academies.

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Between September 2001 and August 2010, he was chief executive at the Citizenship Foundation, the leading education and participation charity. Prior to this, he was General Adviser, 14-19 Education, in Enfield, North London. A teacher by profession, he has taught and held management and senior leadership roles, including head of department and director of sixth form studies, at schools in Haringey and Hertfordshire. Tony has published over 80 texts and articles and has spoken widely in the UK and overseas on education and participation issues.

He has contributed to several recent RSA projects including Schools with Soul: a new approach to Spiritual, Moral, Social and Cultural Education (2014), led by Joe Hallgarten, and – in partnership with the British Educational Research Association – Research and the Teaching Profession: building the capacity for a self-improving education system (2014), for which he led the drafting of the final report on behalf of the project's steering group. In October 2016, the RSA published his paper on the future of learning, A Place for Learning: placing learning at the heart of citizenship, civic identity and community life, as part of its Power to Create series.

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Foreword

If we accept that the school curriculum is, at least in part, a summary of those things that we think of as being sufficiently important to pass on to the next generation, the way we organise our schools ought to serve as an exemplar of how we think learning should be organised and accessed, and a statement of the wider social commitment that we make, as a society, to education. How we *govern* our schools, and *who* is involved in this governance, is a big part of this. Led by RSA Associate, Tony Breslin, the scoping study that has produced this report has sought to unpick – as its subtitle suggests – the various trends, tensions and opportunities that are currently prevalent in a fast-changing school governance arena. Nor are these themes, tensions and opportunities limited to school governance. From the banking crisis to the collapse of Kids Company, from the debate over corporate taxation to the ongoing debate about "fat cats" pay, in business, the voluntary sector and education, governance is in the spotlight as never before.

Central to the debate about governance, especially in our schools, is a debate about professionalism and professionalisation. Here, the report avoids the pitfall of seeing professionalism as an unproblematic term or an uncontested good, suggesting that "any professionalisation of school governance *must* be a cautious and nuanced affair". Against this backdrop, Breslin underlines the need for rigour, excellence and better resourcing but cautions against the kind of clinical professionalisation that imports "experts" while marginalising local stakeholders and weakening the connection between school and community. Building on the themes in his recent RSA Power to Create paper, *A Place for Learning*, great school governance, he contests, is rooted in the communities that it serves and informed by the contextualised knowledge of local expertise; moreover, the engagement of local people as citizens in the running of their schools creates a virtuous circle that drives school improvement, promotes creative problem-solving, provides multiple opportunities for lifelong learning, and underpins community development.

For this reason, the report is often cautious about moving, in what might be termed the "academies age", governance "upstream" and away from local communities towards the trustee boards of multi-academy trusts (MATs) and the governing boards of large federations. These bodies may be able to summon a larger number of highly qualified professionals into their ranks, but at what cost in terms of local knowledge, intelligence, legitimacy and "connectedness"? This connectedness takes on a new premium in an age where those involved in governance are increasingly held responsible for intensely local agendas, not least around safeguarding and the personal and social development of our young people. Anybody who doubts the pertinence of qualities such as legitimacy and connectedness need only glance at the professionalisation

of our national politics over the past 25 years, a process that has given us, as Breslin puts it "the best qualified cadre of national politicians in our history, but also the least connected".

The body of the report is arranged into six sections, each with a headline message and a series of recommendations. So as to aid (but not to encourage) those in the habit of reading the "top and tail" of papers such as this, the headlines – of which there are six – are summarised at the start of the report and the recommendations – of which there are thirty – are listed at the close of each section and, in summary, at the close of the report. We do not expect the recommendations to be adopted as a block, but we will be disappointed if the headlines are not given due consideration by policymakers and all who have influence in our education system. For ease of navigation, each section explores a pair of shared themes, namely:

1. Purpose and Participation
2. Induction and Development
3. Landscape and Policy
4. Stakeholders and Experts
5. Leadership and Autonomy
6. Collaboration and Partnership

While the focus is on the work and impact of governing boards – whether this be at the level of the individual school, the federation or the multi-academy trust – the argument throughout is that governance itself is a task and a process that engages many more individuals and institutions than those who sit on, or are allocated a seat on, governing boards. As such, the report seeks to retain this wider view of governance and of the policy setting in which it takes place. Here, the call that governor training should not simply be for governors but for all who are engaged with governors, and in the governance process, is critical if we are to broaden our understanding of the role and importance of governance in our schooling system.

In this context, a worthy follow-up to this scoping study would be a fuller and wider investigation into the broader leadership and governance of the education and schooling system – a project that the RSA would be pleased to host and in which we are confident our partners in this exercise will want to play a full part. Without this piece of work being undertaken, the governance of our schooling will remain akin to what Breslin aptly describes as "a jigsaw puzzle of ill-fitting pieces – one without any picture on the box". As the government shapes its agenda, a commitment to exploring what this broader picture *could* look like should be one thing that politicians of all persuasions might support.

Matthew Taylor
Chief Executive, RSA

9 June 2017

Headlines

1. Effective governance is not just a vital driver of school improvement; engagement as a school governor is one of the most popular means of formal volunteering in the UK. Any move which undermines either this purpose or this participative spirit should be viewed with caution.
2. There is rightly a strong focus on the need for better induction and training for school governors, but training for governors alone is insufficient. We need a better understanding of governance across the teaching profession and amongst others who work in and with schools, especially amongst school leaders and those who aspire to such roles.
3. Too often governors are left to navigate a changing landscape that is not of their making and which has not been crafted with governance, or at least locally based governance, in mind; it is common for changes to school governance arrangements to emerge as the unintended consequences of change elsewhere in the system. How we govern our schools should be an education policy priority, not an afterthought.
4. There is a false dichotomy in the minds of policymakers and in Department for Education (DfE) documentation that assumes stakeholders cannot be experts. Building on the locally contextualised knowledge of parents, staff, students and members of the local community is not a block on good governance; it is often the route to it – and it may have significant benefits in terms of personal and community development for the individuals and neighbourhoods concerned.
5. Whilst there are undoubtedly benefits to the kind of strong, formal school partnerships that a system based around federations, multi-academy trusts, umbrella trusts and other arrangements that cluster schools into groups might deliver, we need to understand the impact of this shift, locally and system-wide, especially in terms of the recruitment and retention of head teachers, senior leaders and governors.
6. We need to share lessons about what is and isn't good governance across and between sectors; those involved in school governance may have lessons to learn about governance from elsewhere in the public sector, the voluntary and community sector and the business world, but they also have much to offer, not least in terms of a universal commitment to values-driven leadership that places transparency and community service at its core.

Key Themes

1. Purpose and Participation

Effective governance is not just a vital driver of school improvement; engagement as a school governor is one of the most popular means of formal volunteering in the UK. Any move which undermines either this purpose or this participative spirit should be rejected.

In this section, we explore seven questions:

1. Why does school governance matter?
2. What are school governors and governing boards responsible for?
3. Can governance make a specific impact on the progress and attainment of pupils or students?
4. How many individuals are active as members of school governing boards in England?
5. How diverse is the membership of school governing boards?
6. What is the experience of governance like for individuals and what might be the wider impact of their engagement as governors be on their communities?
7. Who are the other partners in the governance process?

Effective governance provides strategic direction and control to schools, academies and multi-academy trusts (MATs). It creates robust accountability, oversight and assurance for their educational and financial performance and is ambitious for all children and young people to achieve the very best outcomes.

DfE (2017a).

1.1 Why does school governance matter?

Effective school governance is a driver of educational change: pushing up levels of achievement, participation and inclusion, defining the vision and values that a school or group of schools holds dear, holding the professional leadership team – and notably the headteacher or executive headteacher – to account, ensuring the probity of financial decision making, and strengthening the bridge and bond between a school and its community.

Moreover, effective governance can provide both a protection and an enabler for senior leaders, and the headteacher or executive headteacher in particular. On the one hand, a recently appointed headteacher driving through a difficult transformation agenda focused on, for example, raising attainment levels at a previously "coasting" school or federation is strengthened and protected by the support of an effective governing board.

Likewise, a headteacher committed to action that does not place the latest demands of educational policy at the heart of his or her professional and pedagogical practice, or goes significantly beyond these demands, is enabled by the backing of a governing board that shares these aspirations.

In short, the board – because of its responsibility for a school's or federation's strategic direction, its broader oversight and its legal responsibility – can lift the risk of innovative practice from the shoulders of the head, empowering and emboldening the head in the process.

In this context, the relationship between a governing board and the professional leadership team, and notably the head, is constructed over time through an iterative process of discussion, debate and co-production, within both the professional leadership team and the board and, critically, *between* both the leadership team and the board. Expressed often as a bilateral of "support and challenge", it is perhaps better thought of as a triangulation of mutual vision, trust and evaluation, as set out in Figure 1.1.

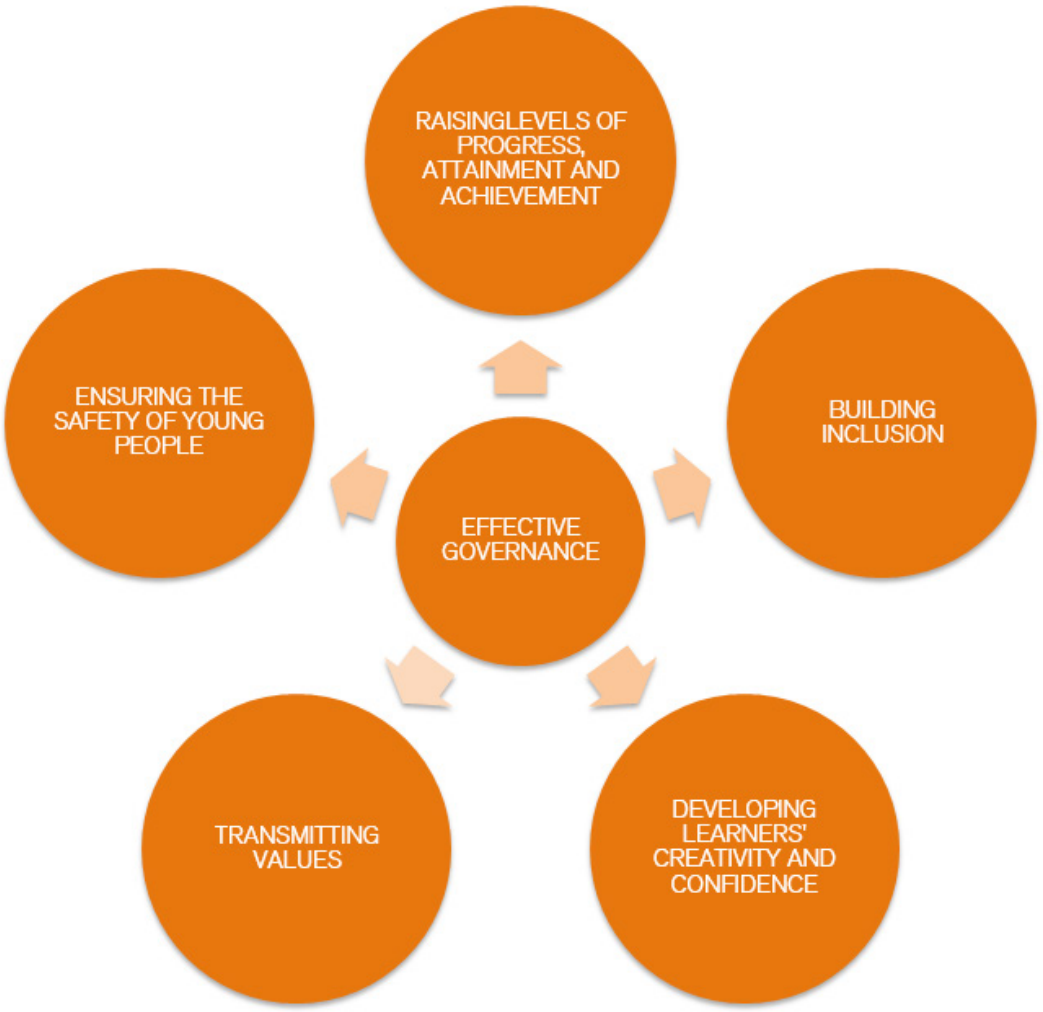
Figure 1.1: Elements of governance - Vision, trust and evaluation



Finally, the governing board, in a sense, *transcends* the professional leadership of the school or group of schools because of its institutional permanence and over-arching responsibilities. While individual governors and heads come and go, the institution of the governing board remains a permanent feature, appointing successive heads and carrying the organisation's ethos and tradition over time.

High quality governance ought to be an aspiration of any education or schooling system that seeks to be "world class". As Figure 1.2 illustrates, governance is not a distraction from the core business of schooling – raising achievement, developing the creativity and confidence of learners, building inclusion, transmitting values and ensuring the safety of young people – but rather a route to excellence in these areas, a point acknowledged and emphasised in the most recent report on governance from the schools' inspectorate, Ofsted (2016).

Figure 1.2: Governance and the core business of schooling



The centrality of governance to the school improvement agenda is also underlined in Ofsted's *Framework for the Inspection of Schools*; as illustrated in Figure 1.3, governance is a key and specific component of the Leadership and Management strand of the framework, one of four strands that inspectors consider in coming to a judgment about a school's performance. Indeed, given that a school cannot be graded at a higher level than that granted for Leadership and Management, and the prominence of governance within this strand, it follows that the formal position is that a school cannot achieve a higher inspection grade than that accorded for the quality of its governance.

In short, effective governance can raise the prospect of an "outstanding" judgment. Weak governance, in spite of a strong professional team and outstanding classroom practice and student outcomes, can deny that possibility. Such is the responsibility that rests on the shoulders of the modern school governor.

When inspectors judge the leadership and management of a school to be less than good, a common underlying weakness is the failure of governors to hold school leaders to account. That is why it is so important to understand the principles and practices that contribute to good and outstanding governance, and the challenges that governors face.

Ofsted (2016)

Figure 1.3: The place of governance in the Ofsted framework

- Inspectors will make a judgement on the effectiveness of leadership and management by evaluating the extent to which leaders, managers and governors:
- Demonstrate an ambitious vision, have high expectations for what all children and learners can achieve and ensure high standards of provision and care for children and learners
- improve staff practice and teaching, learning and assessment through rigorous performance management and appropriate professional development
- Evaluate the quality of the provision and outcomes through robust self-assessment, taking account of users' views, and use the findings to develop capacity for sustainable improvement
- Provide learning programmes or a curriculum that have suitable breadth, depth and relevance so that they meet any relevant statutory requirements, as well as the needs and interests of children, learners and employers, nationally and in the local community
- Successfully plan and manage learning programmes, the curriculum and careers advice so that all children and learners get a good start and are well prepared for the next stage in their education, training or employment
- Actively promote equality and diversity, tackle bullying and discrimination and narrow any gaps in achievement between different groups of children and learners
- Actively promote British values
- Make sure that safeguarding arrangements to protect children, young people and learners meet all statutory and other government requirements, promote their welfare and prevent radicalisation and extremism

Source: *The common inspection framework: education, skills and early years*, (Ofsted, 2015)

A strength of the current Ofsted framework is that governance is a specific element of the Leadership and Management strand. However, it may be that separating out governance might render it more explicit, both to schools and to those involved in their inspection.

Indeed, the so-called 'Trojan Horse' affair involving a group of schools in the West Midlands that came to light in March 2014 revealed both the power of governing boards, and the impact of the misuse of this power. As such, the case underlined why high quality school governance matters and what can happen when the broader principles and responsibilities of governance are ignored.

1.2 What are school governors and governing boards responsible for?

We outline elsewhere how governance – and, more precisely, the role of governing boards and individual governors in schools – is often poorly understood, both within and beyond the education system. As is the case with trusteeship in the voluntary sector, governors are unpaid volunteers, giving their time freely and often with sporadic access to induction and training. Nonetheless, the latest edition of the DfE Handbook is clear: "the board is responsible in law for the school", or the schools in a federation or a multi-academy trust.

In this context, an individual school or federation governing board or the board of a multi-academy trust is responsible for three core functions as set out in the periodically updated Governance Handbook published by the Department for Education:

1. Ensuring, for the school or federation, clarity of vision, ethos and strategic direction.
2. Holding executive leaders to account for the educational performance of the school or federation and its pupils, and for the performance management of the staff.
3. Overseeing the financial performance of the school or federation, and ensuring that expenditure delivers value for money.

The [governing] board is there to make sure the school is sustainable and delivering its mission. It's a corporate, collective and team activity.

Emma Knights, Chief Executive, National Governors' Association.

The department's recently published *A Competency Framework for Governance* (DfE, 2017a) arguably goes further and prefers a different typology as set out in Figure 1.4. This suggests that effective governance is underpinned by an adherence to six core principles.

Against this backdrop, a governing board ordinarily plays the key role in setting the values, mission and strategic direction of the school or federation; in schools of a designated religious character, the question of values is not a local question but the operationalisation, or setting out, of these values and their translation into a vision, mission and strategic direction remains a governing board responsibility. In all settings the board takes the lead role in the appointment of the head or principal, and the oversight of probity across the organisation in the allocation of its financial and other resources, and in matters such as school admissions (although the latter are often agreed through the local authority on an area basis).

Day-to-day leadership and management of the school or federation is vested in the head or principal. Typically, he or she is line managed by the chair and held to account by the governing board through, as we have noted earlier, what is typically (if insufficiently) described as a mix of support and challenge. Governors in FE and sixth-form colleges have broadly similar roles and responsibilities.

However, as we shall outline later, the emergence of trusts and federations is beginning to usher in a variety of new arrangements to the schools' landscape where heads are managed and supported by an executive head or CEO, typically based elsewhere.

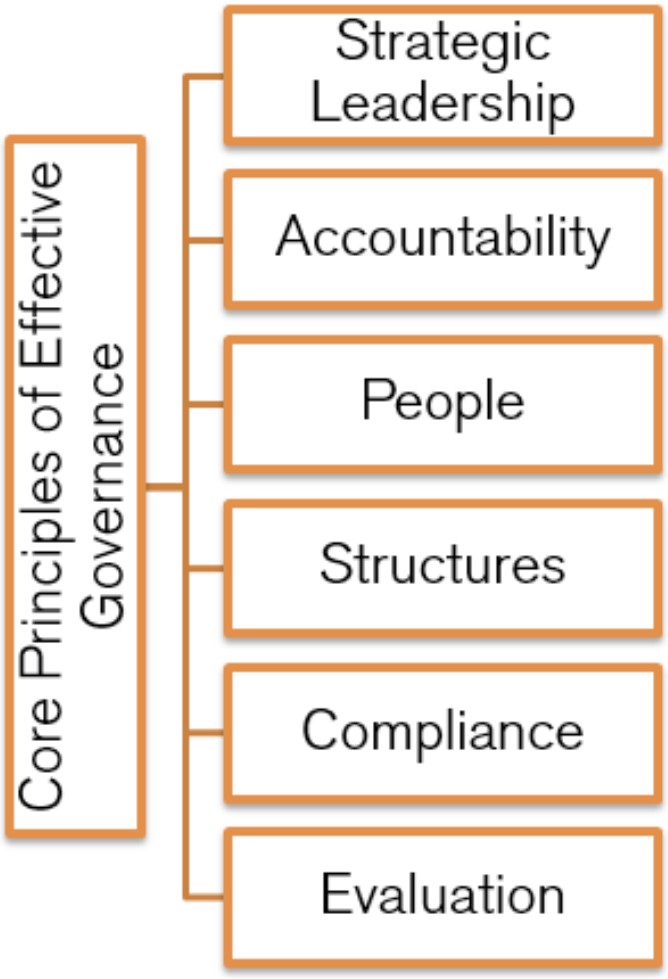
Traditionally, governing bodies are composed of a range of local stakeholders and include parent governors, staff governors, local authority and foundation governors. Usually, parent governors and staff governors are elected to their positions by their peers, while other board members are

typically recruited because of a particular expertise that they hold or a connection that they maintain in a local agency, in the business community or in the voluntary and community sector.

In some settings, two or more schools federate and operate under the auspices of a single governing board, but functionally this board has the same role.

Beyond these formal and legal responsibilities, governing boards, and school governors as individuals, do much more than just govern. Critically, individually and collectively, governors serve as a channel of engagement for a range of stakeholders. Although they are absolutely not representatives of these stakeholders, in emerging from these groups and organisations they give the process of governance legitimacy in the eyes of different stakeholder communities.

Figure 1.4: Can governanace make a specific impact on the progress and attainment of pupils or students?



Source: A Competency Framework for Governance: the knowledge, skills and behaviours needed for effective governance in maintained schools, academies and multi-academy trusts, Department for Education, January 2017

1.3 Can governance make a specific impact on the progress and attainment of pupils or students?

Yes, at four levels: first, the governing board (working with the head, executive head or CEO) sets the vision, the mission and, in secular settings, the values of the school, federation or trust. As such, those responsible for governance define strategic direction and key priorities, and oversee resource allocation and staffing arrangements such that they reflect these priorities. These priorities, in turn, are then translated into a set of clear objectives, especially (but not solely) in terms of the progress and attainment of pupils or students, typically articulated in a School Improvement (or 'Development') Plan.

Second, boards are aware of national "floor" targets and areas for action identified in inspection reports or by local authority or academy trust reviews and have access to school, local area and national data and the duty to ask questions of the leadership team about this data, especially when particular groups, or the school as a whole, appear to be underperforming, either in terms of progress or attainment.

The quality and variety of performance data now available to governing boards is stronger and wider than it has ever been, but it is vital that boards have the data-literacy to make best use of this information and critically the ability to identify that which really matters – not just to the visiting inspector or the parent body, but to the values, vision and mission of the school, federation or trust.

Third, boards usually identify designated governors or establish sub-committees to better understand and address performance in specific areas of the curriculum, such as literacy, numeracy and science; and amongst particular cohorts, for instance those with special educational needs and learning difficulties, potential high achievers, those in receipt of pupil premium funding or those from minority ethnic groups.

More recently, the safeguarding agenda – and a range of areas focused less overtly on attainment and progress and more on wellbeing and personal development – has come to take on a special significance for governing boards, spurred by a range of agendas including the mental health of children and young people, the threat of radicalisation, the opportunities and threats posed by the internet and social media, and ongoing concerns about child protection. As we shall discuss later, these emergent areas of responsibility make new demands on governor expertise, and some are likely to require specialist training.

Finally, given the critical importance of the relationship between the governing board and the headteacher, effective boards are likely to retain effective and "in-demand" heads for longer, precisely because the head and the senior leadership team are likely to feel supported in their work. This, in turn, is likely to feed through to sustained success in terms of student or pupil attainment and progress, and wider staff contentment and retention. At a time when school leaders are in short supply, such a benefit should not be lightly overlooked.

Through the interplay of these four factors, governing boards drive progress and attainment, and school improvement more broadly. As illustrated in Figure 1.5, governors and boards need to be clear on values and strategic direction, clear on the direction of education policy and in their responsibilities, and confident in the analysis and interpretation of

performance data and the range of formats in which this is presented. And they need to be able to work with the school's, federation's or trust's professional leaders in the kind of spirit set out earlier in this section in Figure 1.1.

Figure 1.5: Effective governance and school improvement



1.4 How many individuals are active as members of school governing boards in England?

In January 2017, approximately 300,000 individuals were involved in school governance in England. The economic value of their contribution has been estimated as being worth £1bn (NGA-University of Bath, 2014). A further 5,900 individuals were serving on the governing boards of 332 FE colleges (Godbold, 2015).

In addition, approximately 23 percent of parents are actively involved in parent teacher associations or similar bodies, and 13 percent are active on parent councils (PTA UK, 2017). Others are involved in offering various forms of voluntary support in classrooms, on school sports fields and beyond.

By comparison, there are approximately 580,000 individuals serving as the trustees of charities (NCVO, 2012), 18,000 are serving as magistrates (Bowcott, 2014) and approximately 18,100 individuals are serving as elected members of local councils (Department for Communities and Local Government, 2014). During 2015, approximately 179,200 individuals undertook jury service (Collinson, 2016).

Figure 1.6: School governance as conduit for participation and engagement

	Charitable Trustees	School governors	Magistrates	Elected members	Participants in Jury Service
Approximate Number	580,000	300,000	23,500	18,100	179,200

Thus, as Figure 1.6 illustrates, the membership of school governing boards is one of the biggest single conduits through which individuals formally participate on a voluntary basis in civil society. Moreover, the numbers involved in governing board participation and other forms of volunteering within the schooling system in England – and in educational institutions more broadly – demonstrates an immense degree of goodwill and an enormous pool of social capital for professional educationalists – and the children and young people in their care – to draw on.

This level of voluntary participation ought to be a cause for celebration, but there are three caveats:

1. Membership of a governing board does not, of itself, constitute participation or engagement.
2. As this report went to press in July 2017, there were approximately 30,000 vacancies on the governing boards of primary, secondary and special schools in England, with approximately one in 10 governing posts vacant nationally, a figure that rises to approximately one in four in rural communities and in areas of socio-economic disadvantage.
3. This recruitment challenge is not just about numbers and the "filling of gaps" - it is about ensuring that governing boards can attract and retain people with the skills they need at particular points in time.

The numbers involved in school governance are to be celebrated but being a governor is about more than the membership of a governing body; it is about being actively engaged in the practice of governance and the exercising of shared responsibility.

Hugh Greenway, Chief Executive, Elliot Foundation.

The recruitment challenge is worthy of further comment. We contend that making a poor appointment to a governing board should be considered as carrying the same risks as making a poor appointment to a school's professional team.

For this reason, we contend that the processes for the recruitment of governors should be as thorough as those pertaining to the appointment of employed staff. Often, they are not. This is not about raising unnecessary barriers to access but it is about bringing the kind of rigour that would be brought to the appointment of any member of the employed workforce to the appointment of governors.

In this context, the continuing challenge of recruiting and retaining governors, and the clerks who play such a crucial role in supporting effective governance, and the necessity that governing boards are appropriately skilled, sufficiently informed and fully engaged are headline features in Ofsted's recent report, *Improving Governance: Governance arrangements in complex and challenging circumstances* (Ofsted, 2016), and in *The State of School Governance in England* (University of Bath-NGA, 2014), a source that we shall return to shortly in our discussion of diversity.

It is a problem that members of (younger, female and non-white) groups feel they don't fit the role of chair of governors. Schools are all about people. Part of the governance role is to represent communities as a whole, to ensure that schools are in tune with people's lives and aspirations. The chair helps to determine how a school develops, the culture and tone of the institution, the range of its activities.

Karen Whitby, Research Manager, CfBT Education Trust (2011) [Karen is now Head of Impact at the National Foundation for Education Research]

One of the challenges for those seeking to render school governance more effective is to do so while continuing to nurture the kind of participation and engagement in civil society that current arrangements facilitate. As we shall elaborate on later in these pages, one of our concerns is that a narrow instrumentalism that under-values the importance of such participation may ultimately weaken governance itself.

1.5 How diverse is the membership of school governing boards?

As Figure 1.7 illustrates, the lack of diversity in governing boards is an enduring concern, especially with regard to age and ethnicity. And the position is more pronounced with chairs, who are typically middle-aged, white and male. Research suggests that only eight percent of governors are under 40 and 33 percent are over 60.

Figure 1.7: School governance: The diversity challenge

	White	Under 40	Over 60
Estimated Percentage	96%	8%	33%

As with so many institutions and public services, governing boards are likely to gain legitimacy and authority with the communities they serve if they better reflect those communities. Here, moves to render boards more effective through a further professionalisation of their membership may make attempts to diversify their membership even more challenging.

Tellingly, 96 percent of the 7,500 respondents who took part in the survey that underpins *The State of School Governing in England report* (University of Bath-NGA, 2014) were white. The report acknowledged this lack of diversity and called for governance arrangements to be organised on "work-friendly" lines, a move that is likely to be of greatest benefit to those who are not self-employed or in managerial or professional occupations, and who are amongst the most under-represented at the governance table.

Governorship in the FE sector is marked by a similar lack of diversity: 21 percent of externally appointed governors are over 65, 86 percent of governors are white, 60 percent of governors are male and three percent are self-assessed as disabled.

1.6 What is the experience of governance like for individuals, and what might the wider impact of their engagement as governors be on their communities?

The annual NGA-TES governance survey provides a valuable insight into the experience of governance for individuals, and typically identifies some recurring themes: the extent to which governors value their engagement in schools, recurring difficulties in both staff and governor recruitment and retention, the challenge of remaining up-to-date in a fast changing policy environment, and the challenges of balancing work and family life with the increasing responsibilities that governors carry. These themes

We need to think of governors and governing bodies as part of a much wider system of educational governance, not as the totality of that governance system.

Hugh Greenway, Chief Executive, Elliot Foundation.

are reflected in *The State of School Governing in England* (University of Bath-NGA, 2014) and in a range of other recent studies of school governance.

It might be useful to build on this data by exploring in more detail the journeys to governance that individuals take, and the impact of their experience of governance on their subsequent community engagement and employability biographies.

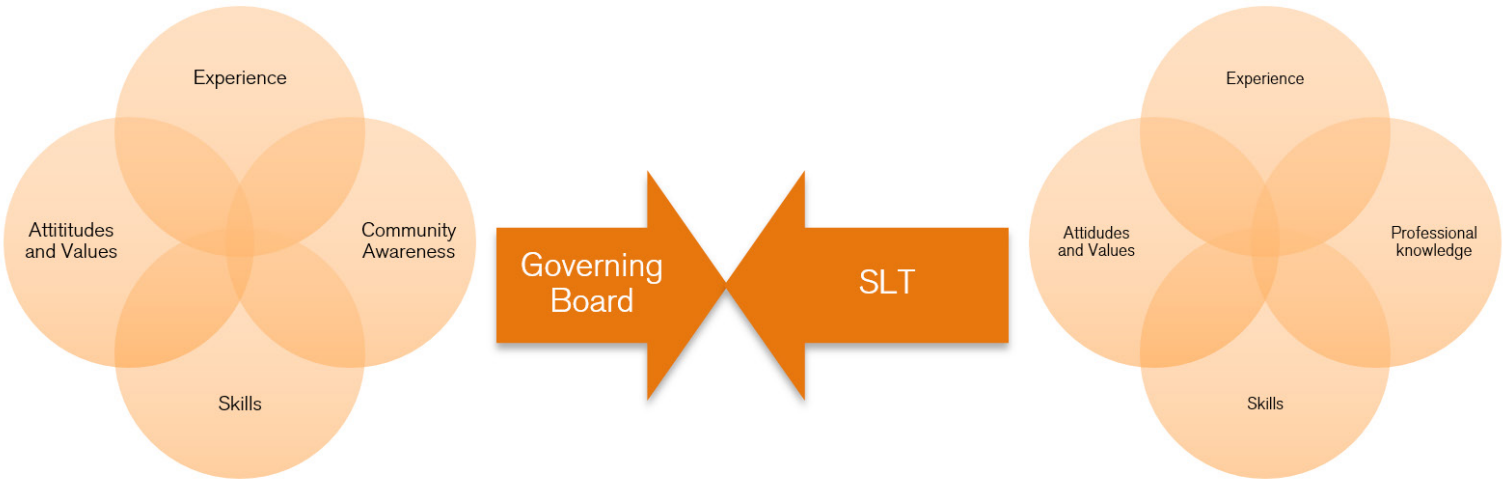
Anecdotal evidence suggests that participation in school governance is often transformative for individuals, acting as a catalyst for the development of personal skills and self-confidence, and opening a gateway to further active citizenship in the community, to participation in programmes of adult education, and to success in the workplace. If it can be more firmly established that participation in school governance is likely to be a gateway into a broader "career" in community engagement and participation, to re-engagement in learning programmes or to enhanced employment or professional development opportunities, it is likely to become more attractive to those who are currently not involved, especially those from under-represented groups and communities.

1.7 Who are the other partners in the governance process?

Governance is not just about governors, or the functioning of an individual school or federation governing board. Governance (and leadership) responsibilities are shared between the board and the professional team, and, as we shall see later in this report, with a range of external agencies. In the first instance, as illustrated in Figure 1.8, governance succeeds or fails at the meeting point between professional leadership and voluntary governance, and because of the qualities, experience, skills and attitudes that each brings to the mix.

While governors and governing boards have long held the legal responsibility for governance, they have never been responsible for the delivery of governance in its entirety or, to put it another way, they have never governed successfully alone or in a vacuum.

Figure 1.8: The meeting point between voluntary governance and professional leadership



Recommendations: Purpose and Participation

Recommendation #1

The Department for Education should encourage any organisation or agency involved in assessing the performance of schools to review the extent to which it considers the work of governing boards when forming its conclusions.

It is clear that an effective governing board can impact positively on a school's performance ethos, and that a weak governing board can hold a school, and its leadership team, back in a variety of ways; the frameworks of local and national agencies involved in driving school improvement and transformation are beginning to reflect this but the suspicion is that practice lags someway behind. Matters of governance need to feature much more prominently in the minds of school improvement professionals and in the frameworks that they work with.

Recommendation #2

Ofsted ought to explore ways in which it can render governance more explicit in the Framework for the Inspection of Schools, and more prominent in the day-to-day practice of inspectors.

In this respect, it might be valuable for Ofsted to work with the National Governance Association, the Association of School and College Leaders and the National Association of Head Teachers and other relevant agencies in the modeling and piloting of different approaches to evaluating, inspecting and quality assuring the standard of school governance.

Recommendation #3

Developing the confidence of governors in working with progress and attainment data ought to be a priority for governor support and development programmes, locally and nationally.

There is a sense that too many boards are overly dependent on a small number of governors who act as translators of data for their colleagues. More thought needs to be given both to how data is presented for governor interrogation and to how governors might most effectively develop their data analysis skills.

Recommendation #4

Policymakers need to ensure that reforms to the way in which schools are governed continue to nurture and build on current levels of participation.

As with jury service, engagement in the magistracy or serving as a charity trustee or as a member of a local council, participation in the governance of our education system is a vital pillar of civil society and a key part of what might be termed our "lay democracy".

Recommendation #5

Those involved in the recruitment of governors should bring the same standards of practice to this exercise as they would to the appointment of professional staff.

This means the appropriate use of best human resources practice in the recruitment of governing board members: clear role descriptions and person specifications, astute marketing and selection processes and a through-going commitment to equal opportunities.

Recommendation #6

Initiatives that specifically encourage the recruitment into the school governance process of under-represented groups should be encouraged, both by national and local government, and by the range of agencies active in the field.

As with other areas of public life, the broad expectation should be that governing boards reflect the complexion and needs of the schools and communities that they serve. There are a number of initiatives that support such an aspiration. Policymakers should build on these.

Recommendation #7

Policymakers need to make a concerted effort to better understand the experience of governors and the impact of participation in governorship on the broader life journeys of individuals.

Doing so will enable policymakers to build their understanding of the motivations that underpin governorship and the disincentives that discourage or curtail engagement. Developing this understanding is particularly important at a time of significant system change

Recommendation #8

Policymakers need to acknowledge the range of players in the governance process.

Any initiatives that relate to changes in school governance need to reflect the fact that school and federation governors and MAT trustees are not the only individuals involved in governance, or who impact upon it.

2. Induction and Development

There is rightly a strong focus on the need for better induction and training for school governors, but training for governors alone is insufficient. We need a better understanding of governance across the teaching profession, especially amongst school leaders and those who aspire to such roles.

In this section, we explore five questions:

1. To what extent might the work of the school governor be described as a secret garden?
2. How is school governance portrayed and is this portrayal accurate and fair?
3. How do we best train and induct the various participants in the school governance process?
4. How do we best inspect or otherwise assure the quality of governance?
5. Given the increasing demands on those involved in school governance, should we move towards a system in which governors, or specific post-holders on governing boards, are paid or remunerated in some other way?

One of the most common questions I get asked, especially by parents on the gate, is "What do you do as a governor?"

Dan Hall, Bushey Primary Education Federation.

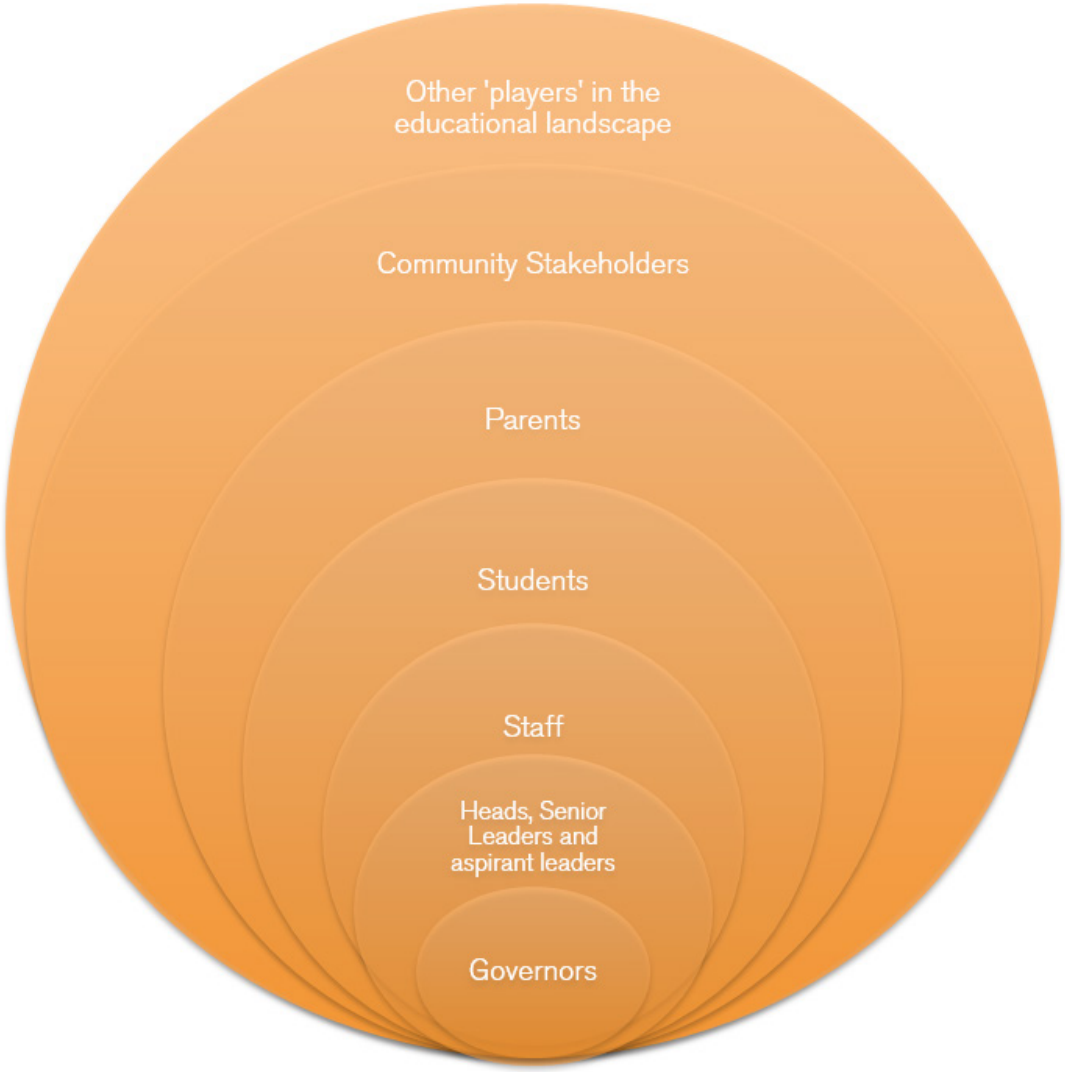
2.1 To what extent might the work of the school governor be described as a secret garden?

Although school staffing arrangements are characterised by clearly labeled positions, usually set within a clear and hierarchical structure, public understanding about the role of governors, the boards on which they sit and the sub-committees on which they serve is much less developed.

For many, governors' meetings remain a secret garden accessed by the headteacher or executive head, sometimes by other senior leaders and occasionally by a colleague asked to make a presentation on some aspect of their professional activity. The development of toolkits, guidance documents and frameworks are a vital aid to good governance, but they risk furthering the notion that only governors are in need of advice, guidance and professional development.

It follows that one of the secrets to improving school level governance lies not simply in training for governors or for heads, both of which we argue for later in these pages, but in a much more nuanced understanding of what governance is and the range of players vital to its success across school communities as a whole.

Figure 2.1: Towards a system-wide governance literacy



As we seek to illustrate in Figure 2.1, staff, parents and pupils all need to have a grasp of how governance works, who is involved in it, and what they need to contribute if governance is to be effective. In short, we need much more than just better training for governors; we need better training in governance for all.

2.2 How is school governance portrayed and is this portrayal accurate and fair?

There is sometimes a tendency to portray school governors as a group of well-meaning amateurs, a portrayal that is at risk of being reinforced by current discussions about "professionalising" governance, or supplanting current arrangements with tighter line management (rather than governance) based systems.

Such a portrayal has contributed to an environment in which the status and expertise of "stakeholder" governance (and notably staff and parent governors) has been questioned, while the role of a new cadre of business based "professional" governors has been championed. This dichotomy is, at the very least, unhelpful.

It is indisputable that schools with the ability to attract senior professionals from the worlds of business and elsewhere onto their boards have usually drawn benefit from this, both at board level and in terms of the potential of these individuals to act as coaches, mentors, role models and gate-openers for students and staff.

But this kind of "professionalisation", as we have seen in the evolution of our national politics over the past few decades, can also bring its own costs: without doubt, we boast the best-qualified cadre of national politicians in our history, but arguably, they are also the least connected. That is why any professionalisation of school governance *must* be a more cautious and nuanced affair.

2.3 How do we best train and induct the various participants in the school governance process?

While the DfE is clear that matters of induction and training are matters for boards themselves, this is in many ways unhelpful advice.

The reality is that access to induction and training is patchy nationally and likely to become more so. Moreover, those boards in the greatest need of development are, almost by definition, in the weakest position to address this need, even when the board itself recognizes its shortcomings. These difficulties are accentuated when a board finds itself in an area where the local authority has needed to make savings, and where, as a result, governor support and training has been cut. In any case, even where provision remains in place, take-up is based on astute self-evaluation and a combination of knowledge of availability and voluntary participation. In some settings the emergence of academies and free schools has further complicated the picture, one characterised by fragmented patterns of access and provision, with attendant gaps and duplications.

While the inspectorate make clear a set of minimal expectations about governor training (in areas such as safeguarding and recruitment), there remains an insufficient commitment to governor training nationally, or to providing the resources that might facilitate this. This is something that policymakers need to address urgently.

In any case, as we have already argued, governors are not the only people who need "governor" training. Considerable thought and investment is committed to the initial and continuing education of teachers and school leaders, but little of this is focused on their role in governance and their relationship with governors. Instead, calls for better "governor" training are usually focused solely on training for *governors*. This is important because it has at least three unintended outcomes:

1. It adds to a notion that we have already identified, that, as a group, school governors are willing amateurs.
2. It assumes that heads and senior leaders do not require access to professional development focused on how they work with boards of governors.
3. It diminishes the key role that school leaders contribute to the governance process.

Moreover, the relatively low priority traditionally afforded to matters of governance by, for instance, the National Professional Qualification for Headship (NPQH), and other Continuing Professional Development (CPD) programmes targeted at aspiring and new heads, contributes to a notion that future school and system leaders do not *need* to be prepared to be able to deal with matters of governance. They do, not least because heads and aspirant heads ordinarily only gain experience of governance in settings in which they work. For those aspiring to school leadership, this experience is itself dependent on the access they are given to board meetings and governance issues, by the board and/or their current head.

In short, the preparation of current and future heads to work within a governed context – and to contribute to and understand the fundamentals of good governance – is, essentially, left to chance. Yet, as Tracey Burns and Florian Koster underline (OECD, 2016), it is at the level of the classroom and the school that the implementation of educational reform succeeds or fails. And the capacity of local governance is critical to this. For this reason, we welcome the stronger focus on governance promised in the next iteration of the NPQH, and the publication of documents such as, What governing boards should expect from school leaders and what school leaders should expect from governing boards the guidance document produced by ASCL, NAHT, NGA and LGA (2015) and cited earlier.

2.4 How do we best inspect or otherwise assure the quality of governance?

The variable quality of governing boards has been a long standing feature of the English school system; on occasions, as we reiterate throughout this report, governance is weakest where it needs to be strongest, in our most deprived communities and our most challenged schools. If alternative arrangements – such as those offered by federations and MATs – succeed in addressing this challenge, they will be seen as having significant merit.

However, the welcome focus on governor expertise, the growth of bodies such as the National Governance Association, and a range of organisations and initiatives focused on governor recruitment, the emergence of the National Leaders of Governance programme, and the rising profile of governance in the school inspection framework have all helped to upskill governing boards, including those in weaker communities.

As Ofsted has acknowledged, the role of skilled and experienced clerks also has a major role in the nurturing and delivery of effective governance. At a time of tight budgets, the temptation to cut back on the professional clerking of governing boards is almost certainly a false economy that will ultimately feed through not just to poorer governance but a reduction in school effectiveness, with all that this entails for pupil and student outcomes.

However, there is a danger that too many initiatives to strengthen school governing boards are based on generic, "one size fits all" solutions and the common assumption that governing boards are intrinsically weak. Targeted interventions – for instance in areas of high educational, economic and social disadvantage – may prove more effective, and, as we shall argue later with respect to the remuneration of governors, there may be a case for creative experimentation in particular settings.

In short, in seeking to drive up the quality of governance system-wide, we need to create a spirit of innovation and creativity. Piloting new approaches and evaluating their impact should sit at the heart of these efforts. The temptation to improve performance simply through increased regulation is as doomed to fail in the field of school governance as it is system-wide.

The Department for Education should consider expanding the number of effective National Leaders of Governance and the provision of professional clerks so that schools can access the right level of professional support for their needs.

Ofsted (2016)

2.5 Given the increasing demands on those involved in school governance, should we move towards a system in which governors, or specific post-holders on governing boards, are paid, or remunerated in some other way?

There have been various calls for governors to be paid, not least by the former Chief Inspector of Schools, Sir Michael Wilshaw. This scoping report is not the place to pronounce on such a principle, and as an expert group we held a variety of divergent views on this. One of our partners, the NGA, in particular, has argued cogently against the payment of school governors in a recent submission to Ofsted on the subject, but there is a case for exploring this and allied issues, especially when we know that:

1. There are shortages of governors – and, notably, governors with particular skills – in particular geographic areas or socio-economic settings.
2. The social composition of governing boards suggests that those from disadvantaged backgrounds find it hardest to participate in an activity that makes considerable demands on an individual's time, without remuneration, and (more importantly) may involve increased childcare costs and/or the loss of earnings, especially for those in hourly paid employment.
3. As noted above, the quality of school governance is sometimes at its weakest where it needs to be at its strongest because of the uneven distribution of social capital across and within different communities.
4. The contribution of school governors is at least loosely quantifiable in cash terms.
5. Lessons from the payment of some post-holders on some interim executive boards (put in place where a governing board has failed in its statutory responsibilities) suggest that the impact in terms of securing positive outcomes can be enhanced.

Arguably, a precedent has been set with recent reforms to charitable law. The rules that impact on trustee boards now enable charities to pay trustees where they offer a specific professional service that the charity would otherwise have to procure from elsewhere at a cost. In academy settings, schools are now ultimately governed by trustee boards that have exactly this facility.

Moreover, again in academy settings, the professional team within the MAT often exercises some responsibilities that have traditionally fallen to a school-based governing board, such as the line management, and specifically the performance management, of the headteacher or principal.

Against this background, it might be argued that the era of the paid school governor has already arrived, albeit through a couple of side doors that very few have noticed are ajar.

Recommendations: Induction and Development

Recommendation #9

The Department for Education should work with the National Governance Association and associations representing school leaders to develop and launch a public information programme on school governance, and complement this with a more targeted campaign to build understanding of governance amongst educational professionals and others who work in schools.

This could dovetail with a broader 'push' on participation and engagement that encourages people to engage in governance in other settings, such as FE and HE, health and the third sector. Alongside this, deliberate steps should be taken to widen the understanding of what educational governance involves amongst a range of school-based and local stakeholders: senior leaders, teachers, parents, pupils and other stakeholders. Every member of the teaching profession has an entitlement to an at least basic knowledge of how school governance works, not least because of its impact on their day-to-day professional lives.

Recommendation #10

Attempts to "professionalise" school governance should be nuanced and targeted, rather than offered as a "one size fits all" solution for every school and every governing board.

Welcome as they are, moves towards the further professionalisation of governing boards need to sit alongside, rather than displace, efforts to develop the capacity of locally-based governors, including parent governors where this is an identified need.

Recommendation #11

Addressing the patchy access to training for governors, and for all who work with governing boards, should be an urgent priority for the Department for Education and its agencies.

There are several partners, including those who have participated in this scoping study, who might willingly work with the Department on such an issue. The quality of school governance is too important to be left to geographical chance, and the impact of the work of governing boards is such that, as we have argued earlier, training in governorship is too important to simply be restricted to the members of governing boards.

Recommendation #12

Ofsted and other agencies concerned with the effectiveness of governing boards should work together to bring a spirit of innovation and creativity to the inspection and quality assurance of school governance arrangements.

The majority of recommendations in this report are about raising the quality of school governance at a time of educational change. At the heart of these recommendations is a call for a spirit of innovation and creativity, and an approach that champions the personal and professional development of governors and all who work with them, such that the well of goodwill, commitment and expertise afforded to the education system by those who participate in the governance process is maximised for the benefit of all, and most notably for the benefit of the children and young people in our schools.

Recommendation #13

The Department for Education should encourage the establishment of one or more small-scale pilot projects in which there is some aspect of remunerated governance.

There is a tendency to hold on to the notion of the "governor as volunteer" as a sacred cow of school governance; often this is accentuated by a culture in which expenses are not claimed. There should be no sacred cows. Such pilot projects might look at, for instance:

- Particular measures, which may have a financial dimension, to encourage participation in governance in disadvantaged areas.
- The payment of specific post holders.
- Funding the release of individuals from their employment without loss of pay through a framework whereby the employer is remunerated.
- Allying participation as a school governor with access to personal and professional development that has a demonstrable value to the individual beyond their work on the governing board.

3. Landscape and Policy

Too often governors are left to navigate a changing landscape that is not of their making and which has not been crafted with governance, or at least with locally based governance, in mind; it is common for changes to school governance arrangements to emerge as the unintended consequences of change elsewhere in the system. How we govern our schools should be an education policy priority, not an afterthought.

In this section, we explore six questions:

1. How has the governance and leadership of schools changed over the past 25 years?
2. At a system level, who and what impacts on the governance landscape?
3. How does *trusteeship* or *directorship* in a MAT differ from *governorship* in a school or federation?
4. Will participation in school governance be as attractive a proposition in the landscape that now appears to be emerging?
5. Does school governance feature sufficiently in the minds of policymakers and system leaders?
6. How do practitioners and policymakers make sense (and use) of the current diversity of governance arrangements?

3.1 How has the governance and leadership of schools changed over the past 25 years?

Until the emergence of academies over a decade ago, school governance had been, for the most part, an intensely *local* affair, based around the individual school or federation, with supportive input from the local authority. With relative autonomy, and varying degrees of effectiveness, school-based governing boards held school leaders to account.

Although local authorities were able to exert a degree of pressure on both heads and governing bodies, the freedom of governing boards to govern and school leaders to lead became a mantra claimed as dear to a succession of policymakers from different political starting points.

The emergence over two decades ago of Ofsted (and, with it, regular school inspection against a national framework) and, almost contemporaneously, published performance tables, has had a considerable impact in fettering and directing this freedom. Nonetheless, it is a freedom that has remained largely in place, albeit with the conditionality of inspection

success (or, at least, the avoidance of disaster) and reasonable examination performance as defined by the Department for Education. Latterly, a poor inspection outcome or academic performance that falls short of national "floor targets" has brought the threat of "forced" academisation (and, therefore, new governance arrangements), but this has been the outcome for a minority of schools.

> The landscape of school accountability continues to change beyond recognition. Besides the introduction of entirely new types of school, such as free schools, studio schools and university technical colleges, the number of converter and sponsor-led academies continues to grow. Since August 2014, 1,600 new academies have been established. Multi-academy trusts are also becoming more common. At the end of December 2015, 60 percent of academies belonged to a trust. 90 percent of new academies now join a trust from the outset.
>
> **Ofsted (2016)**

The spring 2016 white paper proposed a fundamental shift in this landscape. Although there has been some rowing back from the drive to compulsory or forced academisation for all (or nearly all) schools within a multi-academy trust based framework, the direction of travel appears still to be broadly in this direction, and, in this emergent terrain, school governance – as the school's inspectorate Ofsted has recently observed, is likely to look and feel very different.

There are advantages in this switch. In particular, it might be contended that any local board (although not all MATs are choosing to retain these) has greater support from centrally based MAT professionals in the new landscape and greater opportunities for inter-school collaboration. And even if the shift to academisation slows, the move to federation is likely to continue, especially amongst smaller primary schools, not least because it delivers economies of scale in resource procurement, a pooling of governance resources and flexibility in staffing. The latest edition of the DfE *Governance Handbook* (2017b) would suggest that policymakers are keen to encourage such developments.

However, this support may also disempower and deskill local boards, precisely because it removes legal and financial responsibility from the local level, while the prospect of collaboration may *feel* like a loss of autonomy, especially given the backdrop of a focus, since the early 1990s, on ever-greater inter-school competition, especially within localities.

3.2 At a system level, who and what impacts on the governance landscape?

As we have hinted earlier, MATs and school or federation governing boards, working in partnership with heads and executive heads, are not the only actors on the governance stage.

At a system level, as set out in Figure 3.1, a plethora of agencies play a part in the process of governance. In particular, the Department for Education, the Education Funding Agency, Local Authorities, the inspectorate (Ofsted) and the recently established regional school commissioners are significant stakeholders – locally, regionally and/or nationally – and are variously empowered to intervene where a school

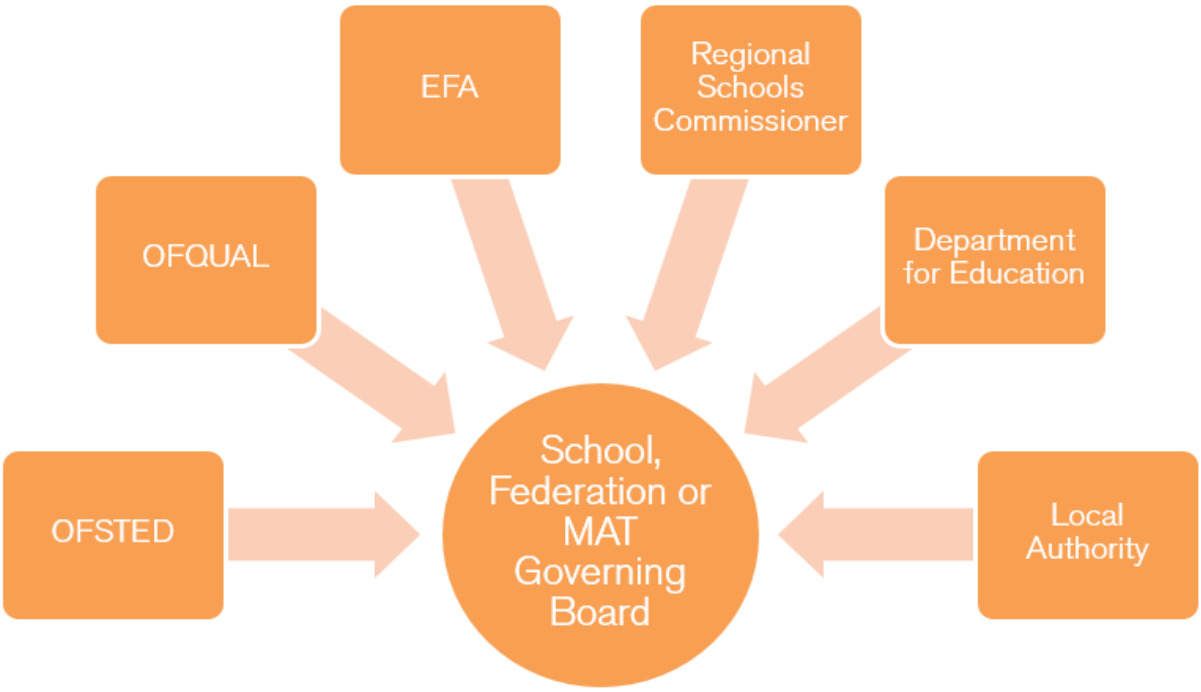
or federation is in difficulty. Typically, such difficulties are identified by a critical inspection, a sudden fall in the outcomes for pupils or students (as revealed in performance tables), where there are financial challenges, or where governance is suspected to be negligent.

In this landscape, the role of regional school commissioners, and how and when they intervene, is still "shaping-up", as is the way in which school governors, the local authority and MAT trustees or directors ought to work with them and in which circumstances.

The interplay between these agencies (a number of which are increasingly described as "middle tier bodies") is sometimes messy. Critics have suggested that their roles overlap, leading to duplication and confusion – for heads, governors, trustees, boards and local authorities.

The situation is akin to a jigsaw puzzle with no picture on the cover of the box and a set of pieces that do not naturally fit together – even when they are all in play – especially for practitioners "on the ground".

Figure 3.1: (Some of the) Agencies involved in the wider governance process

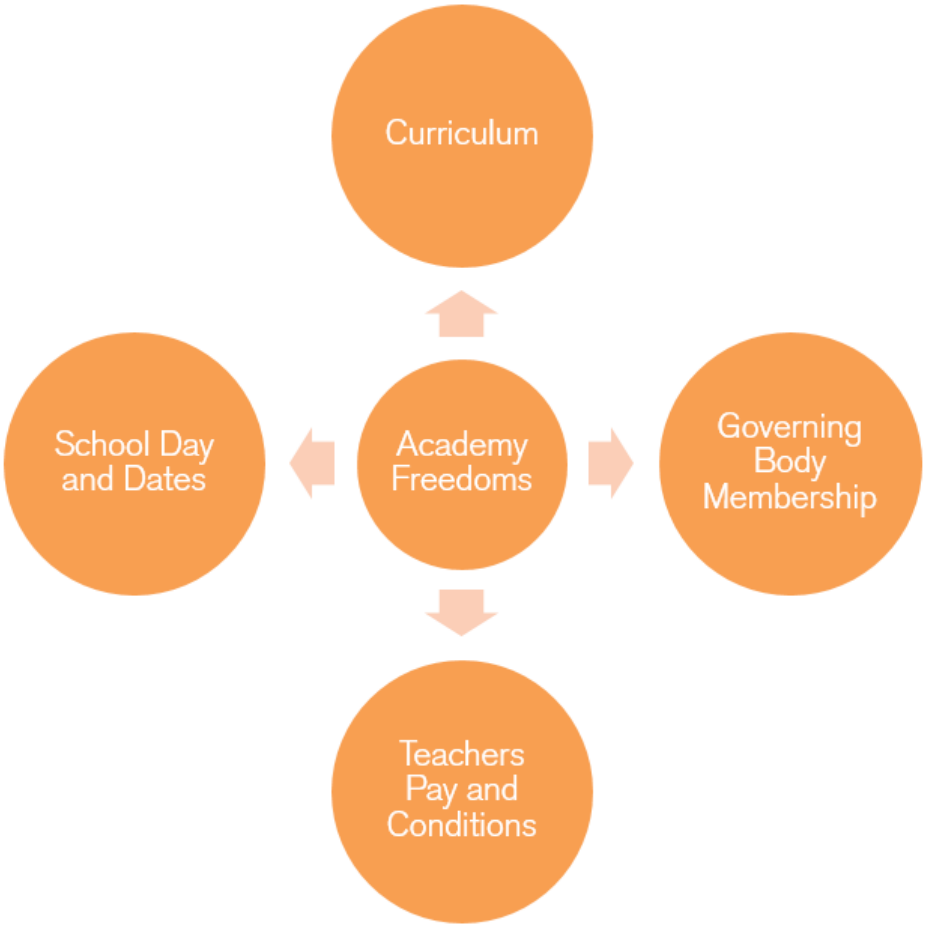


3.3 How does trusteeship or directorship in a MAT differ from governorship in a school or federation?

As of 31 January 2017 3,365 primary schools, 2,097 secondary schools and 212 special schools in England held academy status. This represents 21.83 percent of primaries and 61.53 percent of secondaries, with the latter figure rising to almost 70 percent when free schools, university technical colleges and studio schools are included. These schools operate independently, at least in the purely legal sense, of the local authority in which they are geographically located and receive the bulk of their funding direct from the Department for Education, through the Education Funding Agency. They have achieved this status either through opting for it because they are attracted by the "freedoms" that academy status offers, set out in Figure 3.2, or because they have been required to become an academy as a result of a poor inspection. Schools in the former group are sometimes referred to as "convertor" academies while those in the latter group are typically referred to as "sponsored" academies.

In schools that have academy status, whether they have opted for this status or not, governorship is vested in the board of trustees of the academy trust. In Roman Catholic settings, these individuals are referred to as directors rather than trustees (and the academy trust is referred to as a charitable company) because of the broader configuration of schools with this religious character, and the relationship of individual schools or groups of schools to the local diocese or, in some cases, to a specific religious order.

Figure 3.2: The freedoms that come with academy status



Where this trust or company has been established to oversee, or potentially oversee, the direction and performance of more than one school, the most common organisational model employed is that of the multi-academy trust (MAT). The majority of MATs retain some form of local "governance" but, as noted earlier, the *legal* responsibility for governance rests with the MAT trustees or directors.

Critically, the powers of the local, school-based body are outlined in a "Scheme of Delegation". This can be modified or withdrawn by the MAT Board. This shift has raised concerns about what might be termed a separation of responsibility and locality, a phenomenon that we have already identified and which we shall explore further in the pages that follow. However, it should be noted that alternative models to the multi-academy trust, such as that provided by an umbrella trust or a local authority maintained federation, do exist – and these might offer frameworks that address this separation.

> As a MAT, one of our key principles is a commitment to excellence in governance and consistency of impact without conformity in approach. There is no one-size-fits-all approach to school improvement. As much as every child is different, every school community is also different. For that reason, we are retaining individual local boards. By retaining strong boards at school level, we aim to ensure that the needs of each school, and the children at each school, are being most effectively met. Removing school level governance risks reducing local accountability, and erodes the necessary school-level conversations vital to the project of school improvement and to the retention and growth of ethos and values in each school community.
>
> **Tiffany Beck, Chair of Trustees, Maritime Education Trust**

The move to academisation has a further impact: it shifts responsibility for the provision of education from the public sector to the voluntary sector. For some, this opens up an accountability (and arguably democratic) deficit that flows from the loss of local authority "control". However, it also introduces new levels of diversity and new potentials for creativity within the system, and the kind of focus on values that has always defined the voluntary sector.

Whatever the threats to governorship posed by these changes and others outlined in this report, a stronger focus on values might offer opportunities for a broader renewal and re-invigoration of school governance itself. And, in any case, different academy trusts are taking very different approaches to the role of local boards, with some removing these completely, some opting for what they term "academy council" models, and some retaining most of the features of the predecessor school-based governing boards, while adding support services at the centre.

As the trustees of a charity, the members of the board of a multi-academy trust are subject to the jurisdiction of charity law, a range of third sector specific financial reporting requirements and the scrutiny of the Charity Commission. As such, they are arguably subject to a significantly tougher (but very different) regulatory regime to that impacting on locally based school or federation governors in non-academy settings. However, their first duty, in this context, is not to the individual school but to the

charitable objectives of the trust and its financial wellbeing. For many MATs it seems that conflicting pressures are at play.

On the one hand the pursuit of economies of scale provides an encouragement to expand, especially as MATs seek the kind of central support services that maintained schools have traditionally sourced from the local authority. On the other, the recruitment of additional schools may prove less attractive where these schools are poorly performing, expensively staffed or in need of refurbishment or reconstruction. If the government remains keen on the academisation agenda – and its ambitions appear to have cooled during the course of this study – it may find that there are contra-pressures operating within the very framework that policymakers have put in place to achieve this objective. At best, many MATs are likely to be only cautiously expansive in their ambition. Indeed, in some MATs that have experienced difficulties, the suggestion has been that they have expanded too quickly.

For the Department for Education, the conundrum is increasingly clear: those 'struggling' schools that it might most want to take on academy status within the protective umbrella of a high performing MAT are likely to be the very schools that these MATs are least keen to recruit – those with significant difficulties in terms of educational outcomes, and/or financially costly challenges, whatever their source. Policymakers will need to resolve these tensions, if their objectives are to be achieved.

3.4 Will participation in school governance be as attractive a proposition in the landscape that now appears to be emerging?

There are likely to be costs and benefits in the emergent governance landscape. From a positive perspective, removing what some would call the "onerous and dull stuff", not to mention the legal responsibility, from the equation at local level may free up local boards to focus on, for instance, teaching and learning, the school's place in its community and the values that define it within that community.

This may make participation at local level more, rather than less, attractive and it might reduce the workload burden on the members of these local boards. In this respect, recent research by Ofsted (2016) corroborates a plethora of anecdotal evidence in suggesting that governors are increasingly struggling with the workload that goes with the effective performance of an ever-more demanding role, and one that is asking for greater levels of expertise – expertise that is not always available at local level. In the new landscape, some of this workload, and with it the need for this expertise, shifts up-stream to the MAT (or federation) board and to the professional leadership team in the MAT.

This loss of power and responsibility at local level is not, though, without risk and might prove to be a double-edged sword. The reasons for this are threefold:

While the responsibilities traditionally vested in school-based governing boards can be onerous for some, they can also form part of the attraction of governance for those who want to be deeply involved in "real" decision making – this may lead to a loss of highly skilled locally based governors from the system, and from the lives of local schools, not least because the MAT boards may be unable to accommodate all who

might have a contribution to make, while the local boards offer these individuals insufficient detail to "get their teeth into".

The shift in the location of power risks elevating what might be termed a "detached professionalism" *over* "locally informed stakeholder expertise", the kind that resides in, or might be nurtured in local communities. Here, the challenge for those working within MAT-based frameworks is to deliver these two professionalisms – these two sources of expertise – alongside each other, rather than to replace one with the other.

The shift away from traditional localised models of school governance, whatever its advantages, may deny opportunities for personal and community development that these models have facilitated, and which we have discussed the benefits of earlier.

Thus, whilst the shift to MAT-based models may address some of the issues around governor shortages (as there are likely to be fewer seats to fill), workload and expertise, the risk is an emaciation of the *experience* of governance at local level.

> Capacity was a major theme (amongst those who responded to our survey). Many governors felt that having enough time to manage the workload in a voluntary capacity was difficult. This was particularly true for chairs of governors. Keeping up to date with the constant changes in education, legal responsibilities and the inspection framework created time pressures.
>
> **Ofsted (2016).**

In this context, the monetary and social value of the time and skills that highly qualified and experienced governors contribute to schools should not be understated. Recent work by the National Governance Association has estimated that the average monetary value of the work of a governing board amounts to £40,000 per annum. Should the new landscape prove less attractive to serving or potential governors, or should there be fewer opportunities for such individuals to be engaged in the process of governance, the value of the loss in expertise and social capital to the education sector is likely to run to tens of millions of pounds. If 10 percent of the estimated 300,000 individuals currently serving on school-based local boards were to stand down or be squeezed out as a result of these changes, the loss to the education system, assuming a typical governing board size of 10, would be in the region of £120,000,000.

To risk losing expertise and social capital of anything like this value to the school system at a time of tight budgets is not a risk that policymakers should take lightly, or one that they should allow to happen by accident.

3.5 Does school governance feature sufficiently in the minds of policymakers and system leaders?

No. As noted earlier, whether inspectors (and their colleagues in the school improvement teams of local authorities, multi-academy trusts and similar bodies at, for instance, diocesan level) actually and always give sufficient attention to governance is a moot point. The experience of colleagues involved in the production of this report suggests that, too often, governor involvement is limited to a brief discussion during the course of the inspection with those available to attend, coupled with an essentially

"listening" role at the end-of-inspection feedback session. And governor engagement in the kind of "standards review" periodically held by school improvement professionals can be even less pronounced. Other than in feedback sessions, governors, or any investigation of governance, typically does not feature.

Likewise, policymakers fail to acknowledge the importance of governance to the kind of educational transformation outlined earlier. The result being that matters of governance are often an afterthought, with reforms following as an unintended or unforeseen consequence of changes elsewhere in the system, a point belatedly acknowledged in Ofsted's (2016) most recent report on school governance.

The spring 2016 white paper is a case in point, where what was proposed as an enforced shift towards a multi-academy trust based system appeared to ignore the impact on local school-level governance, or indeed non-MAT based options such as umbrella trusts. Thus, the white paper made continued reference to local *governing* boards, while failing to recognise the impact of its own (since withdrawn) proposal, or the impact of academisation thus far, in shifting governance up-stream and away from the individual school in the way discussed earlier.

Other (often welcome) Department for Education initiatives (such as the recently published *Governor Competency Framework* and the recently launched *Inspiring Governance initiative*) are patchy in their capture of the emergent landscape. At various points, they discuss its needs and opportunities while elsewhere they continue to assume – or imply – that there has been no change to the *governing* responsibilities of these local, school-based bodies; materials produced by, and initiatives developed by, local authorities often do likewise.

And the practice of Ofsted lags behind in a similar way. Thus, while in MAT settings, ultimate governance responsibility has shifted to the MAT board in the way outlined, the inspectorate currently does not have the power to inspect trusts (and, therefore, their governance) as an entity. As a result, in academy settings significant aspects of school governance – those now residing at MAT level – risk no longer being inspected (or risk being unfairly inspected), in spite of their presence in what remains solely an inspection framework for *schools*. It is beyond the scope of this report to suggest a change to Ofsted's remit, although it clearly needs to be reviewed, but this example reveals the disjointed nature of policy and practice in the governance arena.

3.6 How do practitioners and policymakers make sense (and use) of the current diversity of governance arrangements?

It will be interesting to see whether the new government reasserts its commitment to a system in which academies, free schools, multi-academy trusts and umbrella trusts – a model favoured by one of the partners in this study, RSA Academies - progressively become the norm, or whether intent in this respect continues to waver.

Should it do so – and, in any case, for a significant interim period – the likelihood is that no one form of governance model will be pre-eminent. This opens up the possibility of a natural experiment, arising from the comparative analysis of models and styles of working. In the longer term, it is likely that particular models will emerge as demonstrably more

effective than others, either system-wide or in particular settings; it is vital to ensure that this evolutionary process is accompanied by a deliberate and systematic effort to capture lessons from this diversity of practice.

For this reason and for the time being, the discussion of governance matters needs to be "multi-lingual", taking in individual schools that remain within local authorities, those within federations, stand-alone academies, and those within multi-academy trusts. This multi-track reality underlines the importance of understanding the fundamentals of effective governance and its importance, whatever the context, and the need for a set of values that underpins such governance in any educational setting.

Moreover, whether or not the MAT-based framework becomes the default model, a greater level of school (and, therefore, governing board) collaboration is likely to become a near universal feature of educational governance in the 2020s and beyond. Here, there might be much to learn from recent moves towards federation and longer-standing arrangements in church schools and other schools with a designated religious character, notably around diocesan organisation, as found in different ways in both Roman Catholic and Church of England voluntary-aided schools.

A significant positive to flow from this new context could be greater levels of school-to-school collaboration and a gradual shift away from the kind of head-to-head, inter-school competition that has been a feature of the landscape since Kenneth Baker's Education Reform Act a generation ago. However, the competing loyalties of schools in different MATs and federations may prove a barrier in this regard.

Recommendations: Landscape and Policy

Recommendation #14

The Department for Education, working with relevant agencies and partners, should commission a much wider study of school governance and the wider landscape in which it sits – one that focuses on the interplay between governance, leadership, quality assurance, funding and regulation – locally, regionally and nationally.

Mapping these factors at a macro or system level and understanding their micro-level impact on the leadership and governance of individual schools, federations and MATs is vital, as is a better understanding of where and how they intersect, duplicate and, on occasions, contradict.

Recommendation #15

The Department for Education and its agencies needs to acknowledge that the responsibilities of governance relocate when a MAT is formed and address any intended or unintended consequences of this, in its policies, practices and publications.

There seems to be a level of 'system-denial' about the loss of legal responsibility for school based governing boards that is a consequence of the formation of MATs. Governance literature from the Department for Education, its agencies, local authorities, MATs and others in the governance landscape needs to be much more explicit and honest about this, and the relevant bodies need to anticipate and be ready to the address resultant opportunities and challenges that emerge.

Recommendation #16

Policymakers need to reassess the way in which MATs are constituted.

If the government remains keen to encourage "weaker" schools – or schools with particular challenges relating, for instance, to the quality of their estate – into high performing MATs, it will need to either revisit the way in which MATs are constituted or provide special incentives or guarantees that make it more attractive for MATs to take on schools in difficulties. The reality is that a charity is unlikely to make commitments that will weaken its balance sheet and, therefore, its broader viability, not least because of the legal responsibilities that fall to trustees.

Recommendation #17

The Department for Education should commission research into the comparative experience of "governorship" in traditional governing boards and local boards operating within a variety of MAT frameworks, and be prepared to act on the outcomes to protect governor recruitment and retention.

It is vital to confirm whether the experience of local board membership is less or more fulfilling within the context of a MAT. Anecdotal feedback is mixed: some experienced governors who are now members of local boards within MATs report that they are finding the new role less satisfying, because of the removal of key responsibilities and autonomies. Others welcome the new levels of professional support and the lifting of onerous responsibilities, which they have not always felt equipped to address.

Recommendation #18

The Department for Education or another appropriate agency need to monitor and cost any decline in the numbers of individuals active as school governors that might be attributed to the switch towards federations and MATs.

Should such a decline become evident and significant, policymakers may need to act to ensure that valuable volunteered expertise such as that currently offered by school-based governors is not lost to the education system.

Recommendation #19

The Department for Education and its agencies should make governance an education policy priority.

Matters of governance need to be a priority for education policymakers, not an afterthought. Change ought to happen through deliberate intention, not as an unintended outcome of activity elsewhere in the system.

Recommendation #20

The Department for Education needs to consider whether the current school focused inspection arrangements in relation to governance are sufficient, when a school is part of a MAT.

In academy settings, the inspectorate needs to reflect on whether it is able to make a judgment about those aspects of school governance that no longer reside at school level.

Recommendation #21

Policymakers need to acknowledge the current variety of governance arrangements and should view this as a learning opportunity.

Given recent announcements that appear to place less emphasis on the shift towards system-wide academisation, policymakers need to acknowledge that, at least for some years to come, there will be a diversity of governance arrangements in our schools. Tools, resources and training programmes designed to support those involved in the governance process need to reflect this. This variety of governance arrangements is a research opportunity and ought to be seized – an opportunity to learn about what works and what does not. Government should work with key partners in the governance field to assess impact and capture learning.

4. Stakeholders and Experts

Effective boards are well informed about, and respond to, the views and needs of key stakeholders, particularly parents and carers. They enable productive relationships, creating a sense of trust and shared ownership of the organisation's strategy, vision and operational performance.

DfE (2017a)

There is a false dichotomy in the minds of policymakers and in Department for Education documentation that assumes stakeholders cannot be experts. Building on the locally contextualised knowledge of parents, staff, students and members of the local community is not a block on good governance; it is often the route to it – and it may have significant benefits in terms of personal and community development for the individuals and neighbourhoods concerned.

In this section, we explore three questions:

1. What is the proper place for parents, pupils and staff in the school governance process?
2. What might a governor bring to a school community, over and above his or her contribution to governance itself?
3. Where and how do we strike the balance between local expertise and that sourced from elsewhere?

4.1 What is the proper place for parents, pupils and staff in the school governance process?

At the time of the publication of the 2016 white paper – and its call for compulsory academisation – there was considerable concern about the implications for parent governors, which academies and multi-academy trusts are not required to have on their boards.

Again, the reduced role for parent governors resulted not substantively as a result of policy design or policymaker intention, but as the consequence of another proposed change, statutory (or at least mass) academisation. Given that 44 percent of those responding to the 2016 NGA-TES Governance Survey had started their governance careers as parent governors, it is perhaps not surprising that school governance found itself in the headlines.

In the 18 months since publication, the government has re-asserted the importance of parent governors and the new DfE *Governance Handbook* (2017b) is unequivocal about the need for Boards to "engage meaningfully with all parents/carers and enable them to put forward their views at key points in their child's education". However, "meaningful engagement" does not imply a seat on the board, and nor should it simply be assumed that such engagement flows best from a seat on the board.

The debate about parent governors has a wider importance, as it opens up the whole question of the status of named stakeholders on boards. Such stakeholders – and this applies as much to staff governors as parent governors – are required to leave their formal identity at the door; they are stakeholders but not representatives of their "special interest" communities, but this does not mean that they do not feel a responsibility to *represent* the groups from which they have (usually) been elected.

Moreover, the *perceived* representative role that parent and staff governors hold may prove a legitimising factor in giving the board authority in its community. Certainly, in the shift towards more "professional" and more "business-like" boards, there is, as noted earlier, a risk that local voices are presumed to be non-expert – a presumption that is lazy intellectually and often factually untrue – and cast aside.

Although the Expert Group that has supported the production of this report is not unanimous on the question of parent or staff representation, all recognise that effective governance captures and listens to parental, staff and, indeed, student voice.

Here there is a need for further research on the precise contribution that parent and staff governors - and various other conduits for parental, pupil or student and staff voice - make to the governance of schools. That listening to and engaging such voices is vital to effective governance is beyond dispute; that members of these and other stakeholder communities should have a formal place on the board is a point for legitimate debate, preferably one informed by evidence.

In terms of stakeholder input, the Department for Education's preference for smaller *governing* boards, the presence of an increased number of typically more detached professionals on these boards, and the organisation of schools within MATs and federations where governance responsibilities are less likely to be necessarily locally based, poses specific challenges, as we have argued throughout this report. In this context, and with particular regard to parents and staff, the importance of capturing voices that may no longer have a place on the governing board becomes acute.

Even if policymakers ultimately conclude that "stakeholders" such as parents and staff have less to offer the *governance* process than "experts" drawn from elsewhere, the level of engagement of parents and staff that traditional governance arrangements currently facilitate must not be lost; not least because of the local intelligence with which they infuse and inform decision-making and the legitimacy that their presence confers on decisions taken.

4.2 What might a governor bring to a school community, over and above his or her contribution to governance itself?

As the data from the National Governance Association that we have cited earlier confirms, the demography of governorship is changing. Increasingly, governors are degree educated and professionally qualified, although there is a risk that a drive towards more "professionalised" governorship might be at the cost of both diversity and community engagement, as we have outlined earlier.

Nonetheless, it is not uncommon for those joining governing boards to already be active in the local community or to have experience of

governorship or trusteeship elsewhere. As a result, governors enrich the social capital of a school community, and often become active in other areas of school life – for instance, giving careers talks to students, getting involved in day-to-day matters where they have professional expertise to offer (for example, in fields like law, finance or public relations), or providing an "outsider" take on a proposed curriculum reform.

However, relying on governors for, or expecting of governors, this kind of additional input can be a double-edged sword in two ways:

1. The *purpose* of governors is to participate in governance, not to provide a range of other contributions to school life or specific professional skills that the school ought to professionally source and budget for; the danger is that individual governors might prioritise their non-governance *contributions* over their governance *responsibilities*.
2. Schools in disadvantaged settings who might benefit most from this kind of injection of social capital are the least likely to receive it, precisely because of the locality in which they are based. However, various organisations and a range of recent initiatives are committed to challenging the apparent *inevitability* of this state of affairs, such as; School Governors One-Stop Shop, Modern Governor, Inspiring Governance, Academy Ambassadors, The Key for School Governors.

As we have argued, the answer cannot lie simply in importing expertise from elsewhere, a theme that we explore further in the following section.

NGA has long held the view that stakeholders and skills are not mutually exclusive. There are a good number of parents with the highly desirable skills needed on a governing body.

Gillian Allcroft, Policy Manager, National Governance Association. (NGA, 2015.)

Figure 4.1: Stakeholder engagement and professional expertise are complements, not alternatives



4.3 Where and how do we strike the balance between local expertise and that sourced from elsewhere?

The category titles that are a feature of traditional governing board models discussed earlier point to the importance granted to stakeholder engagement in governance policy and practice – and, more recently to a concern about the tension between such engagement and expertise. As illustrated in Figure 4.1, this is a false dichotomy that makes three erroneous assumptions, each of which we have already drawn some attention to in our earlier discussion:

1. **That expertise, or potential expertise, does not reside in local communities and in the staff and parent bodies of all schools.** It does, although it may require greater teasing out and nurturing in some school communities than in others.
2. **That this "skills deficit" is best filled by outsiders, often those from the business world, howsoever defined.** Those with a business background bring perspectives and skills that are valuable, and sometimes invaluable, to governing boards, but the worth of their contribution should not be championed at the *expense* of, or as an alternative to, educational knowledge and locally sourced expertise.
3. **That addressing "skills" gaps is alone sufficient for the strengthening of governing boards.** It is not – genuinely transformational governance goes beyond the transactional and the managerialist and derives from a combination of skills *and* commitment. This commitment is often driven either by local connectedness or by a passion for education, and sometimes by a combination of the two.

Those from outside the locality and from outside the educational sphere can bring a clear and vital sense of objectivity to governing boards that those who are education professionals or immersed in the locality can sometimes struggle to attain but, in public policy terms, this has sometimes translated into an overly-strident rejection of those with local and educational expertise. It is improbable that such a state of affairs might have been reached in any other industry and sector.

In practical terms, a three-pronged approach, as illustrated in Figure 4.2, might enable boards to more successfully deliver strong local connectedness *and* stakeholder voice alongside - rather than at the cost of - objectivity and professional expertise. This would involve:

1. The creation of a high trust culture underpinned by strong induction and training provision that is clear about the risk of subjectivity and vested interest, but which seeks to mitigate this risk rather than to diminish or marginalise local voices around the governance table;
2. A focus on nurturing skills in-house through building local capacity, using 'professionals' as coaches and buddies in this process, rather than as 'replacements' for local people who are 'not making the governance grade';

3. The development of an area-based approach to sourcing professional support, possibly through the creation of area-based governor support teams of volunteer professionals (such as lawyers, accountants, journalists, and design and construction professionals) who might assist various local boards within the locality, without necessarily taking a "seat" on the board.

Again, our theme is consistent: seek, and creatively utilise, the involvement of professionals whenever they are needed, but do not do this at the cost of losing locally contextualised expertise from the governing board table. As we set out in Figure 4.3, a commitment to engage local stakeholders is not one that need leave a governing board short on expertise.

Figure 4.2: A three-pronged approach to building local capacity

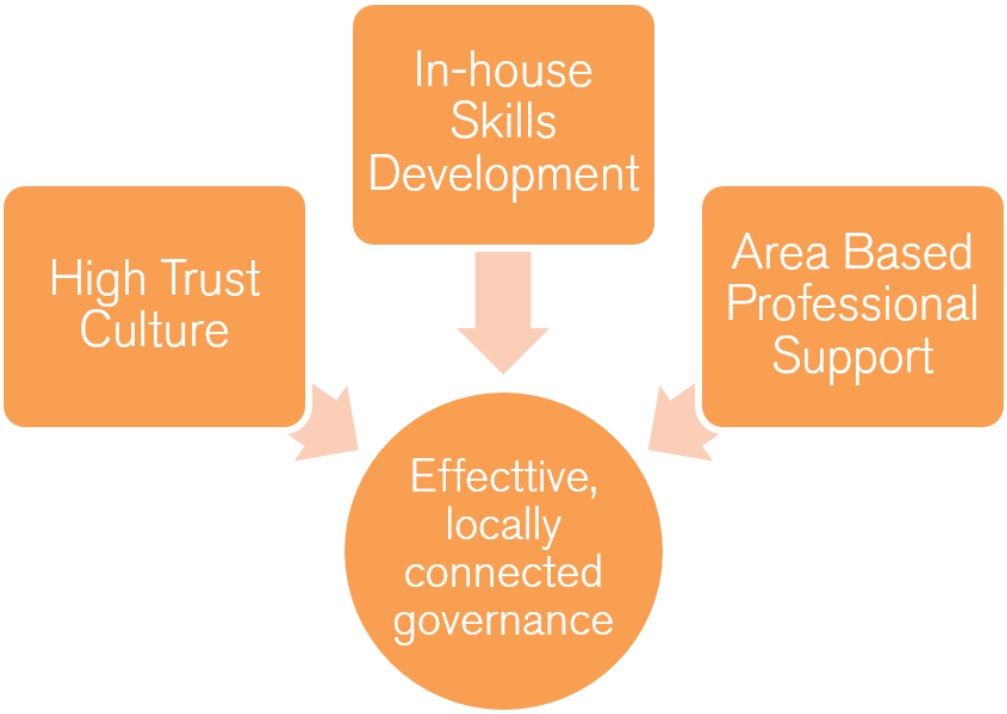


Figure 4.3: Towards sustainability - Stakeholder engagement and the development of expertise



Recommendations: Stakeholders and Experts

Recommendation #22

The DfE should commission, possibly in partnership with the NGA, research into the precise impact of governors from named stakeholder communities, such as parents and staff, complementing this with a wider investigation into the extent to which governing boards engage with other "voice" conduits within school communities, such as parent forums and parent teacher associations.

As governorship moves "up-stream" to MAT and federation boards, it is vital to understand the current impact of these changes as experienced by specific stakeholder communities engaged on school-level local boards. Voice conduits explored might include pupil and student councils, parent councils, parent forums, parent teacher associations and teachers' professional and subject associations, as well as the evidence from "student as researcher" and "teacher as researcher" programmes.

Recommendation #23

Policymakers should maintain the place – and assert the importance – of parents and staff to the governance process as structures evolve, or at least ensure that their input is not lost in any changes to this process.

Parent governors and staff governors provide local knowledge, valuable intelligence and important insights through their role on governing boards, and their place on the board helps to explain and legitimise the process of governance to their peers and colleagues. Policymakers need to be mindful of this as new skills-focused approaches come to the fore; even if parents and staff are ultimately to play a reduced role in governance terms, steps must be taken to ensure that their voice is heard at least as loudly and effectively as it is now.

Recommendation #24

In seeking to strengthen the quality of school governance in disadvantaged settings, policymakers should draw lessons from community development professionals to build community capacity within and beyond schools.

A community development perspective does not take as inevitable the outcome that "poorer communities produce poorer governance" precisely because the emphasis is on the development of the self-confidence and capacity of local people. In up-skilling local communities in this regard, there may be opportunities to work with agencies in the voluntary and community sector that share an aspiration to build local engagement and participation, and with businesses committed to supporting these efforts through their corporate social responsibility programmes.

Recommendation #25

Policymakers should state a preference for governance expertise that is sourced from, and where necessary nurtured in, the local community.

This does not amount to a call to prefer local stakeholder engagement over expertise – it is proper that governors should be recruited against an objective analysis of needs and audit of skills. It is, however, a recognition that locally sourced expertise is likely to be better contextualised by an awareness of educational and community needs and challenges.

5. Leadership and Autonomy

Whilst there are undoubtedly benefits to the kind of strong, formal school partnerships that a system based around federations, multi-academy trusts, umbrella trusts and other arrangements that cluster schools into groups might deliver, we need to understand the impact of this shift, locally and system-wide, especially in terms of the recruitment and retention of headteachers, senior leaders and governors.

In this section, we explore three questions:

1. What might headship feel like in the emergent landscape?
2. Does the emergence of MATs and federations change the dynamic between vision, strategy and operational management, especially at school level?
3. What is the role of local authorities and dioceses in this new landscape?

5.1 What might headship feel like in the emergent landscape?

Nowhere is the impact of the apparent direction of travel in school governance greater than on the activities of headteachers or principals in schools. The emergence of MATs is likely to usher in a model of "managed" or "supported" headship – one that offers attractions and advantages for the *next* generation of school leaders but which may prove to be more challenging to some serving school leaders. We set out some of these potential costs and benefits in Figure 5.1.

As detailed earlier, heads and principals are traditionally line managed by the chair of the locally based governing board, on behalf of the wider board, with the head or principal and sometimes his or her senior colleagues making regular reports to the board and its sub-committees. Whether such freedom is qualified or extended where the head or principal is answerable to, for instance, the CEO or regional director of a MAT is a moot point. And the arrangement can be more complex where a head is reporting *both* to a CEO or regional director *and* the chair of a local board, whether this continues to be labeled as a governing board or, for instance, as an academy council.

Again, the key concern here is about unintended impact – emergent MAT-based frameworks, in which the professional experience of the line manager replaces that of a volunteer governing board chair could lead to a culture of school leadership that is more collaborative, better supported and facilitative of inter-school cooperation.

Figure 5.1: The potential costs and benefits of of 'managed' (or 'supported') headship

Potential Cost	Potential Benefit
▪ Loss of autonomy arising from the need to report to an Executive Head, Regional Director, Chief Executive or MAT Chair ▪ Reduced opportunities for a locally based Head (and Board) to place their personal imprint on a school, especially where the MAT is committed to a preordained value system, strategic direction, pedagogic approach and/or brand ▪ Confusion as to who to report to when responsibilities appear to be split between a remotely located professional line manager and a locally based Board Chair ▪ A mismatch between the Head's local knowledge and that of a remotely based professional line manager ▪ The loss of some experienced Heads who are not used to 'interference from above' and a concurrent loss of experienced locally-based governors who feel that their former role has lost some of its purpose	▪ Professionalization of certain current 'governance' functions, such as data analysis and performance management ▪ Greater empathy for strategic and operational proposals, at least where line managers are drawn from educational backgrounds ▪ Greater collaboration between schools and Heads, with a network of colleagues to look to for support and succession opportunities ▪ The emergence of new models of headship that are less lonely and isolated ▪ The attraction into headship of strong professionals who might previously have feared the isolation of the role and the lack of external support available ▪ A new range of promotion opportunities for experienced Heads who want to remain 'in the system' and, for whom, taking on an executive role might be attractive

Or it could, at a time when there is system-wide concern about a shortage of heads at all levels, remove some of the key attractions of the role itself: autonomy, control and a sense of self-direction, even when an attentive and effective governing board is in place. A recent report from the National Foundation for Educational Research (Lynch and Worth, 2017) suggests that the tenure of heads is shorter in MAT based settings. Of course, this could be for a whole variety of reasons, but certainly the impact of MAT based models of governance on the recruitment and retention of heads needs to be closely monitored.

5.2 Does the emergence of MATs and federations change the dynamic between vision, strategy and operational management, especially at school level?

Management manuals of all types and for all sectors are inclined to portray the kind of distinction between strategic leadership and operational management set out in Figure 5.2. However, this distinction is rarely quite as clear-cut in reality. Such a dynamic risks casting the professional leadership team as a group of mere operatives while glamourising governance as a glide through the heady clouds of strategy.

This has never been the case with regard to how schools in England are run; heads have always played a key role in framing strategy, while governors maintain an interest in operational matters because of their impact on the day-to-day wellbeing of the school as a community.

Moreover, as noted earlier, even though it is not their purpose as governors, members of the board often find themselves "tapped up" by schools for their professional expertise, especially where this is an expertise that

the school might not have ready access to. For this reason, the lawyer, the accountant, the journalist, the surveyor, the builder, the local entrepreneur are almost always welcomed onto the board.

Figure 5.2: The split between strategic leadership and operational management (as portrayed in the text books)



It is perhaps more helpful to think of the running of schools across a tripartite framework, as outlined in Figure 5.3. The board sets the vision, mission and strategic priorities of the school and charges the head with the responsibility of developing – or working with it to frame – a strategy that articulates and addresses these priorities and delivers on this vision and mission while overseeing the day-to-day operational management of the school, a function that, especially in larger schools, is dispersed across senior and, as appropriate, middle leaders.

But this model retains at its heart the notion of the single school led by a single headteacher accountable to the board. Here, the clustering of schools that results from the emergence of MATs, umbrella trusts and federations is a potential game changer. Such clustering does not just impact on matters of locality, or on the line management structures within which school leaders' work.

In heralding the arrival of *executive* heads and CEOs on the educational landscape, it promises to recast the relationship between governance and the professional leadership of schools. Why? Because the elevated seniority of the executive head or CEO demands that he or she has a stronger strategic role and, therefore, further blurs the relationship across the domains set out in Figure 5.2. Such models are likely to require strong, confident governance if accountability is to be effective *and* if the expertise (and aspirations) of the executive leader is to be fully exploited.

Figure 5.3: Strategic direction, strategic leadership and operational management - A more nuanced tripartite reality



5.3 What is the role of local authorities and dioceses in this new landscape?

Since the introduction of the local management of schools model in the early 1990s, and the subsequent emergence of a plethora of new middle tier bodies, questions have arisen about the role of local authorities (or, formerly, local *education* authorities) in the governance of our schools.

This apparent emasculation of the local authority has been accentuated by the rise of, first, a range of schools that operate beyond its reach (academies, university technical colleges and free schools, and - before these - grant maintained schools and city technology colleges) and, subsequently, multi-academy trusts, umbrella trusts and regional schools commissioners.

This decline in local authority *power* has not, though, necessarily been matched by the removal of key local authority responsibilities. Thus, local authorities remain *responsible* for a range of important functions, even in respect of schools that are academies, including for instance:

- Appointing a director of children's services and putting in place a strategic plan for education services.
- Ensuring that support is in place for those schools that the local authority maintains that are causing concern.
- Funding and commissioning services to support pupils and students with special educational needs and disabilities.

- Ensuring that arrangements are in place to identify and support those children not attending school or receiving appropriate alternative provision, and that structures are in place to hold parents to account for the attendance of their children.
- Setting up a standing advisory council on religious education (SACRE) and preparing an agreed syllabus on religious education;
- Overseeing place planning, the coordination of admissions and establishing and maintaining, in collaboration with schools, fair access protocols.

It is not our role here to pronounce on the "rights" and "wrongs" of these changes, which have evolved over a 25 year period. However, it is worth noting that, whether or not the local authority is the conduit, an effective means (or various effective means) of developing collaboration between and across schools, federations, umbrella trusts and multi-academy trusts at a local level needs to be in place if children, young people and their families are to gain all that they might from the schools and other educational providers in *their* local area. And while the short answer to this might be what policymakers define as "system leadership", the "players" in the "system" (including those engaged in governance) may need to be encouraged, cajoled and enabled to take on this responsibility at a variety of levels and in various settings.

For now, the impression remains that, as with governing boards, many of the changes to the role of local authorities have been the consequence of changes elsewhere in the system, while insufficient thought has gone into considering the pressure points and gaps that appear to be emerging "on the ground" as a result of these changes.

This is not simply a challenge for heads and principals but for those involved in governance. Why? Because if the role of the local authority continues to diminish, those on governing boards will need to step into the breach and provide the kind of collaboration at governance level that will enable, empower and possibly *require* heads and principals to work together, whatever their loyalties to their own school, federation or trust. Whether, though, the creation of a range of separate "cooperation deals" between individual schools, federations, umbrella trusts and MATs in a given locality is an efficient route to take is another matter, and one on which only time can be the judge.

One option might be to learn from the role that Roman Catholic dioceses have taken in shaping the organisation of Catholic schools. In many parts of the country they have been proactive in encouraging and coordinating the development of diocese-based MATs. This has enabled Catholic schools to respond to the new landscape while retaining a geographical fit between MAT and diocesan boundaries. Thus, the MATs are constructed within local, or at least regional areas – areas with which the stakeholders in individual schools and parishes already have a significant affiliation.

Moreover, as well as *locality*, schools of a designated religious character draw on another obvious unifier that might need to be negotiated in the formation of new school clusters elsewhere: shared values. Thus, in a Roman Catholic setting, for example, the church (not the individual

governing board) draws on its teachings – and its institutional frameworks – in framing the values of its schools, with the governing board overseeing the strategic expression of these values at school, federation or MAT level.

Further, because the diocese (or, in some cases, a religious order, such as the Jesuits) usually appoints the trustees (or, to use the preferred title, "directors") for both stand-alone academies and those organised in MATs (or "academy trust companies"), there is a sense in which these schools draw on a set of agreed and pre-existing (faith-inspired) values to which local stakeholders – governors, staff, parents and pupils or students – already buy into.

Recommendations: Leadership and Autonomy

Recommendation #26

At a time when there is a system-wide shortage of heads and principals, it is vital that any changes in how schools are governed are informed by a thorough analysis of the likely or possible impact on the recruitment and retention of school leaders.

Policymakers ought to work closely with the school leader associations and other relevant bodies to ensure that the outcome is that, in the future, headship is at least as popular as it is now. Any reform to school governance arrangements must pay proper heed to the need to recruit, motivate, enable and retain school leaders of the highest quality.

Recommendation #27

The Department for Education should work with a range of multi-academy trusts and various stakeholders across the school leadership and governance communities to assess the effectiveness of the different approaches to vision development, strategic leadership and operational management that are being used in different multi-academy trusts.

As noted earlier, the current diversity of practice offers a research and learning opportunity that is unlikely to exist a decade from now, one which might produce very valuable longitudinal data in the medium term.

Recommendation #28

Policymakers need to give urgent attention to issues of area-based collaboration and planning.

With the emergence of regional school commissioners, there appears to be a shift in the focus from the locality to the region, but the detail of educational provision and school collaboration will continue to have its greatest impact at local level. Regional arrangements should complement not replace those that are more locally focused. This points either to a sustained or new role for local authorities, or to some other robust arrangement that ensures and requires collaboration between schools in the same and neighbouring localities.

6. Collaboration and Partnership

We need to share lessons about what is and isn't good governance across and between the sectors; those involved in school governance may have lessons to learn about governance from elsewhere in the public sector, the voluntary and community sector and the business world, but they also have much to offer, not least in terms of a universal commitment to values-driven leadership that places transparency and community service at its core.

In this section, we explore three questions:

1. What lessons might those involved in school governance learn from models of governance employed elsewhere?
2. What might those involved in governance in other sectors learn from those involved in school governance?
3. What core principles must underpin any future framework for the governance of our schools?

6.1 What lessons might those involved in school governance learn from models of governance employed elsewhere?

Governance is not just an issue for schools; it is an issue across the education sector and elsewhere in the public sector, the voluntary and community sector, the corporate world, and sport. In different ways, recent crises, or recently exposed crises, in institutions in a range of settings have their roots, at least in part, in poor governance. The collapse of Kids Company in summer 2015, the banking crisis that emerged in 2008, the child abuse scandals in various care settings and in other institutions, claims about "self-serving fat cats" at the helms of big corporations, the use of sub-contractors in England and abroad who are engaged in all manner of poor employment practice, enduring questions about the quality of sports governance, and debates about aggressive and off-shore tax avoidance and evasion all raise issues about the quality and appropriateness of governance arrangements in these sectors.

In particular, there has been a recurrent theme about the failure of "weak" boards to rein in "charismatic" leaders or those of previous high status in the local community, where these individuals appear to have gone beyond the boundaries that good governance might put in place. When weak governance meets charismatic leadership, the outcome is rarely

More needs to be done to attract individuals from business to serve as governors. This should involve a concerted effort from the government, from the education sector and from business … The requirement for businesses to release their staff for governor duties should be extended to include academies and free schools as well as maintained schools.

Confederation of British Industry (2013).

positive – in education (as the fall from grace of a number of so-called "superheads" illustrates) or in any other setting.

But there are excellent and different models of governance in the voluntary and community sector, the public sector, the co-operative movement and the wider business sector from which educationalists might learn, and as the movement towards multi-academy trusts takes a significant portion of state schooling towards a voluntary and community sector model of charitable governance (long the norm in the independent sector), this is an appropriate time to take stock of practice elsewhere, both in England and beyond, raising questions about, for instance:

- Whether heads or principals (or in federated and MAT settings, executive heads and CEOs) should sit on governing boards, whatever form these take?
- Whether, as we have discussed earlier, there are ever circumstances in which governors should be paid, or their participation somehow supported, for instance through employee release arrangements?
- What the precise nature of staff, parent, pupil or student, and community engagement in governance should be?
- Which models currently used elsewhere might have something to offer in renewing the governance of our schools?

Here, bodies such as the National Council for Voluntary Organisations, the Institute of Directors, and the Centre for Public Scrutiny may have practices that those concerned about delivering better school governance ought to be aware of.

In the same way, initiatives designed to boost the engagement of individuals from non-educational settings in the school governance process, such as the Academy Ambassadors and Inspiring Governance alliances and networks are making an important contribution to both the diversity and the continued upskilling of governing boards, as well as to raising the status of school governance in new settings and with new constituencies.

And skills that governors develop as board members can be valuable to their broader professional development in the workplace. This is one reason why the Confederation of British Industry (CBI) has offered encouragement to those employers who have committed to giving employees "time off" to perform their governance duties.

6.2 What might those involved in governance in other sectors learn from those involved in school governance?

In the same way, there is much that the governance models used in our schools might *offer* those involved in the review of governance elsewhere.

In particular, the persistent desire to engage stakeholders and the kind of public service values that are prominent in the minds of the vast majority of those involved in school governance might have much to offer to debates about governance in other settings. These values are most clearly articulated through the Seven Principles of Public Life (or the Nolan Principles as they are more commonly known) as set out in Figure 6.1; similar principles are expressed in the typology used in the recently published DfE *Framework for Governance* (2017b) referred to earlier.

Figure 6.1: The seven principles of public life: The 'nolan' principles

Nolan Principles
1. **Selflessness** Holder of public office should act solely in terms of the public interest.
2. **Integrity** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their familty, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scruitiny necessary to ensure this.
4. **Accountability** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scruititny necessary to ensure this.
5. **Openness** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
6. **Honesty** Holders of public office should be truthful
7. **Leadership** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour whereever it occurs.

Source: Lucinda Maer, House of Commons Briefing Paper No. 04888: Committee on Standards in Public Life, 27 May 2015

Experienced governors drawn from schools and colleges might have much to offer in the sphere of corporate governance, and might help to render more diverse the settings from which non-executive directors have traditionally been drawn.

Oliver Parry, Head of Corporate Governance, Institute of Directors.

The need is for each sector to learn from each of the others, possibly through the establishment of cross sector working groups, convened by "voice of the sector" bodies such as the National Governance Association, the National Council for Voluntary Organisations, the Centre for Public Scrutiny, the Institute of Directors, the Confederation of British Industry, the Federation of Small Businesses and the Trades Union Congress.

The simple presumption that transferring practice from the world of corporate governance into other sectors is intellectually lazy and patronising to the professionals in these sectors. Andrew Wilkins has recently portrayed the rise of business language, values and practice in school governance as an uncritical "re-culturing" and a "technisation" of what governors do and how they behave.

This trend has caused one prominent multi-academy trust CEO, who has worked extensively in the business sector – in a discussion about Lord Nash's proposals to make school governance more "business-like" – to go further than Wilkins in making clear his position on what he sees as Nash's "business is better" starting point:

> The knee jerk reaction that "business is better" is nonsense; in recent years the governance failures that have drawn most attention have come overwhelmingly from the corporate sector, notably in retail and in banking, and not from our schools.
>
> Nonetheless, whatever the pertinence of such an observation there is a range of excellent governance practice in every sector, and each sector has much to learn and much to share.

6.3 What core principles must underpin any future framework for the governance of our schools?

Any model of educational governance, whether this resides at the level of the MAT, the federation, the local area or the individual school (or some mix of these) needs to be underpinned by a set of guiding principles.

From an international perspective, and taking the broadest definition of educational governance, in which governing boards are just one actor, Tracey Burns and Florian Koster (OECD, 2016) have attempted to develop such a set of principles, which they frame as the Five Principles of Modern Governance and which are reproduced in Figure 6.2.

Figure 6.2: Five principles of modern governance

Principle
1. There is no one right system of governance – almost all governance structures can be successful in education under the right conditions
2. A whole system approach is essential – one that locates MAT, Federation and School Boards in the wider governance landscape
3. Effective governance works through building capacity, open dialogue, and stakeholder involvement
4. Even in decentralized systems, the national or state level remains very important in triggering or sharing education reform
5. There is a need to develop key principles for system governance – not just agreement on where to go, but how to get there

Adapted from Burns, T. and Koster, F. (2016)

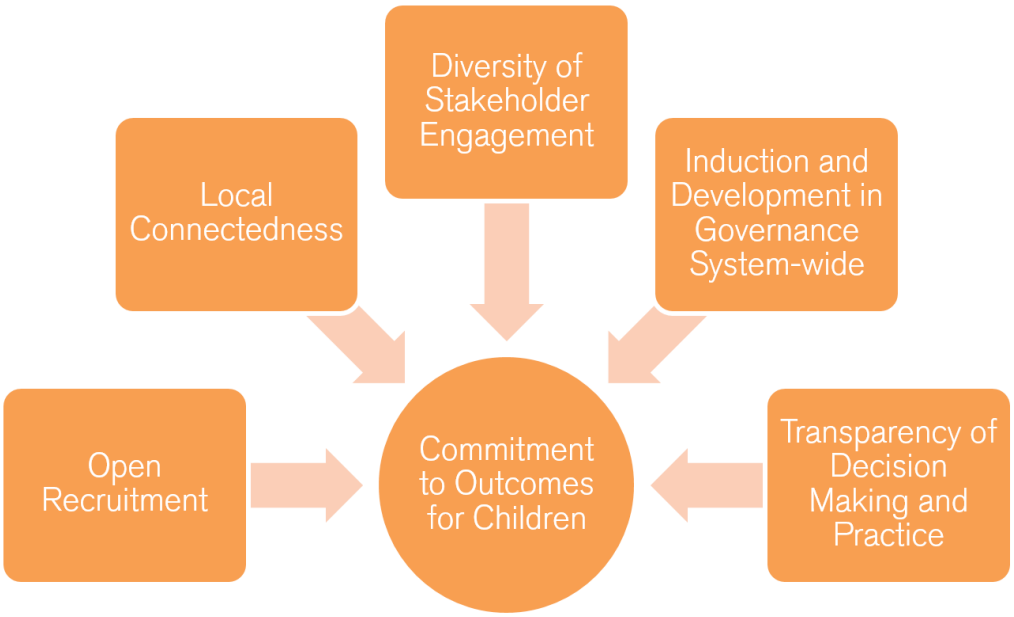
It is not for us to prescribe a set of similar principles for English schools here but, as we illustrate in Figure 6.3, we would argue that there ought to be some place for:

- Local connectedness, such that the engagement of locally based individuals is seen as a source of contextualised expertise, community intelligence and the legitimacy of governance in the eyes of stakeholders.
- Open recruitment, in which the same principles and rigour are applied as would be to any employed post within a school.
- Appropriate engagement of a range of stakeholders, including educational professionals, those from the spheres of business and the third sector, parents and young people.
- An approach to induction and development that embraces not just the members or potential members of governing boards but all who work with governors and/or play some part in the governance process.
- Transparency of practice and decision-making within a perspective that values and promotes "open governance" and standards such as the Nolan Principles, and supports and enables effective school leadership and teaching and learning at the chalkface.

- An enduring commitment to outcomes for children and families, one focused appropriately on progress and achievement but which defines these broadly and creatively such that the boards concerns and objectives stretch beyond academic attainment alone.

The appropriateness and effectiveness of different models of governance must ultimately be assessed against a set of values such as these if those involved in governorship or trusteeship are to play the role that we need them to play in a complex and ever-changing educational landscape, one seeking to prepare children and young people to prosper in a world of even greater complexity and one, for the most part, as yet unimagined.

Figure 6.3: Starting points for principled governance?



Recommendations: Collaboration and Partnership

Recommendation #29

Agencies across the governance landscape need to work together to establish a cross-sector working group or commission on governance.

This would enable those in education, the public sector, the third sector and industry to learn from each other, and might be led by an alliance of "voice of the sector" bodies from each field. Initiatives such as the Inspiring Governance alliance have laid the foundations for this kind of work, but it now needs to reach beyond the schooling and educational domain and take on a genuinely cross-sector and inter-disciplinary approach.

Recommendation #30

Developing the instrumental effectiveness of governing boards – at whatever level they sit: school, federation or MAT – is rightly an ongoing challenge, but it is an objective that should be secured through nurturing the many qualities that already reside in the best governing boards, and the values, goodwill and expertise of all involved in the governance process.

In short, the public service values that underpin school governance and inspire individual governors must not be sacrificed in the pursuit of narrow and utilitarian notions of either school effectiveness or student attainment. To do so is to set too low a bar for the governing boards of the future – and risks ultimately weakening governance itself.

Recommendations in summary

1. Purpose and Participation
1. The Department for Education should encourage any organisation or agency involved in assessing the performance of schools to review the extent to which it considers the work of governing boards when forming its conclusions.
2. Ofsted ought to explore ways in which it can render governance more explicit in the Framework for the Inspection of Schools, and more prominent in the day-to-day practice of inspectors.
3. Developing the confidence of governors in working with progress and attainment data ought to be a priority for governor support and development programmes, locally and nationally.
4. Policymakers need to ensure that reforms to the way in which schools are governed continue to nurture and build on current levels of participation.
5. Those involved in the recruitment of governors should bring the same standards of practice to this exercise as they would to the appointment of professional staff.
6. Initiatives that specifically encourage the recruitment into the school governance process of under-represented groups should be encouraged, both by national and local government, and by the range of agencies active in the field.

2. Induction and Development
9. The Department for Education should work with the National Governance Association and associations representing school leaders to develop and launch a public information programme on school governance, and complement this with a more targeted campaign to build understanding of governance amongst educational professionals and others who work in schools.
10. Attempts to "professionalise" school governance should be nuanced and targeted, rather than offered as a "one size fits all" solution for every school and every governing board.
11. Addressing the patchy access to training for governors, and for all who work with governing boards, nationally should be an urgent priority for the Department for Education and its agencies.
12. Ofsted and other agencies concerned with the effectiveness of governing boards should work together to bring a spirit of innovation and creativity to the inspection and quality assurance of school governance arrangements.
13. The Department for Education should encourage the establishment of one or more small-scale pilot projects in which there is some aspect of remunerated governance.

3. Landscape and Policy
14. The Department for Education, working with relevant agencies and partners, should commission a much wider study of school governance and the wider landscape in which it sits – one that focuses on the interplay between governance, leadership, quality assurance, funding and regulation – locally, regionally and nationally.
15. The Department for Education and its agencies needs to acknowledge that the responsibilities of governance relocate when a MAT is formed and address any intended or unintended consequences of this, in its policies, practices and publications.
16. Policymakers need to reassess the way in which MATs are constituted.
17. The Department for Education should commission research into the comparative experience of "governorship" in traditional governing boards and local boards operating within a variety of MAT frameworks, and be prepared to act on the outcomes to protect governor recruitment and retention.
18. The Department for Education, the Audit Commission or a similar agency needs to monitor and cost any decline in the numbers of individuals active as school governors that might be attributed to the switch towards federations and multi-academy trusts.
19. The Department for Education and its agencies should make governance an education policy priority.
20. The Department for Education needs to consider whether the current school-focused inspection arrangements in relation to governance are sufficient, when a school is part of a MAT.
21. Policymakers need to acknowledge the current variety of governance arrangements and should view this as a learning opportunity.

4. Stakeholders and Experts
22. The Department for Education should commission, possibly in partnership with the NGA, research into the precise impact of governors from named stakeholder communities, such as parents and staff, complementing this with a wider investigation into the extent to which governing boards engage with other "voice" conduits within school communities, such as parent forums and parent teacher associations.
23. Policymakers should maintain the place – and assert the importance – of parents and staff to the governance process as structures evolve, or at least ensure that their voice is not lost in any changes to this process.
24. In seeking to strengthen the quality of school governance in disadvantaged settings, policymakers should draw lessons from community development professionals to build community capacity within and beyond schools.
25. Policymakers should state a preference for governance expertise that is sourced from, and where necessary nurtured in, the local community.

5. Leadership and Autonomy
26. At a time when there is a system-wide shortage of heads and principals, it is vital that any changes in how schools are governed are informed by a thorough analysis of the likely or possible impact on the recruitment and retention of school leaders.
27. The Department for Education should work with a range of multi-academy trusts and various stakeholders across the school leadership and governance communities to assess the effectiveness of the different approaches to vision development, strategic leadership and operational management that are being used in different multi-academy trusts.
28. Policymakers need to give urgent attention to issues of area-based collaboration and planning.

6. Collaboration and Partnership
29. Agencies across the governance landscape need to work together to establish a cross-sector working group or commission on governance.
30. Developing the instrumental effectiveness of governing boards – at whatever level they sit: school, federation or MAT – is rightly an on-going challenge, but it is an objective that should be secured through nurturing the many qualities that already reside in the best governing boards, and the goodwill and expertise of all involved in the governance process.

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