



House of Commons
Education Committee

The Role of School Governing Bodies

Second Report of Session 2013–14

Volume III

Additional written evidence

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The Education Committee

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

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The current staff of the Committee are Dr Lynn Gardner (Clerk), Geraldine Alexander (Second Clerk), Penny Crouzet (Committee Specialist), Emma Gordon (Committee Specialist), Jake Anders (Committee Specialist), Ameet Chudasama (Senior Committee Assistant), Caroline McElwee (Committee Assistant), and Paul Hampson (Committee Support Assistant)

Contacts

All correspondence should be addressed to the Clerk of the Education Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6181; the Committee's e-mail address is educom@parliament.uk

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Written evidence

Written evidence submitted by London School of Islamics Trust

Those state and church schools where Muslim children are in majority may be opted out as Muslim Academies. There is no place for a non-Muslim child or a teacher in a Muslim school. Similarly, all Muslim Academies and schools should have Governing Bodies, consist of Muslims only and there is no place for a non-Muslim in Governing Body of a Muslim school. Muslim members understand the needs and demands of the Muslim children and they are in a better position to solve the every day problems and issues of Muslim schools with Muslim children.

November 2012

Written evidence submitted by Joseph Reynolds

1. School governance is ineffective. There is no real leadership. When Kingsmead in Wiveliscombe became an academy the parent governors were shut out. The new governing body includes only two parent governors. The governing structure has become an “old boys” network. The community governors are nominated by other governors, everyone re-electing each other. This re-enforces a governing body where everyone agrees about everything.

2. The governors are not accountable. Since the public does not elect them, they elect each other, there is no real accountability. This sustains a status quo.

3. The governing body does not deal with complaints honestly. The complaint structure is treated as something they have to do. But the governors do not take complaints on board. There is a laager mentality. No criticism of the school is honestly assessed.

4. The set terms are laughable, since they all just re-nominate and re-elect each other (save the two parent governors and staff governors).

5. The headteacher should not be a governor. There should be a separation of governors and head. Though the head can be invited to attend meetings and advised, he should hold no power.

6. There should be no staff governors.

7. The governors should be publicly elected officials. This is the single biggest problem in English education. An engaged electorate focuses a governor’s mind on delivering what the public wants. Two years ago I submitted a petition with over 500 signatures from the local community to remove The Simpsons from the school English curriculum and replace it with Shakespeare, which had been abandoned. The governors, since they had no accountability to the public, ignored the submission. This past year I appealed to the governors to remove Heat magazine from the English curriculum. Over 80% of respondents to a poll in the Somerset County Gazette agreed. The governors ignored this.

8. The governors should have set terms of two years. And the public should elect them.

9. There are too many governors. The 15 or 16 member body is unwieldy. There should be only five governors. All elected members.

December 2012

Written evidence submitted by Peter Kayes

SUMMARY

- A personal submission from an experienced governor.
- The GB should act as a board of non-executive directors.
- The primary focus has to be on raising pupil attainment.
- At times governors can be more objective than staff.
- GBs do not need to be any smaller.
- The stakeholder model for GB membership should be retained.
- Co-opting governors can fill skills gaps that may exist.
- Elections should be retained for staff and parent governors.
- Committee structures should be streamlined and minimise the level of bureaucracy.
- Training for governors should continue to be voluntary rather than compulsory but with strong encouragement for the appropriate levels of knowledge to be developed by all governors so they can contribute effectively.

- The effectiveness of GBs should be monitored on at least an annual basis by the local authority or whatever organisation has responsibility for the school.
- Governors should not be paid for the role.
- GBs should develop positive relationships with the other organisation they work with including the local authority.
- No radical change is needed to the structure of governance in our schools.

MY BACKGROUND

1. I am writing in a personal capacity having been a school governor since 1976 though not continuously since then. I have experience of being a governor at four very different schools including three primary and one secondary school, totalling 35 years' experience as a governor across those schools and having been Chair of Governors at three of them. My appointments were all initially as a local authority nominated governor although at the first school I was also a parent with children at the school and was invited to become a co-opted governor after serving two terms so returned to the governing body. I am at present Chair at one of the primary schools and the secondary school. During this period I have experienced significant change in the role of governors from what most took to be a passive role in the 1970s to the present where governors are in effect the non-executive directors of an enterprise with a significant turnover and are held to account by both the local authority and Ofsted. I am also active in our local Governors' Association helping to share expertise and good practice across the schools in our local authority area. 80% of the local schools are members of this association.

2. During my working life I spent 14 years in industry and then moved into education as a teacher in a further education college and subsequently as a manager in a university. I also undertook duties as an external examiner in further and higher education for 20 years. I am now retired.

PURPOSE ROLES AND RESPONSIBILITIES

3. As a strategic board of non-exec directors, the Governing Body (GB) should be overseeing the work of the school as a whole, its effectiveness, helping formulate the strategic direction and vision and holding the leadership to account, all with a view to maximising the learning achieved by the pupils. The Headteacher needs someone to report to and be accountable to; the governors and in particular the Chair fulfil this function.

RECENT POLICY DEVELOPMENTS

4. Governors have to work within the law so have a responsibility to ensure the school complies with statutory duties. Governors will be the people who should decide how a school can develop within the context of the changing landscape, such as the development of academies and federations, and determine what is in the best interests of the school. A Headteacher and other senior staff have vested interest in these matters so are not the appropriate people to make decisions related to such issues, although as staff members they can always make recommendations and as governors be involved in the discussion about any such issue. The GB can be more impartial whilst individual governors will represent their individual and collective interests for example as parents, one reason why all stakeholders should be represented on a GB.

5. The Headteacher supported by staff colleagues will always be the most appropriate person to make recommendations on the curriculum and how a school should adapt to curricula initiatives nationally whilst Governors can take a view on this advice in relation to what is in the best interests of the pupils.

STRUCTURE OF GOVERNING BODIES (GBs)

6. I feel most strongly that the present stakeholder model structure of governing bodies is the best and that moves to make governing bodies smaller are seriously misguided. Primary schools tend to have governing bodies of around 12 members and this works well although at times there are barely enough governors to take on specific tasks from which some governors need to be excluded. Secondary schools tend to have larger governing bodies but rarely more than 20 and typically only 15–18. These sizes of GB make it possible to ensure stakeholders are involved but without becoming cumbersome. Significantly smaller GBs would not be able to carry out all the functions required as effectively.

7. The option to co-opt governors ensures that the skills profile and breadth of representation can be achieved where there may be gaps amongst the remaining members. Staff and parents make highly valuable contributions to discussions that would be difficult to achieve any other way. Maintaining links with the local authority is also important and helps prevent schools becoming too inward looking.

8. Committee structures need to be streamlined with a minimum number of committees and a focussed remit for each, avoiding unnecessary meetings. Select meetings should be allocated to open discussions, self evaluation or strategic planning, without the burden of a long business agenda. No meeting should be allowed to last longer than two hours.

9. Staff and parent governors should always be elected to these roles by their peers to help ensure that a GB does not get packed with "friends" of the Head or Chair.

RECRUITMENT AND DEVELOPMENT OF GOVERNORS

10. There is a lot of discussion around making training for governors mandatory. There is substantial value in governors being given an induction programme and training in the role of governors can be an important element of this. However there are many ways to achieve this and a face to face training course is only one such which will not always be a practical way to achieve the necessary level of understanding. Mentoring by an existing more experienced governor can be very effective. Governors will also always learn from each other in the way they conduct their business.

11. Electing governors would make it difficult to insist on mandatory training although this can be very strongly recommended.

12. Training for Chairs is extremely important but many chairs will have considerable experience as a Chair elsewhere before taking the role on at a school. An optional programme to train chairs is needed and should be recommended strongly for people without such experience. Training in the relevant educational matters that need to be understood in a school may be just as important to a new chair as training in chair(wo)manship.

13. Business and organisational experience will be valuable amongst the governors but not to the exclusion of other expertise such as knowledge of the children, parents, community and the education system more generally. The suggestion that school GBs should be reduced to seven people with business skills would be likely to be a recipe for disaster in many schools because of the skill and experience mix that would be lost as a result.

14. Some schools find it more difficult than others to attract candidates for parent governor elections. This is no reason to remove the requirement but a reason for GBs to work harder to find parents willing to come forward and helping them to do so. The existence of parent governor (or other) vacancies should not necessarily be an issue on which to criticise a school if it is clear they are making efforts to fill the vacancies or have sound reasons for waiting until they find the right person with the skills they need. The existence of parents on the GB makes a direct contribution to the accountability of the Headteacher.

EFFECTIVENESS AND ACCOUNTABILITY OF GOVERNING BODIES

15. The current Ofsted inspection framework covers this issue during their periodic inspections. The fact that Ofsted will not necessarily be inspecting schools judged Outstanding at some point in the past is a weakness in their framework.

16. Local Authorities should be holding their GBs to account by monitoring. Other organisations such as sponsors of academies should be held to account on the extent to which they also do this.

REMUNERATION

17. It would be totally improper to pay governors or chairs of governors. There should be no reason to do this. Trustees working for charities in the public sector are not paid and to do so risks attracting people for the wrong reasons, potentially corrupting the process. Individuals should be willing to take on these roles purely voluntarily as for any other activity in the voluntary sector and to do so only to the extent that they can share the time.

18. It is reasonable to recompense governors for costs they incur in carrying out their duties, subject to these expenses being agreed in advance. Governors should not be prevented from taking on the role because of the cost of so doing or the need to pay for childcare, for example. Current practice already permits such reimbursement.

RELATIONSHIPS WITH OTHER BODIES

19. Governors should ensure they have a good and effective relationship with their local authority, sponsors, trusts, school leaders and trades unions. Open rather than secretive governance is essential to developing and maintain these relationships.

Are changes needed?

20. As may be apparent from my comments above I do not think there is a need to change the current models of governance. The majority of GBs are effective and support their schools well with 70% judged good or better. Only 2% are unacceptably weak according to an Ofsted report of 2007, whilst 28% “could do better”. Any system will have a minority that needs to do better so effort should be concentrated on supporting these GBs to improve. For the rest “if it ain’t broke don’t fix it”.

November 2012

Written evidence submitted by Liz Hutton

Having been a governor of mainstream secondary schools for over 30 years and currently Chair of the Management Committee of a secondary PRU I feel I have plenty of experience in order to comment on the points you raise.

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership.

The roles and responsibilities of the governing body have changed enormously over the years I have been involved. Much of this has been welcomed, giving governors the opportunity to “know” and be more closely integrated into their school. However, the work load has increased to such an extent that many find the demands on their time as volunteers is out of proportion; they simply cannot be there for every meeting, school event, regular visit that is expected of them in order to keep in touch. Their true value as external spectators looking into the school to monitor and evaluate provision for children and young people with a close interest in the part the school plays within the community can be overshadowed by the volume of paperwork required to demonstrate they are doing what the DfE demands of them. It is right there should be an external body locally to monitor the way the school is working and to ensure every child gets the best educational opportunity possible. Governing bodies have done this well in the past. However, they delegate responsibility for the running of the school to the Head and Senior Leadership Team and should not be held responsible to the degree that the new Ofsted Framework is expecting.

2. The implications of recent policy developments for governing bodies and their roles.

The extra workload and pressures this creates will deter volunteers from coming forward. Governing bodies struggle to get their full complement of governors at the best of times, especially in secondary schools. The new demands and responsibilities weigh heavily on their time and conscience. To be an effective governor you need to know your school very well, but this requires time and frequent visits during school hours to gain first hand information. In the current climate many people struggle to take sufficient time out of their own part/full-time work in order to fulfil these expectations. This then leaves a minority group within the governing body having to carry a greater workload to gather the necessary information. I believe that not all governors need to know everything in order to be a good governor—the roles can be shared.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment.

Recruiting volunteers in any capacity is difficult in the current financial climate. Recruiting governors is more challenging due to the time resources that are required of them. Many are put off by the workload and responsibilities placed upon them. In general the training is good but again it requires extra time, commitment, and often travelling to other venues. I believe the increasing demands that governors should be held ever more responsible for the outcome of their school will deter rather than encourage recruits. In addition, there is a cost to being a governor. Most are sent paperwork by email—great as it is quick and efficient, however, the cost of paper and ink cartridges to download minutes, reports, consultations is significant, plus the time to read, absorb, and respond adds extra “cost”. Travel to training and to school, plus phone calls, are further costs. In my experience very few governors make a claim for any of this as it comes from the already stretched budget in school. It will only get harder to recruit good, dedicated governors in the future and yet they are an essential part of the school community.

4. The structure and membership of governing bodies, including the balance between representation and skills.

All schools are individual and form a part of a local community that they serve. It is my belief that the governing body should at least try to reflect the local community demographics. The young people attending that school are members of that same community today and in the future and should have an understanding of how it all works. The practical experience and skills that governors bring is valuable. I believe community representation should be a focus so long as the commitment is there to help develop the school ethos. Highly skilled people (accountants, lawyers, etc.) may be desirable but can they give the time? This to me presents the conflict between the balance of expectations that the governing body should be responsible to such a high degree, yet still have time to know their school. Schools have to be run like businesses these days and require skills and expertise in these fields. Smaller governing bodies will make it harder to strike a sensible balance.

5. The effectiveness and accountability of governing bodies.

To be an effective governing body they need to know their school; they need to understand the role they play in the leadership and management of the school; they need to have skills and experience in recognising how to achieve their aim of supporting the school to provide the best for the students within it. It is vital to have a range of people within the governing body who have a good mix of experience, knowledge and skills. Training can enhance some of these but dedication and commitment to support your chosen schools is the key to effectiveness. Governing bodies are to be held accountable to a very high level in the new Ofsted Framework

which I believe to be overpowering. The governing body delegates responsibility to employees to operate and run the school; they cannot (and should not) be there within the school to monitor every detail on every day of the academic year. I feel expectations of accountability are being pushed to the limit—we are not the professionals and therefore should not be held accountable to these new levels.

6. *Whether new arrangements are required for the remuneration of governors.*

I don't believe governors should be paid for the work they do, as I believe this would then attract a different group of people which can then change the dynamics of the governing body and the school. However, I do believe they should be able to claim genuine expenses from a budget that does not come out of the main school funds. Honest governors do not want to claim from school money that indirectly deprives a child of their rightful educational provision.

7. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions.*

I have been, and still am, fortunate to serve within an area where all local schools work closely together for the common cause of providing the best opportunities for young people within our selective education system (we still have selective education in Buckinghamshire). Therefore other school leaders have been regarded as colleagues who are willing to share expertise, knowledge and experience. In the past governors have also worked closely with governing bodies from other schools, sometimes with shared training, or to try to resolve common issues locally.

Relationships with the local authority are mixed, depending on individual personnel sometimes. On occasions I have felt very supported by them; yet equally have felt the distance between is too great. The latter is partly due to geography since the area offices have been closed and centralisation has replaced them. Staffing levels at county have been very significantly reduced pushing the work out to schools and governors to administer.

I don't believe governors should be closely involved with unions. Teachers may need the support of their unions, and certain issues may require governors to adjudicate. This could then mean a conflict of interest.

I have no experience of Academy status; however, I think that a school supported by sponsors in any way should aim to work closely and in partnership with those supporters so that each can benefit from shared experiences. I have had some experience of this with a Sports College status that worked very effectively with partners and introduced us to excellent governors.

Relationships between governing bodies and school staff were not mentioned by you in this item. I believe this is an important area; staff should feel able to communicate directly with governors—either through individual, or subject pairing, so that their experiences can be shared with governors and feed back to the monitoring of staff well-being and morale, as well as many other issues within school life. It is vital that the leadership team within the school is able to work closely with governors and the whole governing body. I have lengthy experience of residential planning sessions with governors and the senior leaders to identify and develop school issues and plans for the future; these have proved very worthwhile for all concerned developing good teamwork.

8. *Whether changes should be made to current models of governance.*

There have been too many changes in the whole education system over recent years—and plenty more to come! I cannot foresee any benefit in changing the current model; it matters not how many governors from each category you have, you just need a team of interested and dedicated people to serve. There does however, need to be recognition that governors are VOLUNTEERS—I do think this is often overlooked. The Government push to get more and more tasks delivered by volunteers is unrealistic in the current climate as higher and higher expectations are placed on the few who come forward in an effort to get them replacing the professionals at no cost. It must not and cannot happen.

IN SUMMARY

Demonstrate that you value the enormous contribution made by hundreds of governors up and down the country who devote hours and hours of their time to the school they support. Don't keep swamping them with more and more responsibilities that become unachievable, making it harder to recruit new people—REMEMBER WE ARE VOLUNTEERS AND NOT PAID PROFESSIONALS.

Written evidence submitted by Canning Street Primary School Governing Body

1. *the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

The key roles of governors, as I understand them are to provide a strategic view, act as a critical friend, and ensure accountability of the school. When it works well, these things can be done effectively by governing bodies. It seems totally sensible that this governing body is made up of staff, parents and other local people.

The role of Governors is strategic. We should not get involved in the minutiae of the school but OFSTED questions us on the minute details so we have to get involved with the minutiae. We should remain as strategic and challenging friend to the school.

Gov Bodies do not need to change their remit, roles and resp.

The expectations of the roles and responsibilities of governing bodies are huge and for lay people to confidently hold schools to account is a very big ask.

2. *the implications of recent policy developments for governing bodies and their roles*

Implications are too much, too quickly. Not enough time for anyone to assimilate all the changes. Many governors g=have other jobs and do not have time to attend training courses.

The changing educational landscape is not a stabilising influence at all.

3. *recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

Recruiting governors must always be hard, but having gone to some training only last weekend, I was very impressed with the standard of the training given. Good training like what I experienced last weekend is essential for governors.

Recruiting can be difficult because not a lot of people are interested or have the time and they often think it is too complicated. Many parents only get involved because they often want to look after their own children and are not always concerned about the school as a whole.

Recruitment needs trained Gov Mentors.

Training is readily available for governors from the LA and online but there is a big time commitment required if governors are to be truly kept up to date with developments.

4. *the structure and membership of governing bodies, including the balance between representation and skills*

GBs need to have a range of people on them representing different groups linked to the school. To have people knowledgeable about education and able to hold senior leaders to account can only benefit the pupils at the school.

5. *the effectiveness and accountability of governing bodies*

Governing bodies can be effective if they know their roles well, are able to give time to the school appropriately, and have the necessary skills and passion to go with their time commitment. It is hard to achieve all of the above, but not impossible.

6. *whether new arrangements are required for the remuneration of governors*

I think that governing should be voluntary.

Remuneration should not come from a School Budget.

Due to the huge responsibilities governors have, especially Chairs and Vice Chairs there should be some form of Honoraria BUT not at the expense of the school finances.

Given the time commitment for chairs of governors in particular some sort of standard allowance could be considered. The quality of chairs of governors varies greatly and if there was to be remuneration there would also need to be some form of check on the quality of chairmanship.

7. *the relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

8. *whether changes should be made to current models of governance.*

NO.

Current models of Governance provide consistency, no changes!

I think to have at least 1 non staff member who is knowledgeable about education would be helpful. If not someone who has worked in education then someone who is confident enough to hold senior leaders to account.

Written evidence submitted by Mark Dawe, Chief Executive of OCR Examinations

EXECUTIVE SUMMARY

The views outlined below are informed by a number of years intimately connected to a variety of educational establishments, these include:

Governor at a LA Primary School (and previously governor at a primary in special measures)

Governor at a recently converted Academy secondary school

Previously governor of an Outstanding FE college

Principal of a College working closely with my Governors

Previously a member or have chaired many not for profit/public sector boards.

This paper will cover a number of key factors which I believe the committee ought to look at. These key issues include:

- The relationship between Head and Chair.
- Governors and Heads role.
- Governing Body Structure.
- Papers.
- Governors' expertise and the right information.
- Parent Governors.
- When the going gets tough.
- How do we get enough good governors?
- Structures.

The paper also contains a set of recommendations thereafter.

KEY FACTORS

The relationship between Head and Chair

1. In my experience for the success of any school this is the most important relationship. A well led and well governed organisation normally leads to a high performing organisation—everything else flows from this. If this relationship is dysfunctional, too much time is wasted, in particular by the Head, resulting in a negative effect on the school rather than the relationship enhancing the organisation.

Governors and Heads role

2. Dr John Carver's model of policy governance establishes a set of firm principles that help define the ideal relationship between boards of directors thereby helping them fulfil their obligation of accountability for the organisations they govern. In my experience this model works equally well in terms of the governance of schools and colleges. In simple terms the governors delegate as much as possible to the Head (responsibility with accountability), set the strategy and identify the key measures that indicate the school/college is operating successfully. If those measures are being met, then there needn't be any more interference. The Governors should focus on what they believe are the critical success factors and measures and let the Head deal with everything else, then if the measures aren't being met, the governors have a right to know why and what is to be done about it. This way the Head is left to lead and manage and the Governors can focus their time on the key issues (not how many paperclips have been ordered in the year). Governors should be challenging but at the same time supportive of the Head. For difficult decisions which often relate to staff, the Head needs to know that all the Governors are 100% behind him or her, even if there are challenges from the staff, unions, LA or parents. Without this support it is nearly impossible for Heads to make difficult decisions and implement them for the good of the school.

3. I have witnessed many examples where school governance has been consumed by multiple committees, lack of strategy, as well as discussions on matters that are not relevant to governors or even the school and the vital aspects are overlooked.

Governing Body Structure

4. Through Carver (which we operated when I was Principal) we removed all sub-committees and the full governing body met on a monthly basis. Sub-committees create cliques or dispersed knowledge with no-one having the full picture, generally lead to governors interfering in the management of the school because they get into too much detail justifying the existence of the committee, and often lead to the same papers and discussion being had at the sub-committee and full Governors' meeting. Very often some governors will have

a very clear view of the school's finances, others the curriculum and others HR with no-one seeing the complete picture. Large Governing Bodies can prevent the development of a coherent strategy, not be nimble in responding to the needs of the school, and can talk for many hours. My experience is that through Policy Governance and a good chair, meetings need not last longer than two hours and that was for a complex £35 million FE college.

Papers

5. I have witnessed many governors meetings and indeed other boards where the papers are unclear, lack consistency in presentation, certainly don't make clear what the decision if any should be, and are often tabled at the meeting.

6. Papers should be presented in a consistent form and headed with a clear indication as to what the paper is about, why it is being presented, by who (although my belief is the paper should always come from the Head) and whether it is for information, discussion or decision. If it is a decision then details of the decision that needs to be made should be clear at the start of the paper. Papers need not be longer than two/three pages with appendices where necessary. It should be assumed that all papers have been read to avoid time wasted repeating/summarising what is in the paper during the meeting. If the paper is for information it should not be discussed. That way time is focussed on the key matters for governors. Papers should certainly not be tabled unless there is an emergency, and should be circulated at least a week in advance. Such an approach requires good discipline from those writing the paper, the governors and the Chair.

Governors' expertise and the right information

7. From my experience one of the most vital factors is how a governor can challenge a Head if they don't have an understanding of what the key elements of running a school are. This is made even harder when policy and Ofsted requirements change on a regular basis. A good Head will ensure that Governors are given a clear and simple explanation of what is important and what the governors should be looking at/concerned about. A weaker head, or an overly strong head, may use the lack of governor knowledge to avoid answering the difficult questions or admitting to problems or using their experience and expertise to make the governors feel confused and inadequate and thus afraid to challenge. In many cases the success of the Governors is determined by the Head's approach. So the challenge for every school is how to find governors who already have the required expertise between them, and ensuring that the Governors are kept up to date. From experience there does need to be a good mix of governors as well—key challenges in the recruitment of governors normally appear to be around those governors who understand education and those who have a good financial understanding. It has also been my experience that sometimes governors fail to understand that they are a governor primarily to support the school. Some community governors will often look for benefits to the wider community rather than the school and this can cause tensions. I am not sure how to describe this in any other way but it is a sad truth that in general those with the most time available, or willing to give the most time, often have the least expertise to contribute. Only a minority have the magic combination and normally the end up as Chair!

8. Governors expertise is not helped by the world of education speak and acronyms. And the DfE is still the worst culprit. What is more the guidance for governors is long and confusing—see the latest DfE guide on Law for Governors which is over 200 pages long! Either the system is wrong if it needs that much explanation or we need a new guide author who is writing for the intended audience not the DfE.

Parent Governors

9. Governors who are parents are vital (student governors in a College environment)—they know what is really happening in the school and have a huge stake in the success of the school. I would suggest that a parent governor as a chair is often the best solution as well and will carry the confidence of the broader parent community.

When the going gets tough

10. When issues arise it is vital, in my experience, that Governors act decisively. To do this they need to understand their rights and responsibilities. Generally this requires a very good chair and a good Clerk. From recent experiences where a school has been required to improve, the introduction of the LA has caused yet further confusion. While the Governors have a long term responsibility for the school it would appear the LA have the right to "take over" and some have described it as bullying the governors. While extra support is always welcome, this can disenfranchise the governors and certainly not lead to a sustainable solution for the school when the LA officers pack their bags and move to another school. Law and rules about who is responsible for what are unclear at best cause great confusion and frustration. At a recent meeting the LA made clear that something was the governors' choice, however if the choice was the wrong one in the LA's mind, they would take over themselves!

How do we get enough good governors?

11. I certainly don't think payment is important or needed and would probably attract the wrong type of person. Often it is time that is the rarest commodity. Encouraging large employers (and the smaller ones) to

support staff to become governors (which many do) would probably have a far greater impact—if there were some incentive for employers (eg reduced Employer NIC) that would have an even greater impact and would probably transform the face of governance (not just in schools) in this country.

Structures

12. Even with this I am not sure we will get enough top class governors for all our schools. Therefore I believe that a federated model would serve schools the best. They may be many versions of this. Clearly there are large academy chains developing. But one model that feels like it would operate well is a local federation—maybe between a secondary school and its feeder primary schools, or a group of local secondary schools in an area. While a local advisory board can maintain the interests of the local institutions, it allows for a more expert group of governors to run the federation as a whole, along with the benefit of certain federated services.

KEY RECOMMENDATIONS

13. Clear, concise and substantially reduced guidance from DfE, based on best practise.

14. Online sources available for Governors including examples of best practise in structure and ways of operating efficiently and effectively.

15. Clearly defined role for LAs and a thorough concise outline of the mechanics of interaction.

16. Employer incentives to encourage parents and others with the relevant expertise to become governors. These don't have to be financial and could consist of some form of badge or prop (like a kite mark) that the company could use to promote itself. Similar ideas have been discussed for getting employees released to serve in the Territorial Army.

Dr John Carver is a leading thinker on distinctive concepts and systems applicable to the governing body of any enterprise. The model enables the board to focus on the larger issues, to delegate with clarity, to control management's job without meddling, to rigorously evaluate the accomplishment of the organization; to truly lead its organization. Carver has written a number of books:

Corporate Boards That Create Value: Governing Company Performance from the Boardroom. Co-authored with Caroline Oliver. San Francisco: Jossey-Bass, 2002. (Published in Portuguese as Conselhos de Administração que Geram Valor: Dirigindo o Desempenho da Empresa a Partir do Conselho by Editora Cultrix, São Paulo).

John Carver on Board Leadership: Selected Writings From the Creator of the World's Most Provocative and Systematic Governance Model. San Francisco: Jossey-Bass, 2002.

Reinventing Your Board: A Step-By-Step Guide to Implementing Policy Governance. Co-authored with Miriam Carver. San Francisco: Jossey-Bass, 1997; 2nd edition, 2006.

A New Vision for Board Leadership: Governing the Community College. Co-authored with Miriam Carver. Washington: Association of Community College Trustees, 1994.

Boards That Make a Difference: A New Design for Leadership in Nonprofit and Public Organizations. San Francisco: Jossey-Bass, 1990; 3rd edition, 2006.

Some Quotes from Dr John Carver

“Trustees are often little more than high-powered well-intentioned people engaged in low-level activities”;

“The well intentioned in full pursuit of the irrelevant”;

“Governance is one step down from ownership rather than one step up from management”;

“Too many boards overlook rather than oversee”

“Trust but verify”

“If the Board claim to know everything going on within the organisation, then there isn't enough going on”.

And perhaps the most important:

“If you (the board) haven't said how it should be, you can't ask how it is”.

Written evidence submitted by Durham County Association of Governors

This submission is on behalf of the Durham Association of Governors representing around 3,200 school governors at over 250 schools and academies across the County. We feel very strongly that the current stakeholder model should be retained. It is important to have a wide perspective of views on each school governing body to help make the best decision for our children within the context of its wider community.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

We feel that recent changes to strengthen the role of school governors in school leadership eg the revised Ofsted Framework, are appropriate and should remain. The governing body needs to undertake their executive role and be able to hold the head to account for outcomes and to be in a position to challenge expectations and ambitions of all those involved in the school to ensure the very best provision.

The implications of recent policy developments for governing bodies and their roles

One thing is sure; education is constantly changing and that is as it should be. It is for that very reason that schools cannot be allowed to operate in an autonomous fashion without the context of other providers. Recent policy developments have seen a more coherent approach to school leadership and the accountability role it has to others. This approach needs to continue.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

This is crucial in terms of succession planning and something that is currently well supported by the LA. Where there are issues around recruitment the LA is well placed to help given its county-wide relationships and context of governance in a wider context. The provision of appropriate training and current training is essential if school governors are to be able to perform well in their role. We have a positive relationship with School Governors' One-Stop Shop.

The structure and membership of governing bodies, including the balance between representation and skills

The current stakeholder model is appropriate and we would advocate a status quo approach. The idea that smaller and more highly skilled governing bodies are better for schools is far removed from the reality of current governance. We should not forget that school governors are volunteers and issues around availability are better handled within the current arrangements for example, given governing bodies need to provide for a first and appeals committee if smaller this would cause significant issues.

The effectiveness and accountability of governing bodies

The clarity of role between the operational function of the head and the executive role of school governors is currently well defined and works well. There is a need to maintain this difference in role to help hold the school to account. Such an arrangement needs to continue. The changed Ofsted arrangements now better hold governing bodies to account using existing judgments made public.

Whether new arrangements are required for the remuneration of governors

Governing Bodies in Durham do consider remuneration to be appropriate and therefore the ability for individual governing bodies to consider it, as is the case now, should continue to allow each governing body to come to a view having regard for the circumstances of the school and its governors.

The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

We have very good relationships with our partners. We have a well established Memorandum of Agreement with the LA and are represented on the Schools Forum, Scrutiny Committee as well as a range of bespoke working groups/committees. We work alongside academy governors and trade union representatives. Any proposals to strengthen such arrangements are welcomed as we accept such relationships may not exist elsewhere.

Whether changes should be made to current models of governance.

As we see it, the current governance arrangements are fit for purpose. We are part of the biggest army of unpaid volunteers in the country and are fully committed to the providing the best opportunities for the children

in our schools. Any move to diminish the role of school governors would, in our view, be retrograde and not in the best interest of schools, parents and pupils.

Mrs P Ramshaw

Chair of Durham County Association of Governors

23 November 2012

Written evidence submitted by Withycombe Raleigh C of E Primary School

CONSIDER:

- existing role of governing bodies;
- implications of recent Government policy developments in education for them; and
- recruitment, reward and responsibilities.

EVIDENCE ON:

<p>the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership</p> <p>the implications of recent policy developments for governing bodies and their roles</p> <p>recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment</p>	<p>Increasing role of GB over last five years</p> <p>Consultation over federations increasing over last two years (including WRPS)</p> <p>Implications from consultations on pupil premiums, structure of school leadership</p> <p>At WRPS there have been elections for parent governors in the last two years. At each election there were several parents who put themselves forward. In Devon there is a range of training opportunities made available for governors, new and more experienced, so that they are able to fulfil their role.</p> <p>Is there a challenge facing recruitment in terms of recruiting suitable governors with experiences, knowledge and skills that will contribute towards the effectiveness of the governing body?</p>
<p>the structure and membership of governing bodies, including the balance between representation and skills</p>	<p>Increasing responsibilities and therefore accountabilities of GB's impacts upon the necessity of a high level of skills base for governors; an increased understanding/awareness of a children centred, yet business focussed approach to leadership and management</p>
<p>the effectiveness and accountability of governing bodies</p> <p>whether new arrangements are required for the remuneration of governors</p>	<p>As above</p> <p>Governors act voluntarily because they have an interest in the school. To pay governors would completely change the nature of the role.</p>
<p>the relationships between governing bodies and other partners, like LA's, school leaders, and unions</p>	<p>It has always been important to maintain a good relationship with other partners/LA's. Strength in this is ever more important as the complexity for GB's increases; buying power for services is more effective in greater numbers.</p>
<p>whether changes should be made to current models of governance.</p>	<p>An appreciation of the responsibilities/accountabilities would be helpful for GB's. A clear structure for communications of changes to policy necessary.</p>

Written evidence submitted by Coulsdon Church of England Primary School

Whilst acknowledging that there are many important issues mentioned in the "Information on the Commons Select Committee on Education—Inquiry into the Role of School Governing Bodies" paper, our school would like to point out that as a Voluntary Aided Church of England School we find the omission in (h) of "dioceses" to be surprising (or maybe an oversight.)

The importance of these bodies to Church of England faith schools cannot be over emphasised as this major partnership is crucial in the appointment of Foundation Governors to Governing Bodies, monitoring the Christian ethos of their schools, providing training courses, providing "Briefing Sheets" on the latest education legislative issues, giving advice to governors, managing Personnel and Admissions issues including assisting governors in the process of the appointment of the school's Headteacher and so on.

December 2012

Written evidence submitted by Maggi Harris.

This is my response to the Education Committees request for written evidence to be presented at the inquiry into the role of school governing bodies.

The following points are made as an executive summary:

- 1. There should be a range of nominated governors particularly in secondary schools.
- 2. Consideration should be given to the range of skills and attributes of governors.
- 3. Some suggestions are given for recruiting governors.
- 4. A balance of skills and expertise is required.
- 5. All governors should be accountable to parents.
- 6. Governors should not be paid.
- 7. Good relationships must exist between all involved in the education of all children irrespective of status.
- 8. Stability now is needed.

I am currently Chair of Governors at a Secondary school in Lancashire. I have been a governor for about 20 years now at various establishments, mainly secondary, but also at two primaries. My role as a governor over the years has been as staff governor, as an additional governor placed by the Local Authority at a school in special measures and as a member of the Management Committee for an authority support service. I have experience as a governor in various local authorities in the North West. I am also the Vice Chair of the Lancashire Association of School Governing Bodies. I attend and contribute to the North West Area meetings of the NGA. The views expressed to the committee are my own and have been formed and agreed after discussion with other governors from Lancashire.

1. In terms of roles and responsibilities I consider the purpose of a school governor is to provide support and challenge to the Senior Leadership Team of the school or college. I think the governor's role should be purely strategic. However, the Governing Body should be aware of the strengths and weaknesses of the school if the strategic responsibility is to be effective.

My recommendations to the committee are to suggest that at a secondary school or college a nominated governor be responsible for each area of the school curriculum and to act as a means of liaison between the individual school departments and the governors. This should involve at least, an annual report of the strengths and weaknesses of the department; the projected targets at each of the key stages and if they are to be met, any concerns, staffing, accommodation, future projects. In a primary school, a nominated governor for each key stage could be the link including one governor to be linked to the school nursery if there is one.

2. The recent policy developments have placed more pressure on some governing bodies which need not necessarily be seen as counterproductive. However, it has to be remembered that all are volunteers, come from various backgrounds and have a range of skills and attributes. Some will be leaders and others will only follow. Ofsted has, to some extent, helped to focus the minds of many governors. In terms of evidence for Ofsted, schools should ensure that the Clerk to the Governors records evidence of support and challenge in the minutes. I have experienced the school bursar as clerk and the use of a local authority clerk. In my opinion the local authority clerks in Lancashire are well informed and very professional and do record much in the way of evidence for Ofsted.

Changing long established practice is always a challenge but it has to be remembered that some Governors will need coaching and to some extent the suggested re-constitution may help. It needs not to be too prescriptive if it is going to preclude some parents who, after all, should be well represented on a governing body. In terms of size, the minimum of seven is too small if you intend to spread the load in sub committees (where most of the work is done). This would be particularly problematic in a secondary school where there can be five sub committees and working governors have other priorities as regards full attendance at meetings. Neither would a very large committee work. There may also be a need to encourage support from parents in schools where there is a large proportion of ethnic minority children. In some instances there is considerable difficulty in getting parents on to the governing body. Perhaps ensuring more support from community leaders in persuading parents to become governors should be actively encouraged.

3. Recruitment of governors varies from area to area and to some extent is mirrored in the socio-economic diversity of schools. The government, therefore, needs to tread warily and not undermine recruitment by being too dogmatic. Current training in Lancashire has been very good but may be less efficient if local authority cuts are reflected in Governor Services. Training needs to be central, of good quality, reliable and local. The on-line training facilities which my Local Authority contributes to are very good and useful for busy working governors. However, face to face training, particularly for new governors is essential.

In my opinion, face to face training should be compulsory for new governors. Recruitment could be helped by involving local businesses and encouraging their involvement in schools as they will eventually benefit from the product of schools as employees. Government could help here with funding and marketing of governors as a social enterprise.

4. Membership of a governing body is very much ad hoc but in the committees in which I have been involved, the people who are on the committees are generally, in the main, those with some degree of responsibility for public service. (Very few are in it for the kudos!). The one criticism I have is the imposition of Local Authority governors and this is because, in my experience, the governing body is given no information about this person. Therefore the decision to make this post subject to approval by the Governors is welcomed.

Perhaps some guidance on the range of skills needed for a Governing body would be helpful and for it to be specific rather than general eg finance, HR, curriculum, community needs, marketing, management skills. A balance is also required between parents and non parents, male and female, and an age range. Perhaps a maximum age should also be considered as there is for magistrates and vicars. The new model of governance suggest only one staff member (although another could be co-opted) however in a large secondary school there may be as many non-teaching staff as teaching staff and I think both groups of employees should be represented equally.

5. Since schools are about ensuring education is first class for our children then the effectiveness and accountability of governing bodies is paramount in this respect. Other than Ofsted, governing bodies should be accountable to parents and should not be an anonymous group of people taking decisions involving the education of their children.

Ofsted must continue to take a more critical look at the work of governing bodies and this should be detailed in their report. Encouraging the chair of governors to share information about work done by governors once a term may be one way forward. Where a school is put in special measures then the chair should be removed immediately. (Not sure if this always happens)

6. All governors are entitled to claim travel expenses from schools. My experience is that this does not happen in the main. However, where children attend a Specialist School they frequently travel some distance and consequently so would parents which has a financial implication for these parents

The question of the remuneration of governors is a difficult question and would presumably apply only to the chair. My view is that this may deter some people from volunteering for this post. Payment, even an honorarium, could work against the public service aspect of being a governor and may attract people for the wrong reasons. It may be advisable to write into the constitution of specialist schools that payment of travel expenses is automatic.

7. All of the relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions should be encouraged whatever their status or organisation. In my area the School Forum is the place for this and it works very well.

I think that schools are an integral part of our communities and all of those entrusted with ensuring that our children are educated to the highest standard must work together thus the School Forums must continue to be supported.

8. We have been given a new model for governing bodies and it is suggested that we might consider adopting this model. It is not compulsory but I think most governors will adopt it over the next two years.

In my opinion we need to put this new model into practice and see how it evolves. Stability is important in this respect

December 2012

Written evidence submitted by Crossley Heath School

POINT 1

- The purpose of the Governing Body (GB) is to monitor, challenge support and overall hold the school accountable.
- While it is important that a good relationship exists between the Head and the Governors (particularly the Chair) it should be made clear to all concerned that the role is non-negotiable.
- The GB has a duty to fulfil a rigorous oversight. There needs to be an understanding of the different perspectives and of the necessary independence of the GB.
- It might be quite difficult for inexperienced Governors to become effective quickly. Perhaps not only do Governors need effective training but also school staff as to the role Governors fulfil and the advantages they can bring to the school.

POINT 2

- The GB should act in the best interests of the school and come to a consensus as to the way forward.

POINT 3

- There needs to be a healthy mix of backgrounds and skills.
- Advertises for Governors might specify the skills-set that is required/under-represented in the GB.
- As it would appear much easier for successful schools to recruit Governors, especially non-parent Governors, perhaps the focus on attracting candidates should vary according to the type of school/area in which the school is situated and the challenges faced.
- A structured and formal induction and training regime is a requisite.
- As the cost of training falls to the school this might, depending on the school's financial circumstances, dictate the training available.
- There are too many documents and information (either paper or online) to absorb for people who are, after all, **volunteers**. A school is very much dependent on local strengths.
- The National College Governance programme is a good initiative. We need to see how it works out.

POINT 4

- It is good to have a fair representation of Parent Governors with students in different year groups as they are the “customers” of the school's provision.
- In an ideal world it would be advantageous to recruit Governors from a variety of backgrounds in order to have a range of different views.
- There should be balance of numbers, not too many, not too few.

POINT 5

- The GB should review its practice and self assess its performance.
- The GB should draw up an action plan based on the school's priorities. The action plan should be a standing agenda item for all committees and full GB meetings. There should be an interim review during the length of the plan.
- The GB is accountable to, and for, the school and must be seen to be fulfilling its responsibilities diligently.

POINT 6

- Remuneration should not be an issue although a budget for Governors' expenses might be allocated according to a policy statement.
- It might be necessary to provide some kind of financial support to facilitate a broad range of Governor participation although it is a moot point if this should be allocated to working Governors who are released by their organisations.
- Overall, one would not wish to encourage the cult of professional Governors.

POINT 7

- Relationships between the GB and other partners should be based on mutual trust, challenge and support.

POINT 8

- Links between the GB and specific departments should be encouraged as they strengthen the understanding of the challenges facing both parties and integrate Governors far more into the life of the school.
- Allow current models of governance time to embed before introducing more change.

December 2012

Written evidence submitted by Nigel Gann Bed, Mphil, FRSA

BACKGROUND

1. Next year, September 2013, sees the 25th anniversary of the establishment of stakeholder governance in all state-funded schools in England and Wales.

2. Alongside the then new National Curriculum, the increasing professionalization of school workers, and the regular inspection and reporting of schools, this experiment in local democratic engagement with schools has seen an unprecedented rise in student achievement. We have now reached a position where over 90% of schools can be described as at least satisfactory in their overall effectiveness. Not to be complacent, this is still a remarkable achievement by the education profession.

3. Student achievement is, of course, just one aspect of change, albeit the most measured and headlined. What we have seen simultaneously is a remarkable *volte-face* in the public's attitude to their local schools, and a recognition by a profession once characterised as complacent and inaccessible that they are, and must continue to be, open and accountable to the communities they serve.

4. The stakeholder governing body has been a major player in this revolution. The best examples of governance:

- Involve and engage lay members of the public in the strategic direction of their school.
- Exemplify a public service that is answerable to its community.
- Hold professionals to account for the effectiveness of their work.
- Make themselves, in turn, accountable to the community by providing opportunities for parents to question and challenge the school.
- Demonstrate that lay people, with or without professional qualifications and experience, are capable of contributing to the strategic planning and organisation of a public service.
- Offer a practical model of a society in which people who are often regarded as purely “consumers” can participate in the delivery of high-level services alongside professionals and politicians.

5. Over the 25 years, partly at least in recognition of their success, governing bodies have been granted more and more power and responsibility—often, it must be said, against the wishes of governors themselves. Nevertheless, increasing control of staff pay and conditions, headteacher appraisal, growing financial responsibilities, determination of admissions, and powers over their own composition have been granted and used to increase the benefits of lay governance and the efficiency of schools.

6. So much so, that the models of schooling now advocated by both Government and Opposition all assume levels of lay responsibility from “more-or-less” complete to complete, in the areas of financial management and overall academic performance.

PURPOSE, ROLES AND RESPONSIBILITIES: ACCOUNTABILITY

7. The requirement for governors to be answerable face-to-face once a year to the school's parents was abandoned some seven years ago, largely because schools had failed to make these occasions count. It was not the fault of the public that schools failed to attract people to these events. Many schools made the effort and were rewarded by a lively engagement of interest and challenge. As an American observer once suggested: “It is profoundly characteristic that responsibility for widespread non-participation is attributed wholly to the ignorance, indifference and shiftlessness of the people”. As a great educator, Michael Duane, wrote, “Democracy, like language, needs practice from infancy”. The annual report to parents and an annual public meeting led by the governing body should be reinstated.

8. The removal of a local appeal structure for parents who are dissatisfied with a governing body's response damages schools' accountability. Local accountability for complaints should be reinstated, for example, through the establishment of a local education board (see below) or schools ombudsman.

9. Parent and other local participation in governance, responsiveness to questionnaires and meetings, etc. should be measured by Ofsted as a required success criterion.

RECRUITMENT AND DEVELOPMENT

10. Once local authorities have shown that they are uninterested in having any role in the conduct of schools, as many seemingly have, there remains a question about who is responsible for the recruitment and training of governors. Another local mechanism is needed to encourage community members to become school governors, and to deliver appropriate training and development (see below).

11. Some degree of initial training by accredited bodies and an approved induction process should be compulsory for all governors. Further training for chairs should also be required.

STRUCTURE AND MEMBERSHIP

12. The potential for academy and free school trusts and governing bodies to become self-perpetuating groups unresponsive to local pressure is dangerously undemocratic. There should be a legal requirement for democratic processes to be introduced with assurances of local participation.

13. Alongside increasing powers for governors (especially in free schools and academies), there is growing pressure from the DfE to reduce governing body size. This may tend to reduce governance to a business exercise which is most concerned with efficiency at the expense of accountability. Governing bodies of fewer than about twelve may find it difficult to make themselves available and answerable to the local community. Local governing bodies established by national academy chains may find it particularly difficult to either include local people without specific business skills or to respond to local needs and concerns. All schools should have governing bodies with a majority of local people and a substantial minority of parents.

14. For more than twenty years, governments have emphasised the need for “business” skills in school governance. Laying aside for the moment the thought that some of these so-called “business skills” may be largely responsible for having pushed this country into its current economic condition, there is no evidence that governing bodies with such skills conduct their business more effectively than others. Clearly, it is important that governing bodies both recruit and develop some such strategic and financial skills, but other practical experience and knowledge are also important: knowledge and understanding of the community served by the school, for example; ability to make oneself accessible and answerable to the public; ability to engage professionals and parents in debate and challenge; meetings skills, and so on. These skills may not be evident in the “business” community and should not be neglected in the search for skilled input.

15. As a statement of the overall sovereignty of the local governing body, all chairs should be elected by their constituent governors, except in special circumstances where schools have been required to show short-term improvement. The appointment of chairs by sponsors should only be permitted in those very limited circumstances.

REMUNERATION

16. It is my view that remuneration, other than in exceptional circumstances such as Interim Executive Boards, is unlikely to improve the recruitment or the quality of school governors.

PRINCIPAL SUGGESTION

17. The issues I have raised above can be addressed by a partial restoration of local coordination of educational provision. I therefore suggest that the challenges faced by educational establishments should be addressed by the creation of **Local Education Boards** to cover all areas of England, coterminous with local authority boundaries.

18. The Boards would be partly directly elected by the public and partly elected by governors of existing educational establishments. Boards would be responsible for:

- The oversight of the efficiency and effectiveness of all educational provision from early years to further education (re-establishing local input to colleges of further education), including all independent and private providers.
- Ensuring universal access to high quality comprehensive provision and public accountability.
- Enabling cooperation between educational providers from all sectors.
- Ensuring fair admission arrangements and equality of access (including the provision of transport).
- Ensuring provision of appropriate education for children regardless of need.
- Disseminating best practice amongst all providers.
- Enabling innovation in educational practice.
- Providing information to the public and an appeals process in the event of unresolved complaints.

19. Boards would be responsible directly to parliament for their performance, and subject to inspection against agreed criteria, including achievement levels across the locality.

20. Boards would also take responsibility for ensuring multi-agency approaches to children’s social care, working with local authorities while current arrangements obtain.

21. The Boards would provide oversight and some level of standardisation, while enabling and encouraging innovation and experimentation within a controlled environment.

22. No extra costs need be caused by this structure, as they will replace many of the functions currently carried out by local authorities.

December 2012

Written evidence submitted by Clare Collins, Chair of the National Governors’ Association 2008–2011

SUMMARY

As a governor with over twenty years’ experience in five different schools, two of which were in very challenging circumstances, as well as being chair of the National Governors’ Association from 2008 to 2011, I am of the view:

- That the model of governance does not need fundamental change.
- That staff, and in particular the headteacher, being governors, constitutes a conflict of interest.
- That in recognition of the complexity of their role, there should be some small remuneration for governing body chairs.

- That there needs to be a change in culture. Governance and accountability should be recognised by all parties as important and valuable, and that by being transparent about what schools achieve amounts to a protection rather than a threat.

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1.1 Largely the roles and responsibilities of governing bodies (GBs) have, for too long, been sorely neglected. In some ways this is understandable as schools have multiple accountabilities (to the GB, the middle tier—be it the local authority (LA) or other bodies such as diocesan boards, Ofsted, the Department for Education). However, legally it is the GB which is the accountable body and as such it should be afforded the concomitant recognition and respect.

1.2 Increasing autonomy and the risks associated with this, and the recognition by the Chief Inspector, Sir Michael Wilshaw, of the importance of effective governance and accountability in assuring school standards, has seen a step change in how school governance is perceived. Ofsted's commitment to looking closely at the effectiveness of governance during inspections, and being prepared to make recommendations for addressing shortcomings is very welcome, as is the extension of the National College's remit to include a training programme for GB chairs. However, this training may have only limited impact if headteachers do not acknowledge the role. The revised National Professional Qualification for Headship should play a part in ensuring that new heads are better equipped to work positively with the GB. However this does not address how incumbent heads make the cultural shift towards more transparent and meaningful accountability.

2. The implications of recent policy developments for governing bodies and their roles

2.1 The recent spotlight on governance, as outlined in 1.2 above, presents an opportunity to look at how governance can be improved.

2.2 For far too long GBs have been sidelined and seen as rather a distraction by school leaders and local authorities, and in general neither have fully accepted their role as the accountable body. The current focus on governance has opened the debate on what the roles and responsibilities of GBs are, how to get the right people to be governors, the importance of a good chair and a professional clerk, the need for relationships based on trust, the requirement to know the school through data and other sources of information, being challenging as well as being supportive, and being able to have courageous conversations in the best interests of the children. This is highlighting how much time governing bodies spend focusing on detailed policy development and compliance issues, rather than on achievement and progress and underpinning financial probity.

2.3 In focusing on achievement, progress and the state of the finances, GBs are heavily reliant on data and other information provided by the school. Too often this is presented in a format not suitable for the GB, and is not well evidenced. This needs to change. RAISEonline is too long and too detailed for the GB. There needs to be a data summary which runs to no more than four pages. Heads need to work with their GBs to find a way of presenting data including financial information which enables governors to understand and highlight the key issues in a way that does not hamper or confuse. Too often governors accept that which is given which can result in GBs being misled by headlines and an incomplete understanding of the real situation let alone what is being done to address it.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

3.1 The recruitment of good skilled governors remains problematic in many areas, partly because, too often, the role is not clearly defined and this discourages those with useful skills from joining a GB. I have found that issuing a role description so that volunteers know exactly what the roles and responsibilities are (in other words it's not about having cups of tea with the head or helping with the school fair) has yielded governors with more relevant governance skills.

3.2 Training is not mandatory, and the quality and accessibility of training is very variable. Moreover there is too often not a culture where good quality training is sourced and made easy to complete. This is changing as LA funds decline, and GBs are looking beyond the usual routes to commission relevant, quality sessions, be it face to face or on line.

3.3 There is a lack of recognition for the role of the school governor. Too often governors are seen as a source of additional help, or that they can offer free expertise and pro bono contributions to the work of the school. Meetings are held at the school's convenience and with little recognition that many governors will have done a day's work too, and meetings are too long and repetitive. Moreover, expenses are either not paid or are frowned upon, and general appreciation and thanks is in short supply.

3.4 Finally, the head's responsibility in ensuring good governance has not been recognised until recently. Chief executives of third sector organisations are generally very concerned that there is good governance and good trustees who understand their role. They seek to fill skills gaps and look for those with expertise who can add credibility and kudos to their organisations. Heads need to follow this example.

4. *The structure and membership of governing bodies, including the balance between representation and skills*

4.1 I support the notion of governance being as close to schools as possible, thus ensuring that those who have to deliver on the decisions being made are not a long way from the decision makers. I also believe that community accountability through stakeholder democracy is a laudable concept and can work well.

4.2 The new constitution arrangements give enough flexibility to ensure that there is healthy balance between representation and skills.

4.3 However, I am uncomfortable with the headteacher being a governor. The head is performance managed by the GB, of which s/he is a member. This is a conflict of interest. There is an argument that staff governors also have a conflict of interest; and in any case that they cannot be effective governors, for in challenging the head, they would in effect be challenging their boss.

5. *The effectiveness and accountability of governing bodies*

5.1 There is a wide range of effectiveness in GBs, and a general acceptance that governance needs to get better. Where there is good governance this needs to be championed. At present there is an assumption that good or better schools have in place good governance practices. I do not subscribe to this. In my experience it is simply that the effectiveness of the GB does not need to be examined as the school is doing well anyway. Meanwhile there are many many frustrated governors who know that their schools need to be better, but who are not being supported by the LA or other middle tier bodies to address the often tricky HR issues that inevitably arise.

6. *Whether new arrangements are required for the remuneration of governors*

6.1 I welcomed Chris James's research¹ which confirmed my experience that the role of the chair is particularly sensitive, time consuming and often tricky, especially if there is the recruitment of a new head to be undertaken, Ofsted or performance issues, or academisation.

6.2 As such I am of the view that GB chairs should be rewarded with a small honorarium in the region of £2,000 a year, paid from the school budget.

7. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

7.1 Governors rely heavily on middle tier support, most especially from the LA who should provide access to training, information and advice (some of it of variable quality and accessibility). Governors also rely on the LA to confirm judgements about their school's effectiveness, and I am of the view that in this respect there have been many lost opportunities. Too often LAs are reluctant to see it how it is, let alone to tell it how it is ... and then to intervene if the GB is not ensuring that issues are addressed. With more academies and the changing role of the LA, more GBs are turning to alternative sources of support, for example the National Governors' Association, and other independent and/or private providers.

7.2 It would appear that one of the reasons that academy sponsors can address school standards more effectively than LAs is because they recognise the importance of governance and ensure that it works well. Also they are more realistic about the demands on schools to be accountable, and make it easy for them with model policies, pro forma reports, clear and transparent expectations of achievement and progress, and the will to address issues rapidly and appropriately.

7.3 Relationships with school leaders is covered in 1.2, 2.1 and 3.4, as well as the issue of conflict of interest in 4.3.

7.4 GB's have little direct contact or relationship with unions and generally rely on their LA for guidance in such matters. The NGA has long worked closely and productively with the headteacher professional associations, NAHT and ASCL. Publicly agreeing the expectations that school leaders and GBs expect of each other in *What governing bodies should expect from school leaders and what school leaders should expect from governing bodies*² was an important step forward for all parties.

8. *Whether changes should be made to current models of governance*

8.1 In general, apart from reconsidering the role of staff governors and some remuneration for the chair, I do not think that the model of governance needs changing.

8.2 What undoubtedly needs to change is the attitude towards the GB. It needs to be properly recognised as the accountable body, with status, training and support, and public recognition for the role.

¹ Chris James: The Role of the Chair of the School Governing Body, CfBT
<http://www.nga.org.uk/getattachment/Members-Area/Research/Preliminary-Findings-on-the-Role-of-the-Chair/Role-of-the-Chair.pdf.aspx>

² <http://www.nga.org.uk/getattachment/Members-Area/Guidance/The-Governing-Body/NGA—ASCL—NAHT-Joint-Guidance/Agreement-on-roles-NGA-ASCL-NAHT-2012-final.pdf.aspx>

8.3 This will afford school governance the seriousness and respect that is experienced by accountable bodies in other settings.

January 2013

Written evidence submitted by Rosemary Lovatt (Chair of Governors, Brentwood County High School, Brentwood, Essex)

KEY POINTS

- Recruitment of Governors can be very difficult.
- Many parents struggle to make any meaningful contribution because of work commitments.
- If you are able to find a good parent governor they have to be re-elected after 4 years, and there is no guarantee they will be re-elected.
- A significant amount of training is required for any governor to be really effective.
- If you are a chair or vice chair of a governing body the time commitment and responsibility is significant without any financial reward, or even reimbursement of out of pocket expenses.
- The latest Ofsted framework is much more robust in inspecting governing bodies, but is it realistic to hold volunteers to account to this extent?
- Local authorities oversee schools at arms-length and rely heavily on governing bodies to hold schools to account.

1. Currently the structure and recruitment of governing bodies makes any reassurance of quality governance extremely difficult. As the Chair of a Governing Body one has no say over the parent governors who join or leave the Governing Body and therefore cannot influence the overall skillset of the Governing Body. This means a significant proportion of the Governing Body may be well-meaning parents who have limited skills, abilities or time to be effective members of the governing body. If you are lucky enough to find a good quality parent governor who is prepared to give up sufficient time to contribute to the governance of the school there is a very strong chance that just as they are really getting up to speed, their term of office comes to an end and there is no guarantee that they will be re-elected, even if they wanted to. Other governor categories are equally difficult to recruit. This means that we are giving the responsibility to ensuring our education is the best it can be to often poorly managed and populated governing bodies of volunteers who are time poor and usually lay-people who have very limited experience of education.

2. To understand schools and governance there is a significant amount of training required. This again is a big “ask” of volunteers and even the most dedicated can find it hard going. Once this knowledge is gained it is often lost at a governors term of office comes to an end.

3. As a Chair of Governors I have at times worked more than 40 hours a week for the school. Although I do this willingly because I care that our students get the best possible education and I have made a commitment to do this, I still feel it is a crazy system, which isn’t sustainable. It costs me money to be a Chair of Governors. There is no vetting of my skills, experience or performance as Chair, and yet I have significant potential impact on the performance of our school.

4. I totally support the more robust line being taken by Ofsted to raise standards in our schools. It is appropriate to hold governors to account, but given all the points above is it realistic to expect volunteers, most of who don’t go through any selection process, to be high quality. I strongly believe that the system needs a major overhaul if we are to rebuild our world class education system. We need suitably qualified, and rigorously selected individuals as governors of our schools who are financially rewarded for their time and are subject to performance management like everyone else taking on a role in an organisation. Local authorities should employ governors, or at least the Chair of Governors and take a more active role in monitoring the performance of each school.

5. Local authorities are toothless in enforcing high standards in our schools. They work at arms-length and are reliant on an effective governing body to address issues and ensure standards are improving in a school. If the governing body isn’t effective a school can coast for years!

CONCLUSION

The system needs a significant overall to ensure that responsibility, knowledge, accountability and power are combined in one body. Today school Heads and their senior leadership teams, Local Authority officials, Ofsted and Governing Bodies all “dance around” each other in a well-meaning, but often ineffective way. I’ve seen this first hand at my school where years of “satisfactory” Ofsted judgements were not acted on by anyone, the consequence of which was that our children did not meet their full potential. This cannot be allowed to continue.

December 2012

Written evidence submitted by Albert Ede

I have served as a LA Governor at a local Primary school for 15 years the last six as Chair.

We are a very hardworking board and every one of the governors takes a very active role in the management and governance of our school.

Over the period of time that I have served as a Governor I have seen many changes some good some not so good but, in all this time we have stuck to our task.

I do feel however that we have become less appreciated for the work we do by various Education Ministers who seem to forget that we do this purely as volunteers and that many of us hold down a daily job.

I am not necessarily looking for financial gain but a bit more understanding and appreciation of the time and effort that governors give to this task.

We are I believe one of the biggest groups of volunteers in the country and we do this mostly unsung but governments seem to be putting more and more responsibilities onto governing bodies with no reward or recognition of the what we are being asked to contribute.

Our school is in my opinion and Ofsted a good school with outstanding elements at our next inspection we would expect to be rated Outstanding and to have achieved this, the governors will have played a big part but, again we do not seem to be recognised for this.

December 2012

Written evidence submitted by the Association of School and College Leaders

1. The Association of School and College Leaders (ASCL) represents over 17,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK. ASCL has members in more than 90% of secondary schools and colleges of all types, responsible for the education of more than four million young people. This places the association in a unique position to consider this issue from the viewpoint of the professional leadership of secondary schools and of colleges.

2. ASCL welcomes this inquiry, which is timely when school structures and governance are changing very rapidly.

3. Schools and their leaders value the role of governing bodies. It is an unusual system when contrasted with school systems elsewhere in the world, and with other arms of the public service. It can go wrong in small and sometimes large ways, but is generally felt to be better than alternatives.

4. At present state schools are changing from a situation where governance models were essentially consistent to one where they are much more diverse. A generation ago all state schools were organised in very similar ways, with the local authority (LA) essentially the owner and the governing body not much more than a local advisory board. The only variations were between community schools, voluntary controlled and voluntary aided, and these three models were well understood, as were the relatively minor differences between them.

5. These three types of school still exist in significant numbers and added to them have been: city technology colleges, grant maintained schools, foundation schools, trust schools, academies of several types, university technical colleges, studio schools and free schools. We should also consider sixth form colleges, which are technically not schools but which come under the aegis of the Department for Education (DfE).

6. City technology colleges have arrangements similar to academies and most have converted to being academies, and the grant maintained schools category was abolished by the previous government, but otherwise the pattern is of increasing diversity with more types of institution and more variability within each type. This is all the more true when the position of academies is examined carefully, as they each have a separate funding agreement and many have quite divergent governance arrangements. Some academies are closely tied to sponsors, who appoint the majority of the governors; some have voluntarily converted to academy status, with their existing governing body essentially persisting into the new role; some have a trust as well as a governing body; some belong to academy chains or to multi-academy trusts.

7. This diversity allows for different models to suit different circumstances, but has the disadvantage that general guidance cannot be given at any detailed level, only in terms of principles. It may also lead to extra costs in lawyers' fees and in the opportunity costs in understanding and correctly working what may be a unique set of instruments and articles, standing orders, policies and procedures.

8. The one consistent factor is that there is a need for governing bodies, or some related body such as a trust, to take on extra responsibilities formerly discharged by the LA or the diocese.

9. ASCL would expect that they will be able to do this, as the system has on the whole worked reasonably well in the past, and governing bodies, most of the time, have been an asset to their school.

10. Sometimes things do go wrong, and there is a need to reduce the number of such incidences that is made all the more important by the greater autonomy of most new school situations. Governing bodies are occasionally captured by a clique, which can be very damaging if it is pursuing its own agenda to the detriment of the school and its students. Governing bodies sometimes become overbearing and try to operate outside their area of authority and confidence.

11. Sometimes governing bodies are too weak, and allow themselves to be pushed into inappropriate actions by particular interest groups. Sometimes governing bodies are paralysed by difficult decisions that are then not taken in time.

12. Inadequate governors can place a whole school at risk; failure to improve or replace them may be an unintended consequence of a combination of initiatives. Individual governors sometimes fail to understand that it is not the individual governor but the governing body as a whole that has authority and become a nuisance to the professional leadership of the school rather than a help.

13. Some modest support systems and the spreading of good practice could improve governance generally and greatly reduce the incidence of such failures. Some issues and possible approaches are addressed in paragraphs to below:

14. Lessons can be learnt from the experience of colleges, which were incorporated nearly twenty years ago and since then have been operating in circumstances not very different from those that schools now find themselves in. There is much in the operation of good college corporations that is apt to school governing bodies, and that some already adopt. Some examples are given in the next few paragraphs. Likewise lessons can be learnt from the operation of independent school governing bodies, and charitable trusts. In all these other sectors mistakes have been made that it would be well not to repeat in the maintained schools sector, and all have examples of good practice that could be followed.

15. There is a strong need for good clerking of governing bodies. In the past the clerk was often an employee of the LA and little more than a minute-taker. In future it will be necessary to have clerks who can act more like company secretaries, taking a hand in setting agendas and crucially able to advise chairs and headteachers about what they must do, what they may do, and what they must not do—strongly if necessary.

16. There is a need for instruments and articles governance, standing orders, and policies and procedures related to the governing body all to be carefully considered and appropriate for the particular circumstances. These are not what most leaders want to spend time on, and they are often neglected until things have gone wrong that could have been avoided. A good clerk can introduce and keep such documents up to date without taking too much time and attention away from more immediate concerns. There would be no harm in model sets of such documents being promoted by government provided it was understood that individual governing bodies might alter them if there was a local need.

17. In the composition of governing bodies it is important to strike a balance between a skills-based approach and representation. In the past there was an emphasis on representation, with some governors acting mainly as place-keepers for the interests of groups or bodies outside the school, and contributing little. However, it would be a mistake to move too far towards a self-perpetuating group of “expert” governors whose expertise is evaluated primarily by themselves.

18. Governing bodies and individual governors need to understand the difference between governance and management in joint leadership. They do not always do so. Likewise, it is important for professional leaders to give governing bodies all the information they need but not overwhelm them with data. There is a constant need to ensure that all parties are well trained and understand their respective roles. ASCL has worked with the National Governors Association to produce joint guidance on this issue, though this guidance has evidently not reached all those that would benefit from it.

19. A particularly significant change as schools move from community to academy status is that the governing body becomes unequivocally the employer of the staff of the school. Though governors have had some employment functions in the past the LA has been the overarching employer, in future governors will need to understand better their collective role as employer.

20. Likewise, though schools have had separable budgets and their own bank accounts for many years now, the new circumstances will require governing bodies to have much more certain understanding of the financial state of the school than it has had in the past.

21. Quality, especially of teaching and learning is something that governors have always had an interest in, but recent changes to the inspection framework and an inability to rely on the advice of the LA has increased their responsibility to monitor standards and seek to ensure that they improve. Clearly governors cannot involve themselves in the improvement work of professional leaders, who have the prime responsibility in this area, but they need to be well aware of it.

22. The greater need now and in the near future for even larger numbers of high-calibre, committed governors does not seem to have been fully considered by the government. Efforts should be made to help recruit by raising the status of governors (though this is already high), encouraging firms to release key staff as part of their corporate social responsibility, and providing support for initial training and orientation.

23. There is clearly some concern that there may not be enough volunteers to fill the need. Together with an idea that small boards work better, this has led to a feeling in some quarters that governing bodies should be smaller than they are now. ASCL trusts that this will not be imposed upon them. There are some dangers in having much smaller governing bodies, and where the opportunity to move in that direction has been present for some time, in colleges and independent schools for example, it has rarely been taken. There are exceptions to this, and some report successful working with smaller, tighter governing bodies. Most have felt that the possibilities of confusion over role, loss of connection to key communities and stakeholder groups, potential gaps in the combined skill-set, and the need for separable committees (audit and finance, disciplinary and appeal) have outweighed any potential gains from greater focus.

24. Recruitment of volunteer governors would be helped by a more positive approach to schools being provided by government and its agencies; people are unlikely to volunteer to organisations that are constantly denigrated by national and local leaders.

25. Governing bodies may collectively or severally fail to understand the distinction between governance and management. Some colleges that have adopted smaller governing bodies have found that this can be a greater danger in that context, as governors begin to think of their body as an executive group, or fail to remember that they have authority only as a group not as individuals.

26. From the point of view of professional school leaders the key question is not the size or constitution of a governing body, but how it is possible to deal with weak or misguided lay governors. This is a problem with respect to individuals and groups that have not understood their role, are incapable, or who have their own agendas, but clearly the problem is greatest when it is the governing body as whole that exhibits these characteristics.

27. Remuneration of governors has also been suggested as a way of increasing recruitment. ASCL is not in favour of this. It would change the nature of the role significantly. There is no demand for it from governors, nor from ASCL members. There is no need for so risky a move, and if pressure for it comes from outside the schools sector it should be resisted.

28. If there is a demand to try remuneration, it is imperative that it be introduced as an option for governing bodies to consider, rather than imposed upon them. ASCL believes that the majority would reject it. If moves are to be made in this direction, ASCL suggests that payment be limited in the first instance to chairs of governing bodies only (who do, it is true, typically devote considerably more time to the role than other governors). Only when the effects of such a change have been observed over a period of years should there be a consideration of payment for all governors. And again this should always be a decision for the governing body itself to make.

29. Governors should receive expenses (for travel and telephone calls for example) to ensure that they are not out of pocket, but not payment for the time they give so freely. There is sometimes a rather ascetic approach that need not be followed; for example it should be accepted that it is reasonable for food to be provided at meetings, and for governors to be able to attend school events as guests and access facilities as appropriate.

30. Governors need to feel secure in making difficult decisions. Such protection can never be absolute since they must not act illegally or recklessly, but they do need to feel that they are safe from such possibilities. Again there is a balance to be struck here, and again this points to the need for effective clerking.

31. Training provision for governors is very variable and not generally of a high standard, schools will need to find ways of improving this. ASCL would not suggest any national initiatives beyond encouragement and the sharing of good practice. There is a perennial problem of persuading busy volunteers that they need training, and should give up still more time to it.

32. The role of the chair is crucial and there is little extra training available for chairs and prospective chairs.

33. Good practice should include:

- fixed terms of office both for membership of governing bodies and for chairs, with limited opportunity for reappointment;
- clear standing orders that govern the operation of the governing body and its committees;
- procedures that set out in what circumstances a governor may be removed from the governing body, and how;
- a register of interests, and a standing item on all meeting agendas to declare any conflicts of interest in particular items;
- committees having clear remits that are reviewed on an agreed timescale;
- a clear statement of what decisions have been delegated to senior staff, what to the chair, and what to committees;
- a clear statement of in what circumstances the chair may take urgent action between meetings and report back to the next;
- a search committee to oversee the selection of new governors, looking for suitable people, interviewing and recruiting them, and making recommendations to the governing body;

- the finance director or bursar having a direct relationship with the chair and the chair of a finance or audit committee;
- a fully trained clerk with a direct relationship with the chair;
- governing bodies and committees engaging in reflection and self-evaluation;
- appraisal of governors by the chair;
- an anonymous survey of governors that allows for issues to be raised about the operation and performance of the governing body, and the performance of the chair; and
- a full set of HR policies that address appointment, discipline, capability and grievance of all staff, with senior staff procedures addressed separately.

34. However good the systems there will still be occasional failures and thought should be given to what will happen when a governing body cannot mend itself or its school. It is important that there should be autonomy at the school level, but if there is a marked failure of governance there does need to be scope for outside intervention. In the past for most schools the LA would have intervened at some point, though they have a residual role in ensuring that there is educational provision many are no longer in a position to do this properly now and fewer will be able to do so in future. In colleges, the Further Education Funding Council and Learning and Skills Council had such intervention powers after incorporation, they exercised them sparingly as they should but they were occasionally needed. The present funding agencies for schools and colleges do not seem to have these powers, though they have to try to ensure that public funds are being used well and for the purposes they are given.

35. Governing bodies have had an important role in establishing and maintaining good relations with other institutions and groups. The need for such work can only increase as schools become more separated in formal structure. The relationship with the LA has been dominant in the past, which will clearly not be the case in future. LAs will need time to fully understand this, but once they have there is no reason to suppose that it will not be possible to build good relations in most cases, as exist between colleges and LAs.

36. Governing bodies can have a useful role in maintaining such links. Provided the choice is theirs and not a right of the LA, some will invite a LA officer or member into membership to maintain a connection. Likewise, members drawn from the local business community, locally resident communities, or a local college or university can all help to cement particular valuable relationships. For schools with a faith affiliation the same can also apply to maintaining good relations with the diocese or equivalent religious body or bodies.

37. There may be a need for better networking between governing bodies, as schools need to work together in various ways for many purposes. Such relationships tend to be formed and maintained at headteacher level, which is natural and inevitable but not to be relied on exclusively. Headteachers can find it difficult to persuade governing bodies of the value of such cooperation if they have no contact with the governors of the other school and have developed a suspicion of it. And valuable partnerships should not be missed because the headteachers happen not to get on well, governors may be able to take a more dispassionate view.

38. Some of the models of trust school and academy organisation appear top-heavy, with a trust and a governing body that have poorly separated functions. Clearly this is different where the trust oversees a significant number of schools, but where there is one school there does not seem to be any very good reason to have both. Relations with trusts, chains and sponsors are all somewhat different, but the key principle remains that there should be as much autonomy at the school level as possible.

39. It is important that the governing body of a school has significant authority and room for manoeuvre or else decisions will be too distant for best effect and the function of the governing body undermined. If there is a sense that the governing body is a rubber stamp or an instrument of some higher body it will be hard to recruit good people to it, decisions will be less well attuned to local need, and an important element of local accountability will be lost.

40. There is room for improvement in the models of governance in use, but it is unlikely that any systematic change imposed from the centre would work in schools' many different circumstances. ASCL would suggest that governing bodies be allowed to evolve their own solutions and good practice shared, it is willing to help with this sharing process.

CONCLUSION

41. On the whole the system works well. Government could help to improve it by making a modest investment in genuine guidance that raises key issues for governing bodies to consider, by helping schools and colleges to share good practice, including that set out in paragraph 33 above, and by facilitating good training for clerks, chairs and governors.

42. I hope that this is of value to your inquiry, ASCL is willing to be further consulted and to assist in any way that it can.

Written evidence submitted by John Crossman

I am Chair of Governors of a Church of England Junior School and a retired state primary school head teacher.

I enjoy my work as a governor and indeed feel that I am putting back some of the experience I gathered in a long career whilst supporting our pupils and our local community whilst challenging the staff to constantly be improving the education and experience we offer. I do have grave concerns about the way school governance is going.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

* The purpose of a governing body should be to maintain oversight of the school. The old expression being a critical friend still holds good as a simple explanation.

The governing body should be questioning and trying to ensure that the school keeps to its improvement plans and statutory requirements thus constantly improving the education of its pupils.

It should take overall responsibility for the appointment and retention of staff, whilst co-operating with and listening to the head teacher.

It should keep a watching brief on the finances of the school whilst ensuring that the school is achieving good value for money.

The role of Chair is key to this and regular weekly meetings with the head should always be an imperative part of their job spec.

The governing body should be aware and listening to the outside agencies which have an interest in their school.

The implications of recent policy developments for governing bodies and their roles

The effectiveness and accountability of governing bodies

* The implications of recent policy developments has been considerable and had an extremely adverse effect on the retention and enrolment of governors. I am extremely concerned at the large amount of pressure now being put on governors by OFSTED amid the ever increasing work load being placed upon this unpaid group of volunteers. Governors are now warned that if they are deemed to be ineffective they can bring down the OFSTED grading their school receives. In our case we know that our staff work flat out for the education and benefit of our pupils and many lay people are just are not prepared to be put in the sort of position where the opinion of one person, on their essentially amateur performance, can undo the good work done by the professionals.. Many lay people are pointing out that they are just that and as volunteers are not willing to be judged and criticised by inspectors ticking off bullet points on their schedule without being aware of the efforts and time being freely given. This is having an extremely negative impact on enrolment and retention.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

My school like many others is finding it increasingly difficult to run on a full complement. Earlier this year we were delighted to welcome two new parent governors to our ranks, one has already resigned citing the fact that it is much more demanding than she thought and is unable to give the required amount of time being a mother and part time worker. A second resignation came from a PCC nominated member, an older person, who was a valued member, with a long career in medicine behind him. He felt that it was no longer viable for him to be a governor as it was undoubtedly exasperating his health problems.

I agree that there would be no point in having governors if they aren't to be effective, questioning and challenging on all important issues however it is quite right that the whole system should be reviewed at this time. Self evaluation is now deemed all important and obviously has its part to play but it is necessary to have a full and stable governing body before this can be effective.

The problem for Church schools is acute in areas like North Devon. The rules demand that the Local and diocesan foundation governors have a majority of two on our governing body. They have currently four vacancies between them, which means we are constantly illegally constituted. It is also necessary to have at least one third of members who are currently parents of children in the school. We have two parent elected governors but the Church finds it extremely difficult to find more than one. I have discussed this problem with the local Rector and Diocesan officer and communicated with the local Archdeacon and School Improvement Officer. All are sympathetic but unable to help. This problem results in more work being placed on the reduced number and consequently is more likely to cause retention problems.

Clearly the law needs to be changed to facilitate the solving of this problem.

Training provided in Devon is good and the Diocese also provides valuable training sessions.

I, as chair, spend a great deal of my time on school business, there is no way I could fulfil this role if I was not a fit, retired person but I feel that next time my re nomination comes around I will probably say enough is enough. There is no one at present on our governing body that would be willing or have the time to take on this role.

The structure and membership of governing bodies, including the balance between representation and skills

Whether new arrangements are required for the remuneration of governors

Option One:

Should we have fewer governors but pay them so that they have to be more focussed or should we accept that they are volunteers and treat them with the respect that they deserve.

* A governing body to comprise five or six paid governors with particular cabinet posts.

- One member to be responsible for key areas such as Personnel, finance, health/safety and safeguarding, teaching and curriculum.
- The Chair, elected by members would also be responsible for one of these departments as well as oversight of the others, are areas that these key governors could oversee.
- All governors to be elected for a set period of office. These would be elected by the parent body, the local PCC in an aided school would also have the power to elect a set number of those members.
- The head teacher would also be an ex officio member.

A properly constituted body such as that above could legitimately be held responsible in the way in which government policy currently expects. This would obviously have severe financial implications across the whole nation and if the pay was to come from existing overstretched school budgets it must be considered whether this would ultimately be to the advantage of the pupils? It must be also considered what type of people would be attracted to these paid roles as in my experience the most successful governing bodies are those with a vested interest in the school namely the parents, therefore a majority of the places should be open only to the parent body. It would not be desirable to attract professional local politicians who have too many other interests to devote sufficient time to the school and see it merely as a way to enhance their income.

Option Two

To continue to have unpaid volunteer governors nominated by a variety of sources but in this case it will be necessary to consider very carefully how much can be expected of them if we wish to attract the right sort of candidates who probably already have demanding careers. From my position I would rather be unpaid but not expected to give up so much of my retirement on school business.

It is ideal to have a good representation of skills as members of the team. When I was head of a County Primary School the governing body had the opportunity to co-opt three members. We successfully co-opted a local solicitor, GP and Building inspector. All brought vital skills and experience to the table. Our church schools must receive whoever they are given or often no-one at all and therefore lack flexibility because they have no ability to co-opt.

It is important that individual schools have their own governors rather than being grouped together under one body unless in a federated unit. Governing must remain essentially about caring , about your own school and its impact on your community and especially its children.

The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

The relationships with governing bodies and other partners are causing no problems in my experience and need no alteration

Whether changes should be made to current models of governance

The areas which need change have been clearly stated already in this document.

I am concerned that paying governors is not necessarily the right way forward.

Therefore it seems necessary to take account of the fact that governors are very part time well meaning amateurs who nevertheless have the good of the school and the education of its pupils at heart.

Give them a much more concise portfolio to work on pinpointing just what they should do and know.

Don't frighten them away with threats of OFSTED inspectors taking them apart.

December 2012

Written evidence submitted by Martin Matthews

SUMMARY

1. This is my personal submission of evidence to the Education Committee inquiry into the role of school governing bodies. The opinions expressed here are my own and do not reflect those of the DfE through my designation as a National Leader of Governance.

OVERVIEW

2. I have served on a number of different governing bodies as governor, vice chair and chair. Cumulatively I have over 35 years' experience as a governor and I have lead several schools through significant changes. I have been a teacher, parent, LA, foundation and community governor at different times. I have been a governor in a number of different LA's.

I was designated as a National Leader of Governance by the National College in April 2012 having served as a Greater Manchester Governor Champion 2009–11. In the next few years I will have served more years as a governor (cumulatively) than I have been alive.

EXECUTIVE SUMMARY

- Governors are generally altruistic and care deeply about their school. Many do their best for their school unaware of the legal, HR and professional boundaries. Some stumble into being a chair and do not know the extent of the role before appointment.
- Governor training, support, recognition and reward are poor.
- Scrutiny and accountability are poor.
- Recruitment and retention are poor.
- The lack of a national support structure impedes the spread of best practice.
- Wholesale reform of governance is unnecessary the underlying structures are robust.
- The DfE and its agencies need to provide leadership in training, support, recognition and reward.

SUBMISSION

3. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

3.1 The purpose of governing bodies has remained the same since the nineteenth century; to support the very best education for each and every child. This should not change.

3.2 The level of responsibility and professionalism demanded from governors has steadily increased in the last fifteen years. Training and support has diminished at the same time.

3.3 The role of chair of governors is significantly more than that of an “ordinary” governor. Support and training is woeful for new Chairs.

3.4 A definitive list of the statutory responsibilities of governing bodies on the DfE website would be good.

3.5 The DfE should issue a statement that conference calls or video calls for committee meetings are acceptable to facilitate more flexible governance.

3.6 Governance is now too big a role to fit into an hour after work now and again. Increased professionalism and responsibility should lead to increased recognition and reward.

4. The implications of recent policy developments for governing bodies and their roles

4.1 At primary level recent DfE policy developments have had minimal impact on many governing bodies.

4.2 Secondary school governing bodies have to address the raising of floor targets.

4.3 Academy governing bodies have a significantly different role. They are both the head teacher's line manager and the staff employer.

4.4 The concepts of the Nolan principles are being diluted.

5. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

5.1 The main issues facing governor recruitment were correctly identified by the recent (2011) University of Bath report. Governance is overlooked, overloaded and overcomplicated.

5.2 Skilled volunteers see governance as complex with a high level of responsibility and very little recognition. This deters them.

5.3 To recruit skilled governors the balance between responsibility and reward has to be urgently addressed for all governors.

5.4 National and local reward and recognition for governors is poor.

5.5 The lack of governor national recognition for long service contrasts unfavourably against most voluntary groups such as the Red Cross, St. John Ambulance, Territorial Army etcetera.

5.6 A new category of award such as the Lord Lieutenant Certificate for Community Long Service or Achievement should be considered. An accompanying award badge would raise the profile of governors among their local community making governance more visible.

5.7 National recognition for exceptional governance is low and the criteria for awards in the honours system are not clear.

5.8 A case could be made to skew the quota of education recognition in the honours list to those who volunteer their time above those who are paid to work in education.

5.9 There is no governance element in the national teaching awards.

5.10 Local recognition varies considerably and is being squeezed by the current austerity measures. There is no good practice measure in this area.

5.11 Paid time off work for governance is difficult to secure. Large companies often support governors more than SME's because they view the skill transfer back into their company as worth the time investment. A right to minimal paid time off would ease this issue but in the current economy is unlikely.

5.12 Positive publicity by the DfE praising large companies which actively support governance would improve wider understanding and recruitment.

5.13 Individual governor case studies on the DfE website explaining the personal benefits for career progression would help.

5.14 A suggestion in the 2012 National College fellowship report to give a business a £500 allowance against business/corporation tax for each governor is worth consideration.

5.15 Governorline should be protected from closure or significant cuts. There is no equivalent information source.

5.16 Online documents like the governors guide to the law provide empirical advice and should be protected.

5.17 Many governing bodies permanently carry vacancies. It is likely this will remain the same with smaller governing body models.

5.18 Many governing bodies have a very small number of governors actively engaged in governance. This is the same in any voluntary organisation.

5.19 Some sponsorship/foundation bodies/LA's do not fill all their vacancies in a timely manner. Appointing bodies could be given a three month window to appoint and then the right passed to the governing body.

5.20 Governing bodies should be able to refuse foundation/sponsorship appointees in the same way they can with LA appointees.

5.21 Governing bodies should be able to remove LA/foundation/sponsor governors for misconduct.

5.22 The change to a smaller governing body model will help some schools and make no difference elsewhere.

5.23 Governor training in my experience is poor; this is reflected by the low level of training completed.

5.24 Few governor trainers have sufficient subject knowledge.

5.25 There is no subject knowledge accreditation for governance trainers.

5.26 There is a significant lack of training in questioning skills, challenge, the boundaries of governance, national trends and national context.

5.27 Leadership training for chairs and governors does not exist. Subject knowledge training is being addressed by the National College.

5.28 Online training is available but does not reflect industry best practice.

5.29 Middle and senior teacher in service training is often accredited at undergraduate or postgraduate level. Governor training is not accredited.

5.30 The University of Bath research (2011) correctly identifies that the majority of chairs of governors are over 45. The DfE does not have an email list for chairs of governors. This compares badly with head teachers where the DfE has a complete list in Edubase. There is space in Edubase to add a chairs email address.

5.31 A single governance RSS feed combining data from the DfE, Ofsted and agencies would be a step forward.

5.32 A comprehensive list of what excludes people from being governors should be on the DfE website.

5.33 The DfE needs to decide which new criminal offences should bar someone from being a governor and it needs to be clear on the DfE website.

5.34 The DfE needs to decide about CRB checks. The current position where individual governing bodies decide if governors are CRB checked is a grey area which could be abolished at a stroke.

6. The structure and membership of governing bodies, including the balance between representation and skills

6.1 In areas where the local community skill base is low the dilemma will grow where either more skilled non locals are parachuted in or a less skilled local governing body remains. This will widen the gap between less skilled communities and the average and have questionable sustainability.

6.2 The move to multi academy trust or academy chains will diminish local accountability and local representation. There are fewer governors in these structures.

6.3 There is no method of allowing a governor to suspend their role for a given time to cope with family/work pressures and then return to governance.

7. The effectiveness and accountability of governing bodies

7.1 Many governing bodies rely heavily on one or two governors to facilitate their smooth running. Effectiveness is quickly eroded by the loss of these governors.

7.2 LA monitoring of governance is poor. I have never seen LA monitoring and assessment of governance as part of the overall mandated monitoring of school performance.

7.3 LA's do not exercise their intervention option until a crisis is reached.

7.4 LA's frequently appoint additional governors who do not facilitate a local sustainable solution.

7.5 LA's should be more proactive and appoint experienced additional governors from a pre-approved list both to report back to the LA and support local improvement.

7.6 Anecdotally Ofsted inspections can be poor at understanding governance, their strength lies in assessing education. The new Ofsted framework does bring governance into the leadership strand but from personal anecdotal evidence the variability of lead inspectors understanding of governance is too wide.

8. Whether new arrangements are required for the remuneration of governors

8.1 The current economic climate precludes any kind of payment to governors.

8.2 Most governors never claim expenses even though they know they are entitled. If remuneration was to come from schools budgets most governors would refuse.

8.3 I suggest giving governors an additional personal tax allowance through tax coding.

9. The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

9.1 Governing bodies are frequently insular. Governors often have experience of serving on one governing body and do not know of options open to them.

9.2 NPQH training does not give a rounded and accurate understanding of the benefits of a good governing body to a head teacher and school.

9.3 LA departments often do not understand that there is a different relationship between community schools, academies and the LA.

9.4 LA's charging for services or access is not differentiated according to school type. This is subsidising access for non-community schools.

10. Whether changes should be made to current models of governance

10.1 The current model of governance reflects many organisations in British public life; it is a Heath Robinson contraption that works but few people know why or how. The model does work so leave it alone.

**Written evidence submitted by Rev'd Andrew Rumsey,
on behalf of the Governing Body of St Mary's Junior School, Oxted, Surrey**

The Governing Body of St Mary's Junior School, Oxted welcomes the invitation to respond to the Government's Inquiry into the role of school governing bodies.

Our main concern in responding regards the relationship between governing bodies and other partners. We simply wish to highlight the pivotal role played by Diocesan Boards of Education as partner organisations in the running of Church of England Schools. As there are nearly 5,000 Church of England schools nationally, we were somewhat surprised to find no mention of Diocesan Boards in the introduction to the Inquiry, which mentions unions and academy sponsors as examples of partner bodies.

We would ask that the Inquiry takes into full account the distinctive and beneficial role that Diocesan Boards of Education play, in partnership with local authorities, in providing both practical support and spiritual guidance for school Governing Bodies.

January 2013

Written evidence submitted by Andrew Walker

I have no doubt that you will receive a number of submissions from a variety of bodies about the strategic nature of Governing Bodies and the importance of the relationship between the Head Teacher and the Chair of Governors.

However, I doubt that many will refer to the issues that directly impact on that relationship that I would like you to consider.

There are occasions when the Chair of Governors takes a direct, line management role with the Head Teacher but in which the circumstances are unusual.

I am the Chair of Governors of a Special School dealing with Pupils aged between four and 11 all of whom have Statements of Special Needs relating to Behavioural, Emotional and Social Difficulties. (BESD) I am also a national leader of Governance and Chairman of the NGA Special Schools Governors Forum.

There are two policies and procedures and guidance in which the following text or something similar will appear:

"The procedures should also identify the person, often the chair of governors, to whom reports in cases where the head teacher or principal themselves is the subject of the allegation or concern".

This appears in the Safeguarding Guidance and in the Whistleblowing Guidance.

Under these circumstances, the Chair of Governors has a direct responsibility for dealing with the case as in effect, the Executive Officer.

My direct experience of both Allegations of Abuse and of Whistleblowing is that there are significant differences between the processes when the allegation is about the head rather than a member of staff.

The essence is that when the Head goes to a meeting about the issue, he/she will have knowledge of the issue and a great deal of information about the context. Staff records, child records, knowledge about the class activities at the time, etc. This information is available to such meetings and should inform their deliberations.

On the other hand, the chair of governors arriving at such a meeting has no such information about the context of the allegation and owing to the need for confidentiality, and, is specifically precluded from seeking such information. Thus, the only information available to the meeting is the information provided by the person bringing the allegation.

The second disadvantage is that the only specific information available to the Chair of Governors is his/her own judgement of the character of the Head. The effect is for the Chair of Governors to start to question the very nature of the relationship and the level of mutual trust upon which most people agree the smooth working of the governing body actually depends.

Under these circumstances, the balance of probability which should form the basis on any decisions is distinctly one sided and considerable pressure is brought to bear on the Chair of Governors by the "professionals" to support the allegation and this is generally likely to be against the head.

I have been told that some Chairs of Governors are obstructive to the processes involved but under these circumstances, it is quite easy to see why Chairs of Governors get angry at the unfair nature of such a process and brought me to the point where I made submission to a previous investigation of this select committee.

This is a very complex issue but is a fundamental, but often hidden, component of the role of the governing body and the Chair of Governors in particular. However, I would be surprised if this role of the Chair of Governors is raised within any other submission.

December 2012

Written evidence submitted by Christopher Robertson

Written evidence submitted by Christopher Robertson, lecturer in Special Educational Needs and Inclusion, School of Education, College of Social Sciences, University of Birmingham. This evidence is submitted in a personal capacity.

KEY POINTS

1. The purpose, roles and responsibilities of school governing bodies, particularly mainstream maintained, academy and Free schools, should be strengthened in relation to special educational needs (SEN).
2. Recent policy developments pertaining to school governance could significantly weaken the quality of SEN governance.
3. It is imperative, in light of other government policy initiatives focusing on reforming the SEN “system” in England, that school governing bodies have strengthened roles and responsibilities in relation to SEN leadership in schools. This should involve providing well informed “support and challenge” to school leaders and the special educational needs coordinators (SENCOs). This is particularly important for schools no longer directly accountable to local authorities.
4. Good SEN governance should have a vital role to play—as part of a “local offer”—in enhancing parental confidence with regard to the provision made available for children and young people with special educational needs.
5. With the proposed introduction of a new “single school-based” category of SEN (to replace School Action and School Action Plus) in 2014 and the increased delegation of SEN funding to schools without clear ring fencing, governing bodies should have a clear role to play in determining and monitoring the appropriate expenditure of SEN funding. This role should also encompass the use of Pupil Premium funding (a significant amount of this is likely to be targeted at pupils with SEN who also qualify for Free school meals).
6. Any changes to governance should include a careful consideration of implications for pupils with SEN and their families. A positive response to this challenge would be to introduce a formal requirement for governing bodies to designate an SEN governor with appropriate experience and training.

The rest of this submission provides relevant background information to current SEN governance arrangements in mainstream schools and the pivotal role of SENCOs.

It also includes a response to proposals aimed at streamlining and improving governance from an SEN perspective*

CURRENT GUIDANCE FOR SCHOOL GOVERNORS IN MAINSTREAM SCHOOLS: SEN PROVISION AND THE ROLE OF THE SENCO

- School governors have a responsibility to ensure that SEN provision in their schools is effective and in accord with regulations introduced in 2009. These require that:
 - SENCOs are appropriately qualified;
 - governing bodies determine the leadership and management responsibilities of SENCOs; and
 - governing bodies determine the key responsibilities of SENCOs.
- Governors are also required to monitor the effectiveness of the SENCO.

On 1 September 2009 the government introduced formal regulations designed to clarify and strengthen the role of SENCOs in community, foundation, voluntary and maintained nursery schools in England. These regulations were introduced following the expression of concerns to a parliamentary Education and Skills Committee about the status of SENCOs and the employment of support staff rather than teachers in the role. *The background to the SENCO regulations is summarised as follows:*

Until 2008 there had been a presumption, but no unequivocally clear requirement, in the SEN Code of Practice or elsewhere that those carrying lead responsibility for SENCO functions should be qualified teachers. The then Education and Skills Committee’s 2006 report on special education in England recorded a number of concerns about the role and status of SENCOs and recommended that:

- SENCOs should in all cases be qualified teachers;
- they should be in a senior management position in the school, as suggested by the SEN Code of Practice; and
- SENCOs should be properly trained.

In their response to the Select Committee (October 2006), government ministers declared their intention to make regulations relating to the role, responsibilities, experience and training required of SENCOs and gave specific commitments to introduce a requirement that SENCOs should be qualified teachers. Section 173 of the Education and Inspections Act 2006 amended the SEN provisions of the Education Act 1996 to require governing bodies of community, foundation, voluntary and maintained nursery schools to designate a member of staff as the person responsible for co-ordinating SEN provision for pupils. It also provided a power to make regulations requiring those governing bodies to ensure that SENCOs have prescribed qualifications or prescribed experience, or both, and conferring on them other functions relating to SENCOs.

Who can be a SENCO?

The regulations require that the SENCO has to be either:

- a qualified teacher working as a teacher in the school (and who has successfully completed an induction period where this is required); and
- the head teacher or appointed acting head teacher.

When introduced the regulations also stipulated that a person carrying out the role of SENCO for at least six months prior to 31 August 2009, who would be taking steps to become a qualified teacher prospect of becoming qualified by 1 September 2011 could continue in post.

The regulations did not, when first introduced, apply to academy schools, but requirements have now been “extended” to encompass academies that have signed a funding agreement after September 2011 and Free schools. This means that academies and Free schools must employ a SENCO with qualified teacher status (QTS).

SENIOR LEADERSHIP

The regulations also require that a school governing body determines the role of the SENCO in relation to the leadership and management. However, this does not mean that the SENCO *must* be a member of the school’s senior leadership team (SLT). In an advice note accompanying the regulations, it was suggested that, where the SENCO is not a member of the SLT, a member of the team should be “designated champion of SEN and disability issues”. This person should liaise with the SENCO. Importantly, guidance about SENCO leadership status and the role of an SEN and disability champion is advisory and not part of the regulation. Ultimately, such matters should be decided by headteachers and governing bodies.

SENCO RESPONSIBILITIES

In addition to clarifying the leadership role of the SENCO, a school governing must determine the key responsibilities and monitor the effectiveness of the SENCO. The regulations include indicative guidance on what key tasks a SENCO may need to carry out, but this is not intended to be prescriptive, nor does it impose any legal obligations on SENCOs. Rather, its purpose is to assist governing bodies in identifying with SENCOs which responsibilities the SENCO will carry out or arrange to be carried out, “reflecting the way that posts operate in practice”. Dimensions of the *SENCO role: guidance for governors* can be summarised as follows:

The key responsibilities of the SENCO, as determined by the school’s governing body, may include the carrying out, or arranging for the carrying out, of the following tasks:

- (a) in relation to each of the registered pupils whom the SENCO considers may have special educational needs, to inform a parent of the pupil that this may be the case as soon as is reasonably practicable;
- (b) in relation to each of the registered pupils who have special educational needs:
 - identifying the pupil’s special educational needs,
 - co-ordinating the making of special educational provision for the pupil which meets those needs,
 - monitoring the effectiveness of any special educational provision made for the pupil,
 - securing relevant services for the pupil where necessary,
 - ensuring that records of the pupil’s special educational needs and the special educational provision made to meet those needs are maintained and kept up to date,
 - liaising with and providing information to a parent of the pupil on a regular basis about that pupil’s special educational needs and the special educational provision being made for those needs,
 - ensuring that, where the pupil transfers to another school or educational institution, all relevant information about the pupil’s special educational needs and the special educational provision made to meet those needs is conveyed to the governing body or (as the case may be) the proprietor of that school or institution, and
 - promoting the pupil’s inclusion in the school community and access to the school’s curriculum, facilities and extra-curricular activities;

- (c) selecting, supervising and training learning support assistants who work with pupils who have special educational needs;
- (d) advising teachers at the school about differentiated teaching methods appropriate for individual pupils with special educational needs;
- (e) contributing to in-service training for teachers at the school to assist them to carry out the tasks referred to in paragraph (b); and
- (f) preparing and reviewing the information required to be published by the governing body (eg the school's SEN policy).

GOVERNING BODY SEN RESPONSIBILITIES

As the current SEN Code of Practice (paras 1.16–1.22) makes clear, governing bodies have an important strategic role in improving outcomes for children with SEN. This means taking a close interest in what the SENCO is doing and in the range of SEN represented at the school. This is likely to be happening in most schools as part of normal good practice.

The monitoring requirement in the regulations is not intended to be onerous to governing bodies. In practical terms, it could be met by relatively straightforward steps. For example by the governors:

- considering reports to the governing body from the head teacher reflecting the activities of the SENCO and any current issues;
- considering reports from the member of the senior leadership team designated as champion of SEN and disability issues;
- holding regular discussions between a designated SEN governor (or SEN committee) and the SENCO; and
- inviting the SENCO to attend meetings at regular intervals to report in person.

SENCO TRAINING REGULATIONS

This evidence submission has summarised the *The Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 (N. 2945)*. These “Principal” regulations focus on the required qualifications for SENCOs and the responsibility of school governing bodies in relation to the leadership and management role, and key responsibilities of SENCOs. When these came into force on 1 September 2009 they were introduced with *The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2009 (No. 1387)*. This second set of regulations outlined training requirements for SENCOs, with particular reference to those new to the role.

The now defunct Training Development Agency for Schools (TDA) was commissioned by the government to develop a specification for the new training programme, the National Award for SEN Coordination, to be delivered by a range of providers including local authorities, universities and private organizations. A key requirement of the training specification was that it should involve a partnership approach that made links between school, local authority and national matters pertaining to the strategic role of the SENCO. It was designed to be taught at Masters Degree level and to focus on the development of professional practice.

For school governors, the effect of the “training” regulations is that they need to ensure that the teacher designated as the SENCO in their school holds the National Award for SEN Coordination. This applies to:

- a SENCO at the school who has not been the SENCO at that, or any other maintained school for a total period of more than twelve months before 1 September 2009 (the date when the regulations came into force), or
- A teacher who subsequently becomes designated SENCO at the school and who has *not* previously been the SENCO at that or any other school for a total period of more than twelve months.

A teacher to whom the above applies cannot continue to be designated as the SENCO at a school unless they have been awarded the qualification within three years of appointment for those appointed as SENCO after 1 September 2009.

Governors need to note that the training requirements are clearly aimed at teachers coming new to the SENCO role. This will be important when, for example, a school is seeking to appoint a new SENCO. Already, some schools are advertising post for SENCOs with a relevant qualification. Others will need to clarify training expectations when interviewing candidates for a SENCO post and express their commitment to supporting a newly appointed to SENCO who is required to gain the National Award qualification within three years of taking up their post. During the past two and a half years the TDA has funded places for new to role SENCOs to participate in the National Award programme, and this includes SENCOs in academies, and more recently, Free schools. Whether the newly established Teaching Agency will be in a position to provide this level of financial support in the future is not yet clear and will depend on direction given by the government and the funding that the Department for Education makes available.

Experienced SENCOs, appointed prior to the introduction of new training requirements, are not affected by these when they are transferring schools. They may, however, wish to gain the National Award qualification,

with a view to updating their knowledge and skills. Unlike new to role SENCOs, experienced SENCOs have not, to date, been eligible for a TDA grant to fund their participation in the training programme.

SPECIAL SCHOOLS AND PUPIL REFERRAL UNITS

Special schools are not covered by the regulations outlined in this article. Nor are pupil referral units (PRUs). This does not prevent a special school governing body from designating a member of the teaching staff as having SEN co-ordinating responsibilities if they consider that is appropriate. PRUs may also wish to appoint a SENCO. Both special schools and PRUs may wish to encourage a designated SENCO to gain the National Award qualification. To date, SENCOs working in these settings have not been eligible for funding to participate in the training programme. However, this will change in 2012–13 when teachers in PRUs will be eligible for funding.

A CAUTION

The overview of SENCO regulations and their implications for school governors, headteachers and SENCOs in this article, is based on an interpretation of the regulations and is not intended to be definitive. It is also worth noting that changes to education legislation under the current government, as it seeks to diversify school provision, may yet have knock-on effects for any revised version of the SENCO regulations. For example, might training requirements be removed to reduce costs, or extended to enhance SEN teaching in PRUs? Will any formal monitoring of the regulations be introduced to ensure that they are being adhered to in maintained schools, academies and Free schools?

SEND governance: a stronger or weaker future?

- The tradition of voluntary based school governance is regarded as outmoded by some influential commentators.
- If this is the case, what are the implications for special educational needs and disability governance in schools?

Ofsted's chief inspector of schools, Sir Michael Wilshaw thinks that school leadership and management could be improved if governors hold leadership teams to account. To ensure this happens he also thinks that the secretary of state for education should consider introducing paid governance for any schools that move into a requirement to improve category. This recommendation is not reflected in the current inspection framework and evaluation schedule introduced in January 2012, but could be incorporated into a revised version in the not too distant future. Inspection schedules do not stay on the books for long, particularly when a new chief inspector is appointed and keen to mark their arrival! In the meantime, is reasonable to expect that inspectors, have been told, during training and professional updating to scrutinise school governance. What will this mean in practice, and are there any specific special educational needs and disability (SEND) issues that we need to be aware of?

LEADERSHIP, SEND AND GOVERNANCE

As SENCOs and school leaders know, the quality of school leadership and management is a key judgement made during school inspections. When making this judgement inspectors must consider whether the school's leadership, including, where relevant, the governing body, are meeting key criteria. This means, for example, that school leaders will need to meet criteria pertaining to the provision "of a broad and balanced curriculum that: meets the needs of all pupils" and "enables all pupils to achieve their full educational potential and make progress in their learning."

Guidance for inspectors states that they should focus on how effectively leadership and management at all levels in a school enables pupils to overcome specific barriers to learning and how effectively it promotes improvements for all pupils and groups of pupils in the context of the individual school. This means that they are likely to look closely at the ways in which a school:

- identifies disabled pupils and those who have special educational needs and those who have other significant disadvantages;
- supports disabled pupils and those who have special educational needs and those who have other significant disadvantages; and
- ensures disabled pupils and those who have special educational needs and those who have other significant disadvantages make optimum progress.

This priority focus on disability, special educational needs and educational disadvantage highlights the importance of provision for a range of vulnerable learners as central to a school's core purposes and the way in which it defines success. It also emphasises the importance of the SENCO's role as one that involves strategic leadership and management responsibilities.

Just as importantly, this focus requires that a school governing body takes its SEND responsibilities seriously. Inspectors will evaluate how effective it is in relation to the way that it "acts as a critical friend and holds senior leaders to account for all aspect of the school's performance." This raises the issue of how well placed

governors are, to challenge and support SENCOs and school leaders in the development of effective SEND provision in their schools. Do they, for example, know what good SEND provision looks like, and what constitutes optimum progress for pupils with a wide range of learning difficulties?

The National Governors Association (NGA) has a partial answer to these questions. Although it rejects the chief inspector's idea that some or all governors should be paid, it does think that remuneration is important and that strengthened arrangements should be put in place so that all employers can give governors time off with pay. It also wants to make sure that governors' expenses are fully met. The NGA would rather any available funding that might be earmarked for paid governance should be used to support more appropriate activity and the provision of training for governors in particular. This call for better training to support 300,000 governors in over 24,600 schools across the country is crucial. Of course, the NGA is commenting on training in general, but there is also a need to ensure that SEND specific training opportunities are available to governors. There is an argument that these should be mandatory for any governor taking lead responsibility for SEND provision in a school, but this might cause difficulties in small schools where governors may have multiple responsibilities. This raises a bigger issue about the future of governance.

RETHINKING SEND GOVERNANCE

Writing in the Times Education Supplement earlier this year ("Do-gooder governors must do better", 24 February 2012), former schools minister Jim Knight argued in favour of introducing professionally recruited governing bodies, with paid members, who work across a group of schools organised in "hard federations" with a single governing body. In arguing this case, he noted that the "move [for schools] from local authorities is now unstoppable". Not everyone will agree with this view, but the influence of local authorities is certainly on the wane in many parts of the country, and because of cuts to some of their key services, the capacity to provide good quality SEND governor training is likely to be under threat.

The NGA may be able to help governing bodies through the provision of advice and guidance but is unlikely to be able to offer SEND training for governors that is also tailored to the needs of specific schools and local contexts.

It would be helpful if the Department for Education could give consideration to this matter and look at ways that ensure the future quality of SEN governance in schools through the ring fenced funding provided to local authorities or a voluntary and community sector organisation with appropriate credentials, such as the NGA. Leaving matters to chance, or letting the growing number of academy schools determine the kind of SEND governor training that they want is unlikely to be fruitful.

* This section of the written evidence submission draws on material in two recent articles. References are as follows:

Robertson, C (2012) "SENCO guidance for school governors", *SENCO Update*, 136 (June) 10–12.

Robertson, C (2012) "SEND governance: a stronger or weaker future for schools", *SENCO Update*, 138 (September), 11.

December 2012

Written evidence submitted by Binod Kumar Singh (Parent Governor)

<i>Area of expertise</i>	<i>Level of experience: 'None, basic, moderate, extensive'</i>	<i>Evidence, including any training attended</i>	<i>Any training required</i>
Generic skills, knowledge and experience No single governor is expected to have all of these, but across the team of governors these should appear and can be considered as essential for the governing body as a whole Experience of governance (including in other sectors)	Moderate	Parent Governor for 1 year in Barham primary school	
Strategic planning	Extensive	Working as a project & delivery manager in Morgan Stanley investment bank. I plan and lead the team to execute the strategy for successful software deliveries.	
Self-evaluation and/or impact assessment	Moderate	Following process is followed in self-assessment — Yearly goal setting — Review of goals every month — Half yearly performance development review	
Data analysis	Extensive	Data analysis is part of my everyday job. I do extensive data analysis to help traders to make decision on profitable trades.	
Experience of staff recruitment	Extensive	I have recruited and built teams for starter company. I have also taken interviews for well established companies like Morgan Stanley.	
Performance management (a) Staff (b) Organisation	Extensive	<p>(A) Following for staff:</p> <ul style="list-style-type: none"> — early goal setting — Review of goals every month — Half yearly performance development review <p>(B) Following for organisation:</p> <ul style="list-style-type: none"> — Software development processes — Testing and delivery methodology — Analysis & design process — Quality control initiation and certification <p>ISO9001 & SEI CMM level 4, 5</p>	
Community relations	Moderate	<p>I am engaged in Morgan Stanley community service volunteer programme. We do 1000s of hours of community services every year. This year, I was engaged in CV writing and Interview skills for young people from Newham youth council Kids company fun day for kids in Southwold Primary School</p> <p>* Kids company is charity organization we supporting this year.</p>	

<i>Area of expertise</i>	<i>Level of experience: 'None, basic, moderate, extensive'</i>	<i>Evidence, including any training attended</i>	<i>Any training required</i>
Chairing	Extensive	This is a part of my day to day tasks. I have to chair every days Scrum meeting for the team. I often present applications, software design, proposals, yearly project budget, and team constitution to audiences like Executive & Managing directors and traders.	
Leadership	Extensive	I have more than 10 years of experience in leading team. I lead multiple location teams in previous job and I am leading offshore team in current job.	
Coaching/mentoring or CPD	Moderate	I have always trained and build skills for experienced and new comers in companies. I am also mentoring and managing career development of my team.	
Negotiation & mediation	Extensive	As a Delivery manager, I negotiate and mediate the task & deliveries between traders & offshore development team. I manage & negotiate from one side of the table with traders and other side of the table with development team.	
Communication skills, including listening	Extensive	Essential part of my managing projects and people for more than 10 years.	
Problem solving &/or creativity	Extensive	Part of my daily job as Analyst & software solution designer.	
Ability to influence	Extensive	This is a must have skill to persuade bankers on applications usage, limitations. Same time convince development team for quick and accurate delivery.	
Handling complaints, grievances or appeals	Basic	I have weekly one to one meeting with all my team. I listen, discuss and try to sort out. If needed it gets escalated to managers and HR.	
Risk assessment	Extensive	This is required as part of my job due to high revenue involvement.	
Knowledge of this school	Moderate	Every parent's desire in the catchment.	
Parent's perspective: current of school	Moderate	Have two children at school.	
Knowledge of the local community	Moderate	Lived here more than 10 years and love to live in this community.	
Knowledge of sources of relevant information/data	Basic	Internet, other parents in school.	
Knowledge of the local/regional economy	Moderate	Reading, talking to people.	

<i>Area of expertise</i>	<i>Level of experience: 'None, basic, moderate, extensive'</i>	<i>Evidence, including any training attended</i>	<i>Any training required</i>
<i>Specialist knowledge or experience</i>			
Essential for GB as a whole: Financial management/accountancy	Extensive	I am working in the investment bank in square mile. The square mile is a financial hub.	
The following are useful or in some case desirable, but not necessarily essential for a GB to contain. These are useful in order to be able to challenge, monitor and scrutinise effectively. They are not required in order to carry out operational tasks or to take the place of external expertise.	None	None	
Premises & facilities management	None	None	
Human resources expertise	Basic	As much as I work in organization and interact with HR.	
Procurement/purchasing	Moderate	Depends on what is required.	
Legal	Basic		
ICT &/or management information systems	Extensive	Working in IT 12 years.	
PR & marketing	Moderate	Working as Delivery manager which involves PR and selling the Ideas and applications to traders.	
Work placements/career planning	Moderate	I mentor my team and help in their career planning.	
Teaching & pedagogy	Basic	Limited to: — teaching kids at home — training people at work	
Special educational needs	None		
Children's & young people's services or activities (in any sector)	Basic	Mentioned above about Charity/Volunteering.	
Health services (particularly relevant in special schools)	Basic	First aid training from British red cross.	
Safeguarding	Basic		

<i>Area of expertise</i>	<i>Level of experience: 'None, basic, moderate, extensive'</i>	<i>Evidence, including any training attended</i>	<i>Any training required</i>
Primary schools—Nursery sector Secondary—FE and HE	None		
Project management	Extensive	Working as Delivery manager and manage multiple projects. Project management is part of my day to day job.	
Health & safety	Basic		
Quality assurance	Extensive	In IT: green field projects and operational management.	
Surveying, consultation &/or research	Basic		
Other: please specify			

No individual is going to have all these skills! The way in which this exercise is introduced is crucial so that no governors feel undermined; it is important to value all perspectives. The governing body is a team, and we need to ensure that between us, all the necessary skills and knowledge are covered around the table. Governors are not there to provide pro-bono professional services. If a skills gap is identified, then the next vacancy which occurs should be used if at all possible to fill that gap. If you don't have local connections, you should approach School Governors One-Stop Shop. This same list of criteria could also be used during the recruitment purposes to ascertain if the applicants do have the skills being sought.

December 2012

Written evidence submitted by Mike Perrott

The implications of recent policy developments for governing bodies and their roles

This has generally resulted in much higher workload for any Governor attempting to fulfil their role diligently and could well put off prospective applicants.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

Locally there has been no problem with recruitment; indeed there has been competition for places. Local training provision is good but time consuming. Ongoing development relies on the dedication of the Governors.

The structure and membership of governing bodies, including the balance between representation and skills

This is highly dependent on the skills and abilities of those volunteering for these roles but can be developed by training. In my own school the current representational balance is good and is not dominated by any faction. My own position of LA Governor came about through my membership of the Parish Council and, where appropriate, I think that this apolitical arrangement should be encouraged.

The effectiveness and accountability of governing bodies

Locally good.

Whether new arrangements are required for the remuneration of governors

Modest remuneration should be considered for attendance outside of basic duties especially on external meetings and training. It is not correct that a Governor should be the only unpaid attendee at such events.

The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions

Nothing to add.

Whether changes should be made to current models of governance

It is always useful to have a “best practice” model available for Governing bodies to relate to but it is not good for every governing body to be constrained to follow any particular model to the letter. Governing bodies should be free to adapt their practices and procedures to changing times and circumstances.

December 2012

Written evidence submitted by the Association of Colleges

1. INTRODUCTION AND BACKGROUND

1.1 The Association of Colleges (AoC) is pleased to respond to the Education Select Committee’s invitation to help to inform the Committee’s inquiry into the role of school governing bodies by providing comparative, contextual information for governance in the College sector.

1.2 AoC was established in 1996 by Colleges themselves as a voice for further education and higher education delivered in Colleges at national and regional level. AoC is a not for profit membership organisation that exists to represent and promote the interests of Colleges and provide members with professional support services.

1.3 FE and Sixth Form Colleges form a distinctive sector that has been described by Government as “central to achieving the Government’s ambitions for Britain”. They have a unique role in delivering the Government’s skills agenda whilst supporting other cross-Government initiatives, and are essential in helping young people and the unemployed move into sustainable work.

1.4 All Colleges are incorporated under the 1992 Further and Higher Education Act, leaving local authority control, and are exempt charities (with the exception of Specialist Designated Colleges, which were established in 1988 and are registered charities), and consequently have much in common with incorporated higher education institutions. As autonomous institutions incorporated by Act of Parliament, Colleges have the freedom to innovate and respond flexibly to the needs of individuals, business and communities, and have acquired an unrivalled reputation for their cost-efficiency.

1.5 Colleges are much less numerous than schools, but are much more complex, private sector organisations³ delivering a unique, rich mix of academic, occupational and vocational education. Average

³ As determined by the Office for National Statistics, 31 May 2012

College income is £22 million per annum, with the largest college's income exceeding £150 million per annum, and a total income figure for English Colleges in 2011 of £7.7 billion.

1.6 At the time of writing, there are 407 Colleges in the UK: 341 in England, 41 in Scotland, 19 in Wales, and six in Northern Ireland. This compares with some 1,800 schools with sixth forms. As well as delivering classroom-based learning, Colleges support work-based learning and have a key role supporting apprenticeships. Over two million learners participated in Government funded further education in FE Colleges in 2010–11, and Colleges delivered provision to more 16–18 year olds than schools, as well as more provision to adults than other providers:

- 43% of 16–18 age learners studied at FE Colleges and a further 9% studied at Sixth Form Colleges in 2010–11, compared with 29% in schools.
- 49% of all 19–24 age Government funded FE learners were in FE Colleges, compared with 35% in private sector institutions.
- 41% of all 25+ age Government funded learners were in FE Colleges, compared to 31% in other publicly funded institutions including Local Authority provision.

1.7 English Colleges are categorised as follows:

- 219 are General FE Colleges.
- 94 are Sixth Form Colleges.
- 15 are Land-based Colleges.
- Three are Art, Design & Performing Art Colleges.
- 10 are Specialist Designated Colleges.

1.8 A characteristic of the College sector is considerable diversity, not just in type and size of institution, but also in their individual missions, and this helps to determine whether individual colleges play a national, regional or local role, or indeed a combination of all three. The fundamental commitment of individual Colleges to meeting the needs of the learners and the wider communities they serve lies at the very heart of the College ethos, and differs markedly from the prevailing culture in schools and in higher education institutions. Further key facts about Colleges are attached as an Appendix.

2. RESPONSE TO THE EDUCATION SELECT COMMITTEE'S QUESTIONS

With regard to the Committee's questions, as these relate specifically to Colleges:

Q1. *The purpose, roles and responsibilities of College governing bodies, within the wider context of College governance and leadership*

2.1 As independent, autonomous, incorporated institutions, Colleges' Corporations (or "governing bodies", or "boards") are required to conform with their Instrument & Articles of Government, charity and other legislation, and with other non-statutory requirements (such as financial memoranda stipulated by funding bodies). Since incorporation in 1993, Sixth Form Colleges have had different Instrument & Articles from General FE Colleges, for example requiring that parent governors must be appointed.

2.2 The Department for Education and Skills in 2007 was abolished in 2007 with its responsibilities eventually ending up in the Department for Business and Innovation and Skills⁴ (BIS) and Department for Education⁵ (DfE). The former has responsibility for non-Sixth Form Colleges and the Skills Funding Agency, and the latter for Sixth Form Colleges and the Education Funding Agency (formerly the Young People's Learning Agency). This split is not dichotomous, as there is policy overlap between the two Departments, and between the two funding agencies, but this unusual arrangement does contribute a level of complexity and bureaucracy to the College sector that can be burdensome and costly for Colleges.

2.3 In May 2010, Government stated that "*We will set Colleges free from direct state control and abolish many of the further education quangos*". The decision by Government to grant Colleges "new freedoms" resulted in the Education Act 2011 and associated modification orders which restructured and reduced Colleges' Instrument & Articles to two common core sets, one for Sixth Form Colleges and one for the rest. This has enabled those College governing bodies that wish to amend their Instrument & Articles to do so in order for their College to pursue its particular mission, and will over time likely result in a wide diversity of individually tailored Instrument & Articles across the College sector compared to the relative uniformity of previous years. Developmental support to assist College governing bodies in engaging with the new freedoms has been provided throughout 2012 through close co-ordination by AoC, LSIS (Learning and Skills Improvement Service), BIS and other sector bodies, and will continue into the future. AoC's Governors' Council, the representative body for all College governors, plays a central role in guiding the sector's support programme for governors and governing bodies.

2.4 Following publication in 2009 of the AoC/LSIS "Schofield report" ("*The future challenges facing governance and strategic management in FE*"), and subsequent consultation, AoC led the production of a

⁴ The Department for Innovation, Universities and Skills was responsible for FE Colleges between 2007 and 2009.

⁵ The Department for Children, Schools and Families was responsible for Sixth Form Colleges between 2007 and 2010.

voluntary Code of Governance intended to establish a common set of recommended threshold standards of good governance practice expected of all governing bodies of Colleges in the English FE College sector. The Code's development was overseen by all key sector stakeholders, including Ofsted.

2.5 The "English Colleges' Foundation Code of Governance" was published in 2011, and in its foreword John Hayes, then Minister of State for FE, Skills, and Lifelong Learning, wrote:

"No College that listens first and foremost to the people it serves can go far wrong. That is why this Foundation Code of Governance for English Colleges places such emphasis on the role of governors in ensuring that the voice of local communities is clearly heard when key decisions are being taken, whether it is articulating the needs of local employers, the wishes of voluntary groups or indeed the aspirations of young people for a brighter future.

By working collectively and collaboratively to produce this new Code, Colleges and organisations across the Further Education sector have, for the first time, taken real shared ownership of good governance and shown a willingness to embrace increased levels of responsibility for their own affairs. Self-assured, autonomous Colleges will be able to create the space to listen to the people they serve and respond flexibly to the challenges of a new, lightly regulated environment.

The Foundation Code is an important milestone in making Colleges more locally accountable and in freeing them to respond more effectively to local learners, employers and community partners."

2.6 The Code has been widely adopted by College governing bodies, and has provided a flexible framework for the ongoing development of an on-line "governance library" which contains key reference information, and good practice evidenced through case studies.

2.7 The Code states that every College should be headed by an effective governing body, led by an elected Chair, the members of which (the "governors") are collectively responsible for formulating strategy by identifying strategic priorities and providing direction within a structured planning framework. The governing body provides overall strategic leadership and takes all final decisions on strategic matters affecting the College. The governing body is responsible for:

- Determining the College's mission, educational character, values and ethos. Governors have a collective and unambiguous leadership role in fostering an environment that enables the College to fulfil its mission, for the benefit of learners and the community it serves.
- Ensuring compliance with the statutes, ordinances and provisions that form the College's governance, regulatory and accountability framework, and compliance with the requirements of the College's Instrument and Articles of Government.
- Ensuring that the respective functions of governance and management, and the roles and responsibilities of the chair, the principal, the clerk and individual governors, are clearly defined.
- Establishing a Code of Conduct for governors, which has regard to the accepted standards of behaviour in public life of leadership, selflessness, objectivity, openness, integrity, honesty and accountability.
- Ensuring that governors exercise their responsibilities in the best interests of the College, rather than selectively or in the interests of a particular constituency, setting an example to their colleagues and stakeholders.
- Ensuring that decision-making processes are transparent, properly informed, rigorous and timely, and that appropriate and effective systems of financial and operational control, and risk assessment and management, are established and monitored.
- Ensuring that the governing body receives appropriate, timely and high-quality information in a form that allows it to monitor and scrutinise the College's activities effectively, and to challenge performance where required.
- Ensuring that the governing body is accountable to its learners, to the wider community it serves, and to other stakeholders. It should have close regard to the voice of its learners. It should agree and maintain a public value statement that describes how the College seeks to add value to the social, economic and physical well-being of the community it serves. It should take steps to ensure that information on the activities of the College is made widely available and to forge effective relationships with stakeholders.

Q2. The implications of recent policy developments for College governing bodies and their roles

2.8 The "new freedoms" provided to Colleges by the Education Act 2011, and expounded by BIS's "New challenges, new chances" policy agenda published in November 2011, have presented College governing bodies with the opportunity to change their Instrument & Articles of Government, and also gave corporations the power to dissolve themselves and transfer their property, rights and liabilities to a prescribed list of organisations and bodies for the purposes of delivering education. The new freedoms are intended to make Colleges and their governing bodies "horizontally accountable" to the learners and communities they serve, rather than "vertically accountable" to Government and its agencies as hitherto. This policy, and the recommendations contained in Baroness Sharp's report "*Colleges at the heart of their local communities*", are

driving the accountability agenda for governing bodies. Many Colleges are involved in their Local Enterprise Partnerships (LEPs) and help to identify and meet local needs in partnership with other stakeholders.

2.9 Two recent policy developments that will impact upon College governing bodies are:

- The proposed establishment by August 2013 of an independent FE Guild, which will likely undertake the development of governance, leadership and management for Colleges in place of provision currently supplied by LSIS.
- The proposal to create legally protected “chartered status” for Colleges to help them celebrate their success, build their reputation and status and gain recognition for what they have achieved within their communities.

2.10 Despite the new freedoms and policy developments described above, the role and influence of Ofsted is still of key importance to Colleges and their governing bodies. Ofsted’s annual report for 2011–12, which was published on 27 November 2012, stated “*the quality of provision in Colleges is not improving and teaching is still not good enough*”, with “*weak accountability, leadership and governance being common failings in poor provision*”. The report specifically focuses for the first time on what it considers to be the paramount role of governing bodies in shaping College strategies for learning and teaching assessment, whereas in previous years this was not prioritised in this way; rapid changes by Ofsted in determining key inspection priorities of this kind pose major challenges to governing bodies faced with a wide array of key responsibilities. AoC considers that the report contains inaccuracies and opinions (as opposed to evidence) and is currently challenging the conclusions robustly albeit in a measured way, with the aim of focussing Ofsted’s inspection process to best serve the needs of students and the communities in which they live, which is central to the mission being pursued by College governing bodies.

Q3. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

2.11 There are some 8,000 College governors, all of whom are volunteers prepared to commit their time and expertise as non-executive directors to helping their College support the needs of the community it serves. The workload and responsibilities of chairs and governors is already considerable, and is set to increase as College’s engage with the new freedoms. Succession planning is essential to ensuring that a College’s governing body’s composition remains representative whilst at the same time having the desired mixture of skills, background and experience to maximise its effectiveness. The ideal profile of a governing body will depend on that College’s agreed strategy to deliver its particular mission, but governor recruits with current business experience/financial acumen are often sought after.

2.12 The College sector, the composition of its governing bodies, and the relative ease with which Colleges are able to recruit new governors with the requisite background, experience and skills set, is extremely diverse. Some Colleges have waiting lists of governors, whereas others struggle to recruit the numbers and profile of members desired to meet an individual College’s needs.

2.13 A number of initiatives are currently under development by AoC’s Governors’ Council and BIS, including recruitment material and approaches, and good practice in terms of governor recruitments is being collected to be shared on the on-line College governance library. The recruitment service provided by the DfE-sponsored “School Governors” One-stop Shop Service’ (SGOSS) for recruiting individuals to specific College governor vacancies is also being actively promoted across the College sector.

2.14 LSIS has actively supported governor recruitment and induction, and the withdrawal of LSIS’s service during 2013 as the FE Guild is created will need to be managed carefully.

Q4. *The structure and membership of governing bodies, including the balance between representation and skills*

2.15 As described in the Code, a College’s governing body should determine the size and composition of its membership in accordance with its College’s Instrument and Articles of Government. It should aim to:

- Achieve an appropriate balance of skills, experience, and knowledge.
- Acknowledge the value of refreshing its membership.
- Have due regard for the benefits of diversity.
- Establish its own clear rules for the appointment and re-appointment of governors (these rules should be publicly available).
- Ensure that governors have, between them, the necessary skills and experience to enable the governing body to undertake its role effectively on a sustainable basis. It should undertake a regular skills analysis as needed to identify areas of expertise in which it may be deficient, and develop strategies to make good any deficiency.
- Plan for succession for the office of Chair and other offices held by governors.

- Require that an induction programme is in place, which ensures that all new governors receive full induction to their roles and responsibilities. All governors should be expected to undertake further training and development, and opportunities for this should be provided regularly on an individual and collective basis.
- Conduct business so as to allow open discussion and debate. Information and papers should only be restricted when this is considered necessary to protect the interests of the College or the wider public interest, including the observance of contractual obligations or disclosing an individual's personal details
- Conduct business in accordance with agreed rules and procedures (often described as standing orders), which the governing body should review and update on at least a biennial basis, and which should be publicly available.

Q5. *The effectiveness and accountability of governing bodies*

2.16 The College sector is actively committed to a programme of self-improvement across its governance community, as evidenced by production of its Code of Governance, development of its governance library, and the co-ordinated programme of developmental support being delivered by AoC, LSIS and other sector bodies for chairs, governors, clerks, and governing bodies. As described in response to Q2. above, College governing bodies are developing horizontal accountability to their learners and the communities they serve.

2.17 The framework of accountabilities for Colleges is considerably more complicated than for schools, with Colleges being subject to external scrutiny from a number of sector bodies, including Ofsted, the Skills Funding Agency (SFA), the Education Funding Agency (EFA), the Quality Assurance Agency (QAA), and the UK Border Agency (UKBA) amongst others. The complicated and burdensome set of external accountabilities impacting upon Colleges is currently being simplified by BIS, SFA and EFA. However, the National Audit Office (NAO) conducted a review⁶ of the costs of bureaucracy in further education in 2011, and concluded that:

“In the absence of more precise measurement by the Department, we estimate that dealing with government’s funding, qualifications and assurance system costs the further education sector around £250–300 million a year. This scale of costs shows that substantial savings can be made by reducing bureaucracy, and demonstrates the need for focused and systematic management of these costs to drive sustained improvements in efficiency.”

2.18 With regard to the relevant governance good practice contained in the Code, this states that a regular effectiveness assessment by a governing body should be undertaken to include the following:

- Evaluation of the performance of the College as a whole in meeting its strategic objectives.
- Use of appropriate key performance indicators to benchmark the College’s performance against comparable Colleges, wherever possible.
- Publication each year by the governing body of its overall assessment of the College’s performance.
- Evaluation of the reputation of the College and the views of stakeholders.
- Self-evaluation by the governing body of its effectiveness as frequently as it determines is appropriate, but at least every three years.
- Evaluation of the performance of the Chair and of other governors holding offices or undertaking defined roles within the governance structure.
- Assessment of the performance and effectiveness of all governors on an ongoing basis.

Q6. *Whether new arrangements are required for the remuneration of governors*

2.19 The issue of remunerating chairs, and/or governors, has been widely debated by the College sector over many years. Proponents suggest that Colleges will need highly effective chairs and governors possessing specific skills sets and experience which are highly marketable, and that to secure the level of contribution required will, at least in some cases, need to be facilitated by financial recognition in some way. Opponents contend that to pay chairs or governors would fundamentally alter the governance culture and relationship based upon securing numbers of willing volunteers of the right calibre as “non-executive directors” which has served Colleges well over many years; also that any payment made could not reflect market rates. The same debate continues in the HE sector, and it is noteworthy that no university has decided to pay a chair or governor, despite some having the explicit power to do so.

2.20 In practice, it seems unlikely that a College applying (as an exempt charity) to the Charity Commission for permission to remunerate a member(s) of its governing body would be successful at this time. However, innovative new business structures being considered by Colleges may make this a possibility in the future.

⁶ National Audit Office report “Reducing bureaucracy in further education in England”, November 2011

Q7. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

2.21 *Over 40 Colleges are actively involved in sponsoring Academies and University Technical Colleges and partnering schools in their areas.*

2.22 *As described in the response to Q2., College participation in LEPs will help all stakeholders to identify and meet local needs as effectively and efficiently as possible.*

Q8. *Whether changes should be made to current models of governance*

2.23 College governance is already evolving rapidly, and new models are emerging as Colleges pursue their individual missions in-line with the Government's new freedoms and in an increasingly competitive market-place. Good practice will be continue to collected and shared via the on-line governance library.

2,874 words

Appendix

Key facts about Colleges include (figures quoted relate to 2011):

- Each year incorporated Colleges educate and train over 3.3 million people.
- 63,000 14–15 year olds are enrolled at a College.
- 861,000 16–18 year olds choose to study in Colleges, compared with 434,000 in maintained schools, academies and city technical colleges.
- Another 56,000 16–18 year olds study an apprenticeship through their local College.
- 171,000 students study higher education at a College; 266 Colleges provide undergraduate and postgraduate level courses.
- Half of all Foundation degrees are taught in Colleges.
- Colleges provide 35% of entrants to higher education.
- 2.4 million adults study or train at Colleges.
- Colleges educate 45,000 students from outside the UK (21,000 from other EU countries, and 24,000 non-EU students).
- Total College income in England was £7.7 billion.
- Colleges employ 245,000 people, of whom 128,000 are teachers and lecturers.
- 13.3% of 16–18 year olds in Colleges are from disadvantaged backgrounds compared with 8.3% in maintained school sixth forms and academies.
- Ethnic minority students make up 20% of students in Colleges, compared with 13% in the general population.
- 105,000 College students are aged over 60.

December 2012

Written evidence submitted by The Governing Body of St Martin's Catholic Primary School, Reading

OUR RESPONSE

We propose that the current model of school governance remain unchanged and submit evidence of how this works for us.

1. *On the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*, the current strategic role of a “critical friend” remains pertinent to the successful performance of a school.

2. *The implications of recent policy developments for governing bodies and their roles* could very well destabilise a historically established and well understood role of governance which has been in place since the late 19th Century. The fact that school governors form the largest body of volunteers in the UK bears witness to how successful and attractive this goodwill area of work is.

3. *Recruiting and developing governors* will to a great extent always be a challenging issue as it is dependent on people's goodwill and other commitments that they may already have. Reading Borough Council runs a very effective Governor training and briefing sessions which provide invaluable practical advice and networking. Online training such as that provided by Modern Governor is also available at one's convenience. Recruitment is an on-going challenge facing any governing body. People's circumstances unavoidably change, more so in the current economic climate. What is much more important though is to recruit members with a genuine passion to help a school continue to improve. A commitment to this ethos would carry more weight than any skill set a potential candidate may have, although this, where available, is of added benefit.

4. The current *structure and membership of governing bodies* work well. The flexibility of membership to the governing body that was recently introduced also helps in that governing bodies can agree which the best structure of governance for their school would be. Each school is different and will have its own unique governance requirements. Although the basic structure of a governing body remains, consideration will be given to school types, for example, faith schools which require a considerable majority of its governors to be appointed through the Diocese. In terms of the balance between representation and skills, there is the collective responsibility of being accountable, not only as a governing body, but towards each other's development as governors. To this end, it falls to the chair to evaluate the performance of the governing body, identify any training or support needs and to facilitate these. The Local authority avails itself to attend Governing body meetings to support any developmental requirements. Guest attendance to meetings of other governing bodies should be encouraged, given that all operate to a similar code of conduct. The success of all this though, depends on how much time, outside of their existing commitments, governors have to spend on this.

5. As alluded to above, the *effectiveness and accountability of governing bodies* falls to the Chair as it is their duty to ensure the engagement of all within their governing body, and to seek help if need be (A vote of no confidence can be passed for a non-performing chair). Again the Local authorities (Reading) provide a good governor training and support, to ensure all governors are aware of their obligations, legal or otherwise. A New Governor training course provided should be compulsory, and on-going training in various aspects of governance is provided on a regular basis- dates for these are issued at the beginning of every academic year and regular bulletin reminders provided on a near weekly basis. The Local Authority needs to be supported in order for them to continue to provide this very fundamental service, which in turn helps to develop effective governors.

6. The *remuneration of governors* is an emotive issue given that this has historically been a voluntary role. Introducing remuneration could erode the genuine passion and commitment people may have to help oversee school improvement. This aspect raises a number of queries/concerns:

- (a) Will governors be paid from the school budget, regardless of the size of school? Will the school budgets afford this?
- (b) Who will assess the performance of governors and thus set the appropriate remuneration?
- (c) Governors can claim expenses according to their agreed policy, would this not suffice, as it has so far?
- (d) The new proposed Academies set up does imply a lot more commitment on the part of governors so perhaps remuneration should be considered for these, although the issues outlined above are still valid areas of consideration as well.
- (e) Should remuneration be applied to academies governors, does this then not risk a 2-tier system of governors? Those who get paid for their work and those who do it out of their own goodwill? In either/both cases, how will effective governance be monitored?
- (f) Could there be a risk of those schools that do not remunerate governors then fail to recruit the calibre of governors they would need, as preference *could* then be for one to be remunerated for the time spent on governor duty- if this became a choice?

7. Governors are accountable to the school children, their families, the local authorities, and the wider community and in our case, the Catholic Church. For this reason, relationships exist and should be encouraged among the various communities that a school relates to. This collaboration must continue for it is indeed for the benefit of society that all schools perform as best as they can and therefore all stakeholders must do their best to support schools to be the best that they can. Here again the local authority is key in coordinating the support that a particular school requires. They too should be supported to this end.

December 2012

Written evidence submitted by the Joint Union Asbestos Committee (JUAC).

JUAC is a trade union campaigning committee comprising the six main education unions: Association of School and College Leaders; Association of Teachers and Lecturers; National Association of Head Teachers; NASUWT; National Union of Teachers; Voice; plus the education sections of Unite, UNISON, UCATT and the GMB.

The Group has the objective of making all UK schools and colleges safe from the dangers of asbestos.

All the unions in JUAC are members of the Asbestos in Schools (AIS) campaign.

Over 75% of Britain's state schools contain asbestos, according to the *Asbestos in Schools: the need for action* report by the All-Party Parliamentary Group on Occupational Safety and Health. The report reveals that much of the asbestos is badly maintained, meaning that children and staff and governors are liable to be exposed to this killer fibre.

More than 140 school teachers have died from mesothelioma (a cancer that is almost exclusively caused by exposure to asbestos) in the past ten years. An unknown number of cleaners, administrative staff, caretakers, cooks and lunchtime supervisors have also died. The number of children who have been killed by exposure to asbestos at school is unknown, but in the US it was estimated that for every one teacher who dies, nine former pupils will die in adulthood from their exposure as a child. In the UK that would mean that more than 100 people are dying every year as a result of asbestos exposure when they were at school.

In all schools it is the duty holder that has responsibility for the management of the asbestos in the school.

The increasing number of academies and free schools, as well as existing foundation and voluntary aided schools, means that the duty holder cannot now simply be defined as the local authority.

The governing bodies in non-local authority schools and colleges now have responsibility for the management of the asbestos in their schools.

Recent Government policy statements have also suggested that responsibility for health and safety in all schools should transfer to governing bodies. If this were to happen then the management of asbestos in schools would become the responsibility of all governing bodies.

JUAC believes that it will be increasingly difficult to recruit governors if they have to accept this responsibility.

The recent asbestos incident in Cwncarn High School in Wales is evidence of how things can and do go wrong when asbestos is not properly managed in a school.

It is therefore essential that all governors, head teachers, caretakers and bursars receive asbestos management training.

Asbestos management training should be school-specific and properly funded and it must be compulsory.

This level of responsibility in the absence of specific asbestos training is likely to discourage people from working as school governors.

It is essential for all governing bodies to have a governor with proper expertise in asbestos management.

Asbestos management training is currently not compulsory for head teachers and levels of expertise vary considerably.

There is growing concern that public liability insurance is not available to cover asbestos claims in schools. This means that governing bodies with responsibility for the management of asbestos in schools could find themselves uninsured in the future against asbestos-related personal injury claims from pupils and visitors to schools.

If governing bodies are to ensure that asbestos is properly managed in schools then the following issues must be addressed:

1. Governors must receive school specific asbestos management training;
2. The insurance industry must address the shortfall in the sector; and
3. The Government must immediately carry out a review of its Asbestos in Schools Policy.

December 2012

Written evidence submitted by Wandsworth Borough Council

SUMMARY

Governance is increasingly central to school accountability yet the quality of governance is inconsistent.

Strategic school improvement should be the central focus of the governing body and this should be taken into account when revising the statutory framework for governance.

Governance should be better promoted and supported to ensure that individuals with appropriate skills are recruited and consideration should be given to paying chairs.

Mandatory training and a code of practice should be considered for governors, chairs and clerks to governing bodies.

Moves to encourage smaller more flexible governing bodies would be welcomed.

1. THE CURRENT SITUATION

There are currently estimated to be around 350,000 people nationally volunteering their time to support their local schools as governors. This is the largest and, largely unsung, volunteer workforce in the country. The roles and responsibility of school governors has significantly increased over the last decades with much more

emphasis on their role as strategic leaders and on being an effective system of challenge to school leadership teams. Governors oversee every aspect of school life and have strategic responsibilities that include:

- appointing the headteacher;
- performance management of the head;
- signing off the budget and overseeing financial controls;
- making decisions about changing the status or size of a school;
- setting review panels for exclusions, staff capability proceedings etc; and
- setting achievement targets.

2. CURRENT CONCERNS

- (i) The quality of governance varies too greatly between schools.
- (ii) Heads vary in their knowledge of effective working with governors.
- (iii) The legislative framework for governance is complex and unwieldy.
- (iv) Governing bodies do not always have the whole remit of skills to meet their significant responsibilities.
- (v) The chair's role is pivotal to governing body effectiveness yet the skill of chairs' varies hugely and there is no mandatory chairs' training.
- (vi) Effective advice and organisation is essential to strong governance but support from experienced clerks is patchy.
- (vii) Governing bodies work largely in isolation with little opportunity to exchange skills and good practice.

In short, governors' impact on school improvement is too variable between schools.

3. WHAT SORT OF GOVERNANCE IS NEEDED?

Good governance offers a robust and effective system of accountability for public money and a drive to focus on teaching and learning and school improvement. The governor role in holding a school to account has increased and become more important in the new freer schools market. Academy status brings greater governor responsibility and less local accountability. In order to ensure effective governance in the new system there needs to be a professionalisation of governance that includes appointing individuals with appropriate skills (human relations, finance, education professionals) taking up governance and payment for skilled chairs.

4. GOVERNANCE IN SCHOOLS CAUSING CONCERN

Where schools are judged by Ofsted as less than good—improving governance should be an integral aspect of school improvement. There should be recognition in the national “schools causing concern” guidance that development work for the governing body is part and parcel of school improvement work.

Where governance is strong it brings, not only checks and balances to a school, but significant creativity and ideas to support the school and its leaders.

5. RECOMMENDATIONS

- (i) The new constitution regulations have a smaller stakeholder element and this has significant merits. The new model offers more flexibility but continues to have some representation from the school community (parents, the LA and school staff).
- (ii) There is a need to ensure that professional skills are well represented on all governing bodies. The Governor One Stop Shop is already doing good work here and this has had a positive impact in Wandsworth. However, to attract individuals with strong skills governance needs to be higher profile and much better promoted.
- (iii) The move to smaller governing bodies has not taken hold even where governing bodies are choosing to reconstitute. This is because, to be effective on a smaller body, the governors involved need excellent skills as well as strong commitment and this is hard to achieve. This borough strongly supports the move to smaller, more flexible governing bodies, as these can be very successful where they are able to meet promptly, reach quick decisions and generally be more proactive (as IEBs in this borough have shown). However, more work needs to be done to raise the calibre of new governors and to ensure that they can operate flexibly, with appropriate small quora, whilst maintaining accountability and able to fulfill their responsibilities for forming exclusion and appointment panels and so forth.
- (iv) The recommendation in the recent ministerial working group report on school governance that every governing body would benefit from with a trained clerk should be fulfilled.
- (v) The legal framework for governance should be revised to make governor's responsibilities easier to understand and to ensure that governors are fulfilling a strategic rather than managerial role.

- (vi) Chairs of governors should be required to complete mandatory training. Payment of chairs should be considered.
- (vii) New governors should be required to complete mandatory training to ensure that they have a good understanding of their new roles and responsibilities.
- (viii) Governance should be promoted and methods of recognising the work and support governors provide for our schools should be considered
- (ix) The national training programme for aspiring headteachers should include a compulsory course on working with governors.
- (x) Governing bodies should be encouraged to share good practice and skills between each other.

December 2012

Written evidence submitted by Southwark Diocesan Board of Education

(a) The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1. The three-fold role of governing bodies in setting the strategic direction of the school, acting as a critical friend in supporting and challenging the school leadership and holding the school to account remains key. Governing bodies must focus on the strategic function in order to drive up standards without getting involved in the day-to-day management of the school. To function most effectively it is important that the senior leadership team and the governing body work in partnership and understand their discrete roles and functions. In our experience relationships break down and governance becomes ineffective where there is a misunderstanding about the roles and responsibilities of governors. Inevitably there will be some blurring of boundaries (governors do get involved in operational functions, admissions in voluntary aided, foundation schools and academies, appointment of staff, disciplinary matters etc) but it is vital that there is a clear understanding of the roles and functions of the governing body by both the headteacher and senior leaders as well as the governors themselves.

(b) The implications of recent policy developments for governing bodies and their roles

2. OFSTED September 2012 framework: the changes to the reporting of governance in the new framework are welcomed. While rightly part of the leadership and management judgement, it is much clearer for governors to have commentary under a separate heading of “governance” within that. Strengthening the governors’ link to school improvement in the framework must be linked to the provision of high quality training and to an evaluation of effectiveness and impact.

3. SFVS: the recent change to a less onerous self assessment form for financial practices is helpful.

4. Academy structures: the structure of academies does not change the fundamental nature of school governance; the role and functions of governors of academies is essentially the same as those in other schools. It is absolutely essential for all schools to have an efficient clerk, but this becomes even more critical in an academy so that the academy company structure (eg, reports to Companies House, accounting/audit procedures etc) does not get in the way of effective governance. It is important therefore in academies that governors understand the role and functions of the Academy Trust and vice-versa.

(c) Recruiting and developing governors, including the quality of current governor training provision and any challenges facing recruitment

5. The Diocesan Board appoints approximately 200 foundation governors to its schools and at any one time there may be 5–6% of these positions vacant; recruitment can be difficult in some areas of inner London, but generally recruitment is not an issue. Over this last year we have made increasing use of SGOSS to place people (five in the last six months) who express a wish to serve in a Church of England school. Our schools are generally successful when filling vacancies for elected staff and parents. Recruitment procedures could be improved by ensuring there is clear information on the role of a governor, the expectations in terms of time commitment as well as the specific skills that might be needed on the governing body at a particular time. Obviously this information is available at a local level, but it would be helpful if the national profile of the role of governors was raised, so that people are more generally aware of the expectations placed on school governors. It should be made clear to employers too that employees who serve on governing bodies should be given time off to fulfil their duties because it is vital that governors are able to be in school during the school day if they are to fulfil the expectations placed on them to monitor and evaluate their schools.

6. The Diocesan Board runs a central governor training programme which incorporates induction training and training on OFSTED, SIAS (Statutory Inspection of Anglican Schools) school admissions, self evaluation, religious education and worship, performance management and personnel procedures and the curriculum and other topics. We also run bespoke training for governing bodies in their schools. We evaluate all our courses and feedback is always very positive. We are looking into the possibility of on-line training, but the Board feels strongly that this is no substitute for face-to-face training; governors often comment on the value of

meeting governors from other schools and from different local authorities and sharing experiences and good practice. The Board has also recently introduced partnership working between two governing bodies, so that they can share good practice through visiting each others' schools with a clear focus, attending joint bespoke training etc.

7. Induction training is essential for all new governors and it is important that all new governors of church schools understand the distinctive ethos of their school. The Board believes that quality induction training should be mandatory for all new governors; governors do a very important job and a lack of understanding of the role of the governing body can mean that governors focus their energies on the wrong tasks. This is often detrimental to the school.

(d) The structure and membership of governing bodies, including the balance between representation and skills

8. Governing bodies should be representative of the communities they serve and have an understanding of their school community, but they also need to have a balance of skills. The vast majority of governors are hard working volunteers who give their time freely to support and contribute to the improvement of their schools, but it is sometimes true that there are core governors who do most of the work and other governors who simply turn up to meetings and contribute little. The new regulations allow governors some freedom to appoint governors on the basis of skills and for those governing bodies where this has been a particular issue, this will be welcomed, but it is predicated on being able to find the right people with the right skills in the right place; in some areas of London this can be particularly difficult. We encourage our governing bodies to undertake a skills audit so that they can make the most of the talents they have by appointing the right people to the right committees and ensuring that they are aware of any skills gaps that might need to be filled.

(e) The effectiveness and accountability of governing bodies

9. Governing bodies, like schools and any other organisation, vary in their effectiveness. Governing bodies are made up of people and inevitably they are subject to vagaries of the human condition. A key member may fall ill unexpectedly and that will have an impact on that governing body's effectiveness at a particular time; an influx of several new members may alter the balance of a governing body for a time; experienced members often take their knowledge with them leaving the governing body vulnerable in a key area. An effective governing body will of course make provision for its own succession planning and will have structures in place (as far as possible) to cope with the unexpected. We have seen examples of schools which plan for the retirement of the chair of governors, ensure there is an appropriate period of handover and grow their own leaders to ensure that there are governors who are ready to take over as a committee chair or vice-chair when vacancies arise.

(f) Whether new arrangements are required for the remuneration of governors

10. Currently school governors are volunteers and are not remunerated for their time and service to their schools; their reward is in seeing improvements in the education offered to the children in their schools and hopefully sharing in the success of their schools. The Board does not believe remuneration for governors is desirable as it may mean that people are attracted to governance for the wrong reasons. Many governors give their time freely and willingly and do not expect or wish for financial rewards. Governors should not however be out of pocket for volunteering, and while some may not notice the expenses they incur in carrying out their role, others may find the cost of governing prohibitive especially when paying travel costs to attend training at the Diocese, local authority or other provider. In our experience, governors are generally reluctant to claim expenses because what they claim, although relatively small in terms of the overall budget, is no longer available to spend on resources for the children. Governing bodies should be encouraged to have a clear allowances policy which does not put inadvertent pressure on governors not to claim necessary expenses.

(g) The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders and unions

11. Diocesan Boards in relation to church schools and religious authorities in relation to faith schools have been omitted from the above list yet they have a statutory relationship with their schools. The Church of England Diocesan Boards of Education are given their functions through a parliamentary measure (<http://www.legislation.gov.uk/ukcm/1991/2>) and have a long-established legal relationship with church schools. The Church of England has been a partner in education since such things existed and was an education provider before the state. In Southwark we have a strong partnership with our 106 schools and work closely with the Southwark Diocesan Headteachers' Association and our governing bodies. We offer advice, briefings and written guidance on key issues together with a comprehensive training package for governors, headteachers, middle leaders and others (as has been mentioned in (c) above). Our governing bodies value our advice and we work closely with local authority colleagues, we have also established good working relationships with the academy sponsors of three of our academies.

12. Good relationships built on trust are vital to the effective functioning of a school and its governing body; any breakdown in relationships is likely to be detrimental to a school. It is important for governing bodies and

senior leaders to work together in partnership and to provide opportunities to foster good relationships for the benefit of the school through governors' meetings, shared opportunities for training, eg, governors joining staff on relevant INSET days, and other events. Codes of conduct for governing bodies are a useful way of expressing their commitment to the school and providing a focus for establishing good relationships. The Diocesan Board provides a model Code for its schools to adapt and use; and encourages its governors to adhere to the Nolan principles.

(h) *Whether changes should be made to current models of governance*

13. The Diocesan Board does not see any obvious benefit in changing the current model of governance; structural change does not necessarily provide the vehicle for excellence. The key to effective governance is to have the right people, with the right skill set who have a clear understanding of their roles and responsibilities and are prepared to commit themselves to training, to their school and most importantly to the future of our children.

December 2012

Written evidence submitted by Martin Nicholson

SUMMARY

1. The author, a former teacher and further education lecturer, has served as a governor for nearly three decades. While broadly supportive of the status quo he has some concerns relating to workload and the general lack of appreciation school governors receive from central government.

EFFECTIVENESS AND ACCOUNTABILITY OF GOVERNING BODIES

2. In my experience, which goes back almost continuously to the early 1980s, too many governors are either unaware or indifferent to the legal framework within which they are required to operate.

3. Within the last few years I have experienced, at first-hand, a high performing school that failed to hold an election for the vacant post of Chair of Governors despite having a correctly nominated candidate and despite the election appearing on the agenda for the meeting. All attempts to resolve the problem via the school or the Department for Education proved fruitless. I have also supported a school where many of the statutory policies either didn't exist at all or hadn't been scrutinised for many years.

4. When I first became a governor most of my colleagues had many years of service "under their belts" and the annual turnover of governors was low. Over the years the median age of governors appears to have dropped—although the turnover appears to have increased greatly.

5. Recently I can remember being shocked at the first meeting of the academic year when I realised that I had served more years as a governor than all the other members of the governing body combined.

6. Governing Bodies should be required to submit an annual return detailing by category which governors had resigned in the previous 12 months and identifying how many years each of these governors had served. The results would feed into any debate on the optimum number of governors of each type that should form the membership of a typical Governing Body.

7. The idea of having a core group of governors taking responsibility for a high performing group of schools (each school being OFSTED good or outstanding) has some merit. Where this becomes more problematic is in the case of a group of under-performing schools. In my experience such schools both require and deserve a greater investment of time from governors than would be the case with less challenging schools. I am not convinced that there is a large pool of volunteers who would want to take on such a challenge.

CURRENT MODELS OF GOVERNANCE INCLUDING STRUCTURE AND MEMBERSHIP

8. I currently serve on two governing bodies—I am Chair of Governors at a small village primary school and I am Chair of the Behaviour and Support Committee at an 11–16 school.

9. I am broadly in favour of the status quo—with only a small number of caveats.

10. I support the principle of having strong representation of parents on the governing body of schools. However this is somewhat tricky in the case of village schools where the number of potential candidates for parent governor can be very small. Governing bodies usually perform best when they have a wide range of skills within their membership and this can be hard to achieve if the pool of available talent becomes too restricted.

11. The difficulties associated with being a staff governor should not be underestimated. I was a staff governor for a number of years and it is thankless role. Staff Governors, if they wish to remain on good terms with their Principal or Head Teacher, are almost obliged to support the "party line". It can be difficult to extract an alternative perspective from them if they feel it will damage their career if they speak out.

12. When I first became a governor back in the 1980s I was working in a further education college in Somerset. My Chair of Governors was a large scale landowner and a local “worthy”. He appeared to have no interest whatsoever in the views of other governors from outside his small inner circle—neither were the views of the pupils (16+) or their parents worth finding out, never mind acting upon. He had none of the attributes normally associated with being a “good” Chair and I always wondered how he came to be re-elected year after year.

13. After my election the Principal (a gentleman in every sense of the word whose word was his bond) warned me in a friendly way about the utter indifference the Chair felt towards staff governors and the extreme hostility he seemed to feel towards trade unionists. This was always going to be a problem for me because I had been elected by trade union activists at the college who had become bored to death with the lap-dog inaction of the “Association of Agricultural Education Staff” (AAES). I don’t think that the Chair ever spoke to me directly during my years as an elected representative.

REMUNERATION OF GOVERNORS

14. Many governors appear reluctant to claim legitimate travel expenses if such claims have to be met from the school budget. I suggest that all approved claims should be met termly using ring-fenced funds specifically allocated to and administered by Local Authorities for that purpose.

15. Should the decision be made to pay school governors, over and above their expenses, I would suggest a three tier system. Band 1—Chair of Governors, Band 2—Vice Chair of Governors and Chairs of the sub committees, Band 3—all other governors.

16. No payments should be made to governors in their first year in the role to discourage people joining school governors just for the allowances on offer.

RELATIONSHIP BETWEEN GOVERNING BODY AND OTHER PARTNERS

17. Senior staff employed by the Local Authority need to be extremely careful that they do not create the impression that they regard their own time as far more valuable than that of the school governors with whom they are interacting. Meetings should, as far as possible, be held at mutually convenient times and if some inconvenience is unavoidable this should normally be borne by the paid employee and not by the volunteer.

18. During my time as Vice-Chair and then Chair of Governors at Danetre School in Daventry, Northamptonshire I met weekly with the Head Teacher. This was one of the most rewarding parts of my professional life.

19. In contrast my interactions with trades unions were usually in situations where there was an on-going capability or disciplinary issue. Incoming correspondence and phone calls from the trades unions tended to be some combination of aggressive, flippant or sarcastic and a less experienced Chair might well have felt intimidated.

ISSUES NOT ADDRESSED ELSEWHERE

20. Taking on the role of the Chair of Governors, particularly in an underperforming school, involves accepting that you will need to spend hundreds of hours per year on school business. Many of these hours will need to be during the working day. An unfavourable OFSTED report will inevitably result in the “the blame game” with lots of finger-pointing being directed, from both inside and outside the school, towards the governors in general and the Chair and Vice-Chair in particular.

21. Add to this the almost total lack of thanks or appreciation Chairs of Governors receive from the Local Authority or from central government and you can see that it doesn’t make for a very attractive “employment” package. On more than one occasion as a volunteer I have chaired high-powered meetings where the combined salaries of the eight to 10 people around the table would have been in excess of £500,000 per year. I was as knowledgeable and experienced as any one of them but the “powers that be” were content for my work to be unremunerated.

22. The administrative and emotional burdens associated with dealing with allegations of staff misconduct or the issues surrounding the capability of school staff must not be underestimated. A Chair of Governors is likely to have to carry much of the burden single-handed, particularly during the initial investigation stage of what can be a lengthy process.

23. When I started as a school governor both the number and complexity of the responsibilities that had to be dealt with were very much less than are now the case. It was also assumed that you would be able to serve your apprenticeship before other members would even consider asking you to take on the role of chairing a sub-committee. Chairs and Vice-Chair were usually veterans with 10 or even 20 years of experience to draw on and most of the time deserved the respect with which they were treated by the other volunteers.

24. Now fast forward to the present day. The number of people prepared to take on the role of a school governor has dropped significantly—not least because Government has dramatically increased the workload and this has meant that many more people have neither the time nor the inclination to spend their limited leisure time in this way. Governors are now being “forced” to take on positions of additional responsibility before they feel comfortable doing so and, more importantly, before they have the knowledge required to do the job.

25. I think it is extremely difficult to do the job of Chair of Governors unless you are retired or self-employed since much of the job has to be done during the working day. It is also almost a prerequisite that you have a detailed knowledge of education before you take on the role—how else can you be expected to act as a critical friend to the school? You need to know what questions to ask and what would be a reasonable answer.

December 2012

Written evidence submitted by The Association of Governing Bodies of Independent Schools (AGBIS)

1. The Association of Governing Bodies of Independent School (AGBIS) has 751 members representing approximately 850 independent schools, the large majority of which are charities. The Association’s object is the advancement of education in independent schools. The Association pursues its object by providing advice, support and training for governors of independent schools. The Association was founded in the 1940s and has four employees, two of whom work part time. The publication “Guidelines for Governors” is revised regularly and sets out the principles of good governance which AGBIS promotes.

2. The Association’s services are available to non-members. This year AGBIS provided training for governors of a primary school which had recently become an academy. The AGBIS Board is committed to encouraging its members to work in partnership with governors of maintained schools in any mutually beneficial way. This theme of partnership with governors of schools in the maintained sector will be a prominent feature of the Annual Conference and AGM on 11 March 2013.

3. AGBIS believes that in all schools the Governing Body should be responsible for determining the aims and overall conduct and should do so in consultation with the senior leadership. The senior leadership is responsible for the implementation of the strategy agreed by the governors. They should expect the support of the governors and also recognise their accountability to the governors.

4. Governors need to exercise fine judgement over establishing an appropriate balance between challenge and support. They also need to recognise that their responsibility is collective, that they should focus on the school’s strategy and outcomes, avoiding unnecessary and unhelpful discussion of management detail. The role of governors is a non-executive one. Governors, and sometimes Governing Bodies, too frequently stray into management detail, overlooking their important strategic responsibilities and invariably causing lines of responsibility to become blurred. This misguided approach to governance, with its confusion as to who is responsible for what, does not encourage strong, effective leadership but rather shields weak and indecisive performance from heads and senior leaders through not concentrating on what matters. It also wastes time.

5. AGBIS welcomes recent policy developments and announcements concerning governance and the recognition that good governance matters so much to the success of schools. The recent analytical study undertaken into school governance by the University of Bath we consider particularly helpful in identifying and promoting good practice in the area. AGBIS appreciates invitations to be involved in the evolution of school governance in the maintained sector, including through participation in meetings of the All Party Parliamentary Group. It hopes that its experience of governance of independent schools will prove beneficial to those responsible for governance of maintained schools and it wishes to make that experience available more widely. It sees this co-operation as a two way process.

6. The recent awareness of the importance of relevant skills on governing bodies, evident within both the independent and maintained sectors, is beneficial and needs further emphasis. Eighty% of schools represented by the Independent Schools Council are charities. Those schools’ governors are charity trustees. It is not appropriate for trustees of a charity to be employed by the charity, thus there is virtually no tradition of teachers serving on the governing bodies of independent schools. Those present at governors’ meetings, invariably the Head, the Bursar and occasionally others, are there in attendance, not by right. This arrangement works well with no confusion over the employer/employee relationship, no inherent conflict of interest and less concern over how to manage the confidential issues which inevitably arise from time to time in governors’ meetings.

7. The history and structure of governing bodies of maintained schools is different from those of many independent schools. But the importance of key skills on governing bodies and governors’ ultimate responsibility for the performance of the school differs little between the two sectors. This time of increased concern over schools’ accountability and the evolving nature of many schools in the public sector suggest that serious consideration be given to moving away from the stakeholder model towards recruitment of school governors largely, if not entirely, based on the experience and commitment of the individual governor. While many teachers no doubt contribute valuably to governors’ strategic discussions, the confusion between employer and employee is a flaw which is likely to increase in importance as more schools become responsible for themselves as academies. Moreover, there is a danger that the presence of teachers on schools’ governing

bodies might lead discussions towards management detail and could well cause the concerns of the teaching staff to predominate over the interest of the pupils and those of the school as a whole. Were the model to change as we recommend, heads and selected teachers could attend governors meetings at the discretion of governors, as currently in independent schools.

8. This Association is opposed to payment of school governors in any circumstances. Agreeing to be a school governor is a laudable form of service which payment would compromise. Prior to the last election much was made of the importance of service to the community which this Association welcomed. We hope that the vision of service will be sustained and that volunteering will be promoted by all available means. There are fundamental issues over who might be paid for what and who would be accountable to whom. Money is not available and, if it were, there are better ways of using it; governor training is one. The current shortage of school governors should be addressed by other realistic, imaginative means.

9. Governors' ultimate responsibility for the performance of the school we regard as fundamental and beyond compromise. That is how it has to be if the nation's schools are to be responsible for their own destiny and provide for young people as they need and deserve. Inevitably there will be those who welcome the opportunity to be involved, to contribute substantially to their community through school governance and who thrive on responsibility. And there will be plenty who lack the skill, experience and courage to volunteer. The current shortage of school governors is serious. It needs to be addressed, not by unrealistic, unproductive consideration of payment but by a carefully considered, imaginative programme of support. There should be a deep confidence that serving as a school governor is intensely satisfying and that a well designed support programme would lead to more people with the skill and commitment volunteering to serve. That support should be designed around:

- Sympathetic training, particularly over regulatory compliance, a frequent source of anxiety.
- Ruthless elimination of bureaucracy.
- Promotion of efficient meetings with recognition that governors' time is limited and precious.
- Continued encouragement of employers supporting employees who volunteer.

December 2012

Written evidence submitted by The National Union of Teachers (NUT)

The purpose, roles and responsibilities of school governing bodies within the wider context of school governance and leadership

1. Governing bodies have a strategic overview of the schools they serve. They should not have day to day management responsibilities for the school or indeed oversee how classrooms are managed. The NUT believes however that school governors have a role to play in the delivery of quality education. A majority of governors see their role as governors as giving encouragement and support to teachers, supporting staff and schools in their communities.

2. The stakeholder model of governance, based on the principle that no one stakeholder group is more important or has more value than any other, is one that should be maintained. All governors are equal members of the corporate body. The 1986 Education Act established the "stakeholder model" of governing bodies, consisting of representatives from groups with an interest in the school, parents, teachers and support staff.

3. This model is breaking down with the introduction of less democratic forms of governance. The increasing numbers of academies and free schools means that there are a significant number of secondary schools and a growing number of primary schools being run without appropriate governance accountability.

4. Governing bodies will be less accountable to local people, and more accountable to central Government or the organisations now sponsoring schools. Governing bodies, have a crucial job to perform so that community cohesion is prioritised in school development plans. Building community partnerships, therefore, is an important part of the business of governing bodies.

5. Local democratic accountability should be safeguarded at school level. Representation of parents, staff, local authorities and the wider community must be maintained on governing bodies rather than allowing them to fall into the ownership of individual sponsors or unaccountable groups.

6. The NUT believes that governing bodies have a general responsibility for the conduct of a school with a view to promoting high standards of educational achievement. They should serve their immediate communities and be made up of parental and other community representatives through the co-option route if necessary.

7. The NUT is concerned that there is a move towards smaller, more "professional" governing bodies. Governing bodies do not need such barriers which prevent parents from being involved in decisions about their school's future.

The important role of the staff governor

8. The role of the staff governor is crucial to the strategic work that governing bodies undertake. Staff governors ensure that when an issue is raised at governing body meetings, the views of the staff are brought to the attention of the meeting, as well as any professional and educational implications of decisions made by the governing body.

9. Where stakeholder models of governance are threatened, local authorities should have a duty to ensure proper support and training for governors and should be able to offer incentives such as childcare payments to ensure that all sections of the community can be represented on governing bodies.

The implications of recent developments for governing bodies of their roles

10. With the wider emphasis on governance in the latest Ofsted framework, it is important that the role of governing bodies should remain a strategic one. One important task for governing bodies is to seek the views of parents, staff and pupils in order to understand fully the school it represents.

Recruiting and developing governors, including the quality of current training provision and challenges facing recruitment

11. The NUT supports the need for training for governors, chairs of governors and clerks. Ideally, training should be mandatory for all governors in the same way that it is for magistrates or citizens advice bureau advisers. Whilst governing bodies are represented by individuals with very useful skills gained from other walks of life, it is important that the responsibilities which governing bodies carry, including their legal responsibilities, are fully understood in order for them to function effectively.

12. One of the key issues facing schools today in England is that, more than half of secondary schools are outside the remit of local authorities. The consequent reduction in funding to local authorities has led, in many cases, to cutbacks in the services they are able to provide to their remaining schools, including governor support and training.

13. This situation presents a major challenge to the recruitment and development of Governors. It is important that the online "School Governors' One-Stop Shop" (SGOSS) continues to promote a free online service for schools wishing to recruit new governors. Funding should be earmarked by the Government and released to local authorities so that support services, such as training for governing bodies, are made available.

14. Governing bodies need to have the appropriate skills and knowledge needed to carry out their responsibilities. Statutory powers are already in place for the compulsory training of new governors and chairs of governors, but training must be made available to all governing bodies. Training for governing bodies will help ensure that governors understand their role and carry it out in ways which help and support the schools they work in.

The structure and membership of governing bodies, including the balance between representation and skills

15. The NUT believes that it was a mistake to abolish the category of community governor/s. This undermines the importance of "community governance" in the planning of schools. Local democratic accountability commonly needs to be safeguarded; and the role of the community governor fulfilled this role. Governance should involve the community as well as individual institutions. Recruiting co-opted governors is therefore crucial to the structure and membership of governing bodies.

Remuneration of governors

16. The NUT believes that governors should not be financially penalised for being a Governor. In carrying out these duties, they should be awarded allowances, such as childcare whilst attending meetings/training, etc. It is good practice to pay such allowances to reimburse governors for "out of pocket" expenses.

Conclusion

17. The NUT values the important work that governing bodies do and so should the Government. Recent negative comments from the Secretary of State about the work of governing bodies undermines this.

18. The staff are a school's main resource. Governing bodies must value the staff of schools and show that they do. Governing bodies should support the head teacher in promoting job satisfaction with staff, in supporting staff development and in constructive dialogue with staff on issues such as school development. The governing body has an important role to play in ensuring that staff governors are free to express their views at governor meetings and should pay close attention to what they say.

19. The role of the governing body should be strategic, supportive and representative of the school and its community.

20. Governing bodies should continue to be made up of key stakeholders: such as parents, staff, the community, with community governors, representing the wider school community and representation from the local authority. No one group, such as a trust or sponsor should have the power to nominate the majority of governors on any school governing body.

December 2012

Written evidence submitted by Harris Federation

As an Academic group Harris seeks to use the potential tension between operating as a Federation with a centrally driven strategic direction with local autonomy and local control to create highly effective Governance.

Nine in ten Harris Academies open for longer than a year are judged to be Outstanding and we believe that a key causal feature of this performance is excellent Governance.

Harris Federation places a high emphasis on local Governance. We believe that local Governing Bodies, when well trained and led should provide highly effective challenge and support to our Academies. The Federation operates with a central Board of Directors, Chaired by the Sponsor, Lord Harris of Peckham. The Directors comprise Chairmen of Governors of individual Academies and some non-Executive Directors who bring a range of additional skills and insights.

Our local Governing Bodies tend to be small comprising 12 to 14 members. This includes two elected parents and a staff member. All other Governors are sponsor Governors. Our key selection criterion for Governors is that they are effective rather than necessarily being representative. Most of our Governors are professional people used to questioning, challenge and dialogue as part of their daily professional lives. Not only does this mean that Governors bring a useful skill set to the work of their Academies but also that they are more likely to provide the right level of challenge and support. This is borne out by the Ofsted inspection reports for our schools where Governance is consistently highly rated.

Where predecessor schools have been failing and have become sponsored Academies our experience is that usually Governing Bodies are relatively large and cumbersome. In these situations there is often a good deal of “evidence” of Governance in terms of meetings but little evidence of impact on standards. Further these schools tend to have large numbers of sub-committees (in one special measures school we sponsored, there were 13 sub-committees) tying senior staff up in time consuming ineffective meetings.

The Harris model is to operate with a relatively small Governing Body with just one sub-committee, Finance and General Purposes. The main Body would meet once a term, preceded by a Finance sub-committee a few weeks before.

Increasingly Governing Bodies of Harris Academies oversee more than one school. This means that excellent Governance can be shared across the group. Where this is the case there will be two main Governing Bodies per term and one Finance sub-committee which will consider financial matters for both schools.

The central Federation arranges regular Governor training, running a session once a month on topics ranging from interpreting data and Raiseonline to expectations that Governors should have on the information provided to them by the school, to exclusions training. Governors own performance is important to us and where Governors do not meet our expectations in terms of regular attendance or useful contribution then they are replaced with new Governors.

One key issue is that school senior leaders can sometimes present information which can be laden with jargon, be confusing and over detailed, thereby inadvertently swamping Governors with information which prevents them seeing the big picture. We actively train our Principals on how to manage and work with Governor Bodies ensuring that Governors are presented with timely, useful and manageable information in a way which allows them to discharge their strategic responsibilities. Furthermore central Federation staff are members of all local Governing Bodies and will provide advice and assistance to Governors helping them to focus on the key issues.

We expect Governors to identify and challenge underperformance and to follow this up rather than to accept repeated poor performance in any area of a school over time. We support Governors by providing external consultants where Governors, the Academy or the data indicate an area of concern. These consultants will undertake mini-audits or mock Ofsted inspections, provide coaching and support for staff and report to Governors on findings and progress. Thereby ensuring that Governors have not only the information provided by senior teams but also, where necessary, external and independent data.

When new schools join we are usually able to redeploy some experienced Governors to assist in the establishment of the New Board. This provides continuity and allows us to ensure some consistency in the quality of Governance.

No one size fits all. Schools should have the freedom to manage their Governance arrangements as they see fit and be judged on outcomes. Flexibility in size and composition is vital. Too often schools follow an identikit style of Governance with processes dominated by procedure and bureaucracy rather than flexibility in being able to focus on the important issues and adapt working methods to the needs of the school. We try to operate Harris Governing Bodies with an emphasis on impact and effectiveness rather than with a culture of compliance which leads too often leads to mediocrity.

Written evidence submitted by the Governing Body at—St. Luke’s Science and Sport College

THE GOVERNORS CONSIDERED THE POINTS EXPRESSED IN THE EMAIL

The purpose, roles and responsibilities

St. Luke’s governing body see themselves as assisting the Principal and college, not ruling, we feel that we should have balance in being the “critical friend” and supportive, but also to question the decisions made. The governors are engaged in a two way communication process. We take an interest in the wider context, such as extended services, clubs held in the building and the local community.

The implications of recent policy

Governors keep abreast of policies, reading, approving and revising as necessary. Part of our brief is to check on OFSTED and to challenge the college and ourselves.

Recruiting and developing govvs

St Luke’s governors feel we have a good training package provided by Devon County Council and Babcock, this was free to governors but, there is now a cost to the college. Governors are encouraged to attend topics from—new governors, SEN, Personnel, Finance, Safeguarding etc. Governors appreciate the training offered.

The structure and membership

Our instrument of government: Voluntary Controlled School, states that we have seven parent governors, five Foundation governors, four staff governors, two community governors, two LEA governors and two sponsor governors, total 22. We currently have a vacancy for a sponsor governor and a foundation governor.

Previously the full governing body would meet and could spend up to four or five hours at each meeting, it was decided to have sub-committees, and this system has worked well for some years now. We have a Finance and Premises Committee, Personnel Committee, Learning/Curriculum Committee and Ethos Committee, these meet once every half term. We also have a Chairs’ Committee which meets following the subcommittees and before the meeting of the full governing body

Governors complete a skills analysis which assists the Chair to check on skills and interests of the governors. We are currently building up our profile on the college web site.

The effectiveness and accountability of govvs

In the past the governing body endeavoured to link with the different faculties, with individual governors having responsibility for a particular subject area, however with changes in the governing body membership this became difficult to do, so we have set up “Governor Engagement”. The governing body meet with staff in the first half of the Autumn term, we then provide two small groups of governors who meet with staff every half term following, a report is written and shared with the Head of Department and the Principal. A copy of the reports is kept and can be accessed by OFSTED inspectors. We have also set up to review the areas we visited in the last academic year, looking at the exam results achieved.

Whether new arrangements

NO, our governors do not want paying, expenses for attending courses can be paid by the College. Our reasons for becoming and maintaining being a governor are more to do with wanting to be involved and support the College, for parent govvs. It means being involved with their child’s education. Staff governors feel they can contribute, some were around when PFI was set up. As a Foundation Governor I have always been interested in education and when the vacancy occurred I thought this would be an opportunity to put my Christian beliefs into action, we all want the best for the students and staff.

The relationship between governing body and other

We don’t feel that the governing body should have direct contact with other partners as mentioned, but, should check that the college has these relationships in place. We feel that relationships forged within the local community are important and support these, and are pleased to see that St Luke’s are part of the PIXL partnership. Governors attend College activities and are beginning to have a higher profile at Parents’ evenings.

As Chair, I have invited the chair of governors from the local primary school and the local specialist school to come in to St Luke's and I am hoping this invitation will be returned in the New Year.

Whether changes should be made

The governing body at St Luke's are not looking to have changes made to our current system, we feel that our current model is working well.

December 2012

Written evidence submitted by The Archdiocese of Liverpool Trustees

There is concern felt in many circles currently about the role and function of school governors. There is some concern that, given the increasing demands and levels of accountability being placed upon people who are acting in a voluntary capacity for the benefit of school communities, problems will arise around recruitment and retention.

Schools' Officers believe, however, that with the right systems, training and support in place this pool of willing volunteers can continue to make a valuable contribution to the education system.

It is widely accepted that schools of a religious character provide high quality education for their pupils, so much so that places therein are often widely sought after and the schools oversubscribed. Data demonstrates that pupils in these schools have comparatively high levels of attainment and progress in comparison to community schools. Significantly more Catholic schools have been graded good or outstanding.

In order that schools of a religious character continue to promote not only the highest standards but also to operate within a Catholic Ethos, the role of Foundation Governors is vital. It is essential that we have Foundation Governors with the remit of upholding the educational vision and mission of the Church that is enshrined in law. These governors are responsible for ensuring and supporting the strategic direction of our schools. Both hard data and our close working knowledge of the schools within the Archdiocese enable us to state with confidence that the required roles and functions are very well exercised in supporting the delivery of high quality education for all pupils. Furthermore, their regard for the entitlement of all pupils and desire for inclusivity contributes to the progress and attainment of all groups of pupils.

We believe that our school communities, including governors, have risen admirably to the task of meeting the changes and challenges in education over many years. Evidence supports the view that our governors are more than capable of fulfilling their roles including addressing and implementing policy changes and developments as they arise. Our governing bodies are characterised by dedicated people who demonstrate remarkable dedication to our schools in this voluntary capacity.

In order for governing bodies to continue to function effectively they need to be able to access high quality, up to date and relevant training. This will enable them competently and comprehensively to meet the demand made of them in fulfilling this role. Diocesan authorities have always had, and will continue to have, a key role in the recruitment, training and support of all governors including Foundation Governors.

We consider that the present structure of governing bodies reflects appropriately the diversity of interests as well as the distinctiveness of Catholic schools. The structure enables schools to draw together an appropriate balance of representation and skills reflecting a cross section of their communities.

Our governing bodies have always understood the need for transparency and accountability. Under the current Ofsted framework, governance has an even higher profile in the leadership and management of our schools. Our experience is that governors are well aware of their accountability and take this seriously and are actively seeking to increase their skills and knowledge in this area. They are clearly accountable for supporting and challenging school leaders and their effectiveness is evidenced in the high quality of education in our Catholic schools. **74.7% of Catholic primary schools have Ofsted grades of good or outstanding. (64% nationally) At age 11, Catholic schools outperform the national average English and Maths SAT scores by 6%. At GCSE Catholic schools outperform the national average by 4.9%.** Officers of the Archdiocese are in regular dialogue with governors to ascertain and address their needs in order to improve their effectiveness.

All evidence and indicators support our view that, by and large, we have a high level of willing and effective representation who give of their time on a voluntary basis. We are of a view that remuneration for Governors is not a path we would seek. We do suggest, however, that the role of the Clerk could be considered. Perhaps an accredited qualification could be pursued to provide present and potential clerks with additional skills and knowledge to support and offer strong and independent advice to Governing Bodies, with suitable remuneration in return—(NQCG National Qualification in Clerking to Governors).

Our Catholic schools recognise the importance and necessity of being grounded in the communities they serve. Effective partnerships exist between school leaders and governors which readily lead to clarity of focus for any required support and development. Again, our evidence shows that governing bodies actively engage with a wide range of external partners identified as being crucial as they strive constantly to raise standards for young people. We have many contemporary and successful examples of schools and governing bodies

working in partnership with their local networks, local authorities, Archdiocese and national bodies such as DFE. This has enabled them to embrace a variety of local and national initiatives to secure rapid improvements wherever and whenever they have been identified.

Liverpool Archdiocese values the significant role our governors play in the success of our schools. We value the current framework of governance as it provides appropriate flexibility to reflect and represent local needs most effectively; it gives the opportunity to engage with the voice of the Church and the local community.

December 2012

Written evidence submitted by the Governing Body of the Totnes Federation of Village Schools (the “Federation”).

1. SUMMARY

The main point of this submission is to show the key challenges that Governing Bodies face under the current system together with the expectations and responsibilities they hold.

2. A BRIEF INTRODUCTION TO OUR FEDERATION

Our Federation is formed of six Devon village schools with a single governing body. Each school retains its separate status, Headteacher, ethos and identity and, currently, its own budget although we are aiming for a single budget. The purpose of federating was to provide the best experience possible for all our pupils; to ensure that each village retains its own unique, thriving school; and to try and retain as much of the character as possible of our local communities served by the schools. We are moving forward in a collaborative and mutually supportive way, sharing resources at a time when our funding is effectively being cut (particularly given the new funding formula). This in itself creates significant challenges for the Governing Body.

We are quite a complicated Federation and consist of:

- Two Community Schools (Broadhempston and Stoke Gabriel) which are wholly maintained by the Local Authority
- Two Voluntary Aided Schools (Harbetonford and Landscope) where the voluntary body owns the school buildings and receives assistance from central government towards the cost of improvement or enlargement and external repairs. They control their own admissions arrangements. Staff are employed by the Governors but paid by the Local Authority.
- Two Voluntary Controlled Schools (Diptford and Berry Pomeroy) where the voluntary body own the schools however the premises, grounds and running costs are wholly provided by the Local Authority.

RESPONSE TO THE POINTS UNDER CONSIDERATION

3.1 *The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

- We understand that Headteachers have responsibility for the day-to-day management of each School, but Governors are responsible for the overall management of each School and are accountable for each School’s success. The relationship between the Governing Body and the Headteacher is therefore a very close one, based on partnership. The best way to support each School is to bring constructive challenge so that decisions are fully thought through and backed up with sound reasoning and judgment.
- We consider that a Governor’s role includes the following areas:
 - *Strategic*—for example setting a policy on the curriculum; setting budgets and approving each School’s development plans; and responding to inspection plans and publishing action plans.
 - *Monitoring*—making sure that each School keeps to the policies, budgets and plans and keeps up to date with the quality and educational standards in the School.
 - *Evaluating*—measuring the impact of what we are doing.
 - *Executive*—taking direct responsibility for the recruitment of senior staff and some disciplinary matters.
 - *Accountability*—the Governing Body is accountable to a number of key stakeholders including parents, the LEA, OFSTED and the wider community.
 - *Supporting*—supporting and advising the Headteacher and providing practical help and skills.
- In addition we understand that our statutory duties as Governors includes: implementation of the National Curriculum; Public Examinations; SEN; Equal Opportunities; Collective Worship; Religious Education; The School Day and Year; Use of School Premises Outside of School Hours; Charging for School Activities; Premises; Finance; Staffing; Reports to the Local Authority; Public Information; Inspections of Schools; The Governing Body Meetings; Admissions; and Attendance Records.

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- There are a large number of papers that Governor’s need to consider on an ongoing basis, including
 - our Instrument of Government;
 - the Terms of Reference;
 - the Governor’s Job Description;
 - our Code of Practice;
 - School Prospectus;
 - Guide to the Law published by the DCSF;
 - School Improvement Plan;
 - School self-evaluation report;
 - Statistics and SATS results;
 - Head Teachers Reports;
 - School policies; and
 - OFSTED Report and Action Plan Response.
 - Further, Governor’s are expected to visit each School to monitor what is actually happening.
 - Governors are able to bring many things to the table such as experience, wider skills, communication channels for parents and the wider community and we are currently fortunate to have a group of Governors with a wide skill set to help drive the schools forward.
 - In light of our understanding, it is clear that Governors play a large role in schools and have considerable legal powers, duties and responsibilities. The following questions then arise (and this is not aimed at nor specific to our Federation):
 - Does each individual Governor know what they are supposed to be doing? We think not and additional guidance and training should be provided by the Local Authority.
 - Why has so much responsibility been delegated down to Governors from the Local Authority?
 - Has too much responsibility been delegated down to Governors from the Local Authority? We believe it has; for example, “lay” people are effectively being asked to monitor specialty issues such as SEN; Health and Safety; and Teaching in addition to being responsible for dealing with complaints and personnel issues.
 - Why would any sane person choose to accept the levels of responsibility & accountability as an unpaid volunteer expected of governing bodies today?

3.2 The implications of recent policy developments for governing bodies and their roles

Please see comments above. The role is becoming more challenging as Schools federate as Governors become responsible for more than one school (whilst some work is not duplicated such as policy implementation, other work is such as looking at budgets, SATs results and all the other issues individual to each school) or take academy status.

3.3 Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

- In light of our response to 3.1 above, we believe that it is becoming more and more difficult to recruit Governors. The time commitment required is enormous and the responsibility too much for many to consider undertaking this role. Those with particular skills (such as finance or personnel) are often employed full time and work long hours already. We are fortunate to have a number of individuals with particular skills who are able and willing to give up their time.
- Foundation governors are becoming increasingly difficult to recruit as the regular church going members of the Church of England decreases. We are struggling to get suitably qualified & capable people to ensure that the Christian ethos of our church schools is maintained whilst also being able to add to the portfolio of skills required to be an effective member of the FGB.
- Some Governors commence the role and are clearly not aware of the full extent of the role they are undertaking.
- Training is available, but there is often an additional cost attached to this now when it was once provided for maintained schools.
- Online training is available but having undertaken various courses (not limited to Governor training) we question the effectiveness of this and consider that it may just be a cheap “paper based” solution and does not add real value or understanding to the role?
- However, we also appreciate the time commitment to attend face to face training is often difficult.

3.4 The structure and membership of governing bodies, including the balance between representation and skills

- In the last 12 months we have moved from being six individual schools with varying sizes of Governing bodies (around 60 Governors in total) to a single Governing Body with 23 members. So we have a large Governing body, which can sometimes make progress more difficult, but fewer Governor's overall which has increased the time commitment for each Governor (for example monitoring six schools instead of one).
- In a Federation situation, a smaller number of suitably experienced and qualified people could be much more effective but governors need to make the mind-shift that they are there to represent the children & families of the Federation, as opposed to representing the school that sponsored their place. Given the Local Authority is appears to be actively encouraging Federations, they should provide better guidance to Governing Bodies on how to achieve this and to ensure all the duties and responsibilities are dealt with.
- There are pros and cons to having "parent" governors, some come with their own agenda, some struggle with the issue of confidentiality, but they do have a vested interest in what happens in schools and can feed back on issues that arise or how developments or strategies affect their children. However, consideration needs to be given as to whether they are to be the "mouthpiece" of the parents of "their" school or to oversee the strategic development of the federation? We think that it is, or should be, the latter.

3.5 The effectiveness and accountability of governing bodies

- Governors receive little or no feedback from the Local authority or any other body on an ongoing basis. This means they do not know if what they are doing is legally right or sufficient until things go wrong.
- The only feedback received is following an Ofsted report. Ofsted's expectations of Governors is too high given the fact that they are lay people with little or no training. Governors are expected to turn up at short notice for inspections when they are often employed and have many other responsibilities and Ofsted are highly critical of the role they play, without giving any credit for "lay" or volunteer status of the role.
- There is a lack of involvement from the Local Authority in Governors and the role they play. Whilst there is "Devon Association of Governors" it is often difficult to attend meetings given the wide area this covers and the location of meetings.
- Given the apparent move to Federations/Academy status, there needs to be better sharing of information so that newer federations and academies can benefit from the developments that others have made, learning from their mistakes. Such meetings have been held by our Local Authority. For example we have moved from "committees" to "portfolios". We believe that the portfolio system will make it easier to understand the needs of the six individual schools. We will be thinking of it as one organisation in six locations. The magnitude of the task of bringing six schools together required the interim step of committee style governance before portfolio style governance could be accepted as the way forward.
- Six schools in one Federation also means that we can learn from each other, look at best practice and have a wider skill base both within the school and from the Governing Body.

3.6 Whether new arrangements are required for the remuneration of governors

- Being a Governor involves more than just taking an interest—though this is a crucial part of the job—it also takes time.
- We are aware that individual Governors dedicate a substantial amount of their time to the role, sometimes as much as 20 hours a week is necessary. This can substantially affect their other employment and/or family life. Whilst we are aware that employees are entitled to request reasonable time off in relation to Governor Responsibilities this is often unpaid, or time has to be made up. We can understand that many employers are running businesses and cannot be expected to subsidise the cost of governing schools.
- Many Governors do not even claim expenses for travel or childcare as they are aware that every penny claimed comes out of school budgets and so decide to incur the costs personally.
- We believe that Governors could not possibly be paid at present—where would money come from? There are certainly no funds available in school budgets. However the work that they undertake should be recognized in some form. Further, payment would only increase the expectations of governments at this time.
- However, logic suggests that people need a qualification to be a governor. Then when this is accepted payment might follow (although this still raises the issue that there is no funding for this).
- It also raises the question as to what is the ultimate goal for government? Is it to do away with school governors completely and appoint a "super-school quality controller" that might also take over from Ofsted because it might be cheaper?

3.7 The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

The role that Local Authorities play in schools is continually reduced, this is from the support it offers to the monitoring it does. The Academy & Free School developments further reduces the role of the Local Authority and make it even more difficult to support maintained schools. Whilst we believe schools are best managed on a day to day basis in school, the lack of support and guidance makes this challenging.

3.8 Whether changes should be made to current models of governance

We believe that changes have to be made. Schools are too complicated & governance carries too much responsibility to stay the same. Until then, we recognize that we have the responsibility to succeed with what we have.

4. RECOMMENDATIONS

Our overall recommendation is that the role of our unpaid, unqualified Governors must be amended so that it does not carry as much responsibility. Alternatively, Governors should be qualified and paid.

Until that time, Local Authorities should be charged with providing greater levels of support (both financially and with the provision of suitable experts) to the Governors and, separately, to Headteachers and schools across all areas (including SEN, health and safety etc); or funding to schools should reflect the need to “buy” expert help externally.

December 2012

Written evidence submitted by Mr Colin Kemp

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

It is of importance that Governors understand that their role as a body is strategic, supportive and monitoring not operational. This requires a good relationship with the Headteacher and Staff to ensure that information is freely and readily available to Governors to enable them to carry out this role. The access to data provided by the DfE, Ofsted and the Local authority is of great assistance to Governors in enabling them to assess how the school is performing against local and national trends and highlighting areas for improvement.

2. The implications of recent policy developments for governing bodies and their roles

Over the last ten years the role of Governor has taken on much more significance and requires more time involvement and a greater range of skills in the governing body as a whole. These include awareness of Health and Safety, Building maintenance, accounting and legal knowledge as well as good roots in the local community. In addition the developments surrounding Academies, Free schools and Teaching schools are forcing Governors to assess the relationship of their school with the Local authority and other schools within the area.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

Experience has shown that for a successful school there is no major problem in recruiting governors apart from those who come from the community as opposed to parent, staff and LA appointments. Our LA has a good programme of courses for governor training and these are taken up by our governors. An assessment is made on a regular basis of the skills that are available within the governing body and training needs are addressed. This ought to be a requirement for all governing bodies. The challenge in future will be to recruit governors who will devote sufficient time to the role to carry out the responsibility effectively. This will become more onerous as the role of the local authority fades and Academies and other methods of school collaboration increase.

4. The structure and membership of governing bodies, including the balance between representation and skills

It is important that staff and parents are represented on governing bodies. Outside representatives from the community are also important but they should form a minority on the Board. Governors should be allocated specific roles to ensure that all areas of responsibility are covered. Attention should be paid to ensuring that any skills that are lacking be identified and appropriate training arranged for the governor responsible for that area. Local Authority assistance is diminishing but they should be required to provide training courses for governors. What is of major importance is a well trained Clerk to Governors who can give advice and provide good secretarial skills and timely distribution of reports and proposals to the governing body. In addition the use of data processing for information and distribution of reports should be a requirement for all governing bodies.

5. *The effectiveness and accountability of governing bodies*

A well run governing body is effective in both areas providing it uses the guidelines laid down in the publication “A Guide to the Law for School Governors” *and there is a good relationship between the School leadership team and the governing body*. Provision of timely reports and adequate time to deal with these at governing body meetings is essential to this process. External audits on matters such as Fire Safety, Building maintenance, Health and Safety and Accounts are an additional safeguard.

6. *Whether new arrangements are required for the remuneration of governors*

There are already provisions for the repayment of travel expenses and for child or other dependent care whilst the governor is engaged on related school duties. In my experience this is rarely taken up. Generally I am not in favour of payments to governors as it will diminish the motivation particularly of parents. Most community governors give of their time freely and many are given time off by their employer. However the increasing time involvement due to the diminishing role of the Local Authority may throw strains on volunteers resulting in problems with recruitment. This (the strains) can be ameliorated by the provision of good well trained Clerks to the Governing body.

7. *The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders and unions*

The relationship between school leaders and governors should be one of mutual respect and openness with each understanding the role of the other party. If this breaks down then the governing body becomes ineffective. Governing body relationship with the Local Authority has changed markedly in the last ten years and now governors feel more in control of the school but with appropriate advice from the LA. In earlier years governors felt more of being a token body with the LA taking all the real decisions. There is a fear Academies and Trusts will go back to this model with governors being diminished in importance and safeguards need to be in place to control this tendency. Relationship with Unions appear to operate at a national level with very little impact on governing bodies.

8. *Whether changes should be made to current models of governorship*

The current model works well in practice but the rise in number of Academies and free schools and other collaborative arrangements does causes concern for the future. How can governing bodies retain their independence? Consideration needs to be given to ensure that the legal responsibilities of governors are adequately covered and maintained so that an overbearing executives cannot treat them as a cypher.

9. I write from a background as a Community governor for the last 11 years of a larger than average junior school which has been rated by Ofsted as outstanding. We have an IMD1 rating and an excellent record on financial control and also pupil absenteeism. Prior to this I worked in Industry.

December 2012

Written evidence submitted by Alan Sherwell

INTRODUCTION

1. As someone who has served for nearly 20 years on both a Secondary School and a Primary School Governing Body and, more recently, has started on a new Primary Governing Body and that of one of the recently announced but not yet open University Technical Colleges, I hope and believe that I have experience that is relevant to this enquiry.

SUMMARY

2.

THE PURPOSE, ROLES AND RESPONSIBILITIES OF THE GB

3. The GB is, essentially, the Board of the school. It has a majority of non-executive “directors” appointed by different constituencies and its key role, as with any Board, is to hold the Chief Executive (the Head) to account. Of course, this is not simply auditing what has been done; it is also about ensuring that realistic plans and strategies for the future are in place. Changes in the ways that schools operate may well affect the ways that Governing Bodies work but it cannot and must not change this core responsibility.

4. Like non-executive Directors, Governors are not on site on a day to day basis. Visiting School and observing what is happening is a key part of the role but that should not lead to Governors involving themselves in the day to day operation of the school. Pursuing “rumours” that Mrs Smith is a poor teacher is no part of a Governor’s role. Ensuring that the School has in place robust mechanisms for evaluating Mrs Smith’s performance (along with every other member of staff) and taking action to help staff improve or to manage them out if improvement is beyond them, is. This has not changed as legislation has changed nor should it.

5. The Governing Body represents different constituencies and it is important that this should continue to do so. Staff, including non-teaching staff, have a legitimate and important role in the body responsible for oversight of the schools performance and development of its strategy. They can provide a valuable insight into the school's workings that those not on-site daily cannot. In this context, it is important that non-teaching staff are represented too. Schools are about providing a learning environment—teaching is the most important single aspect of that but it is far from being the only one. Teaching assistants, lab assistants, the caretaker and so on all play important roles and a governing body needs to have the information that they can supply.

6. Clearly parents also need to be represented but it is important that this role is seen as distinct from representing the local community and society in general. It is also really important that Parent Governors understand that they have corporate responsibility for all the children in the school not just their own offspring. Most Parent Governors are great but I have met quite a few that see the role as an opportunity to push the issues that they believe affect their child to the exclusion of any meaningful strategic thinking.

7. I believe that it is important that Governing Bodies continue to have Governors representing the wider community serving on them. Such people, whether appointed by the local authority or the rest of the Governors can give a view that is untainted by the experience of being a staff member, a parent, or the appointee of an Academy sponsor. In addition to providing experience of the wider community on which the school impacts, they can also bring skills that other governors may not have and that is becoming increasingly important.

8. What is vital, and where schools often fall down, is that Governing Bodies must be strategic and not interfere with day to date operations. This can be difficult both because the sort of people who stand for governorships are often interested in that detail and the election system for Parent Governors in particular does not lead to selection on the grounds of technical ability and that is becoming more important.

9. In summary, all the sectors currently represented on Governing Bodies need to continue to be represented but there needs to be positive effort to ensure that Governors with relevant skills serve on the GB to help ensure that its emphasis is wholly strategic.

THE IMPLICATIONS OF RECENT POLICY DEVELOPMENTS

10. These changes do nothing to alter the basic role of Governors and Governing Bodies. What they do do is increase the importance of ensuring that GBs are strategic bodies and also that there is a wide range of skills on them. If schools, whether as academies or in some other way, are taking on more roles that used to be delivered by the LEA, then there is a need to ensure that GBs are capable of scrutinising those areas of operation.

11. In particular, the changes increase the importance of financial and HR scrutiny and it is increasingly vital that there are governors with expertise in these areas. Since elected Parent Governors will only have those skills by chance (and, almost certainly, it won't be what they were elected for), this again emphasises the importance of Community/LEA Governors however appointed.

12. Indeed, in those academies sponsored by commercial organisations these expert roles become even more important. In addition to their traditional roles, Governors in such schools need to monitor the sponsor itself to ensure that they aren't obtaining profit at the expense of the quality of education provided by the school.

RECRUITMENT AND TRAINING

13. Since most training is provided at LEA level, by definition it must vary across the country. I can only speak of Bucks, where I think that training provision is generally very good. However, as more and more schools remove themselves from their local LEAs, there is a danger that they will no longer have the capacity to provide quality training.

14. Of course, they can continue to provide the service on a competitive, commercial basis to schools that are not LEA schools but this may not happen for two reasons. Firstly, the current financial pressures on local government are such that it is easy to see many LEAs deciding that, as they are responsible for far fewer schools, this is no longer a core function. Similarly, from the school's point of view, if it becomes necessary to pay for courses, then there will be a lot less governor training, as schools too will see other priorities.

15. It seems to me that the collapse of the governor training regime is a likely consequence of the current changes in the ways that schools run unless the Government steps in to ensure that training continues to exist through supporting LEAs, schools or governors or other providers financially.

16. All of this is inexorably tied up with recruitment. It is difficult to get good quality governors and there needs to be a conscious effort to breaking down the barriers to recruitment. One of those barriers is the fear that there may not be appropriate training.

17. For many potential governors, particularly but not exclusively parents, this is all very new. They have never done this sort of thing before and they often have no training in dealing with strategic issues in their day job. Consequently, many people think that they couldn't do the job when, in reality, they could do it a great deal better than many that think that they can!

18. There needs to be a clear, non-frightening description of the role and duties of governors. This should emphasise that people can learn on the job (they can't know everything on day one so they shouldn't be left worrying that people will expect them too) and that, even after that, they can't be experts on everything and no one will expect them to be.

19. This is the sort of thing that Government can use modern e-technology to facilitate. A simple guide to what it takes to be a governor, what you need to know and do and how to get more information could be invaluable.

20. This could be particularly valuable for non-parent, non-teaching governors. Traditionally these have been either parents of former pupils kept on the GB after their child has left because of their contribution or people that have come up through the political process. There is nothing wrong with the latter in principle (although it can be abused) but there are plenty of people out there that have the skills to be community governors but are not part of that process and are never approached. It needs to be easier for such people to become governors.

STRUCTURE AND MEMBERSHIP

21. It seems to me that this is a place where there could sensibly be a touch of localism. Why does the Government need to prescribe the structure and membership of the Governing Bodies? Obviously, there needs to be some sort of statutory framework but why does it need to go much beyond "There must be a Governing Body, which shall have the following powers, it may devolve those powers to Committees; it must include the Head (if they wish to serve) and representatives of teaching staff, non-teaching staff, parents and the wider community. Staff may form no more than 25% (or whatever) of the GB." Then just let them get on with it.

22. Governors are subject to Ofsted inspection as part of the school. That defines their function and operation pretty starkly. Why not trust that regime and simply let them get on with it?

EFFECTIVENESS AND ACCOUNTABILITY

23. Obviously, this will vary from school to school but the central role played by governors and governance in the new Ofsted framework should provide the necessary pressure to ensure effective performance. I would not wish to see any other pressures running in parallel.

REMUNERATION

24. I don't believe that providing remuneration for governors will improve the quality of the people that seek to be governors (indeed, with Parent Governors, it might even have the reverse effect!). Nor do I believe that it will improve the performance of people once they have been appointed.

25. Having said that, I do think that it is important that people don't lose money through being a governor, so legitimate expenses—child or other dependent minding, travel to training courses and the like should be claimable.

RELATIONSHIPS WITH OTHER BODIES

26. I don't believe that this is generally a problem. If the necessary groups are properly represented and/or consulted as the case may be, the GB should not have a problem

CHANGES TO MODELS OF GOVERNANCE

27. I believe that GBs should be given the maximum flexibility consistent with meeting their statutory and Ofsted obligations. Within that constraint, the Government should not be seeking to impose further in terms of setting models of Governance.

January 2013

Written evidence submitted by Alan Carter—Chair of Governors, Mora Primary School

Previously:

Both a Governor and Chair at Malorees Junior School

Chair of Brent Association of School Governors

A Governor and Governor representative over 26 years

the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

The purpose and roles of school governing bodies varies widely with the type of school for the following reasons.

Governance of Academies is effectively an administrative forum of a legal dictatorship by the Academy Sponsor (even this varies as Academies have many variations in their constitutions as set out in funding agreements)

Governance of Foundation Schools, (With or Without a Foundation!) Trust Schools, Voluntary aided Schools, Grammar Schools, Voluntary Controlled Schools, Community Schools, and Free Schools all vary.

It is clear from this list alone that there is a serious need for the structure of State funded education to be simplified and clarified. Successive governments have added more variations and additions without any serious oversight of what they have been trying to achieve and/or how they should attempt to achieve it.

The purpose of Governance should be to ensure the best possible education for the children in the School. This is education in its broadest sense—not the narrow, mechanistic and measurable definition imposed by bureaucratic bean counters in both government and administration.

The responsibilities of Governance must include:

1. To provide an inspirational vision for the school.
2. To monitor the performance of the school and act to improve it and correct it as necessary.
3. Within the above to Hire monitor, encourage, support and if necessary fire the Headteacher.
4. Within all of the above to ensure that the children are safe, the provision is fair, the needs of all children are met, the curriculum provides a foundation for a just, inclusive, learning and civilised society.
5. To defend the school against ill considered government initiatives and unjust criticism.
6. To be accountable for the school.

the implications of recent policy developments for governing bodies and their roles

Recent policy developments have created governance models that are less inclusive and less accountable. The majority of governors in the Academy and Free School models are self appointing, self perpetuating, unbalanced, undemocratic and un-representative. These are all undesirable for obvious reasons.

recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

Recruiting governors can be problematic—particularly when seeking to achieve a balanced and representative governing body. This could easily be improved if employers were required to give some paid time off for relevant duties (clearly needs to be capped) additional un-paid time off as necessary etc.

Developing governors requires good quality courses to be available (Some LEA's do this well and at low cost, private providers are more variable and more expensive)

Developing governors would be assisted by the provisions for time off (noted above) and possibly a small single payment (reward—not remuneration) for attending a pre set number of training courses.

Recruiting governors can be improved by the school making the governing body accessible, directly seeking and encouraging candidates from under-represented groups and the support and encouragement noted above.

Sustaining governing bodies could be made easier if the removal of any governor who is disruptive to the process of governance was simplified. (A simple 75% supported vote of no confidence?)

the structure and membership of governing bodies, including the balance between representation and skills

Governing bodies must contain a balance of interests with no group over represented.

Representatives from staff (elected), parents (elected), the local community, elected local politicians and opted members with safeguards to maintain the balance. Their should be no place for governance dominated by financial power or narrow self interest—including religions in state funded schools.

Skills are important—but governors are not executive and as such can obtain skilled assistance from staff and—if necessary—external sources. (An experienced clerk to governors is common) A balanced governing body with reasonable educational background can cope quite well.

the effectiveness and accountability of governing bodies

Clearly effectiveness will always be variable as governors change. (OR SHOULD CHANGE)

This is no different to any organisation and certainly should not be a reason for imposing non-representative un-democratic governance on schools. All schools should be externally monitored and this includes the governors. Poor governing bodies should be supported—dysfunctional members replaced if necessary, but not arbitrarily replaced by un-representative appointees.

Governors are individually and collectively accountable under criminal law and this should cover the most flagrant abuses. As governors are (or should be) unpaid volunteers they should not be liable to penalties for poor performance. The school executive should be!

Clearly the governance model is not perfect—but like democracy—it is better than the alternatives.

whether new arrangements are required for the remuneration of governors

NO. Remuneration for non-executive governors is a bad idea.

Small rewards for attending training and possibly for outstanding achievements may work in a positive way—but they should not be sufficient to act as an incentive to stand as a governor.

the relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

All Governing bodies should have close links with the LEA and work to support the overall provision of educational facilities on a regional basis. Shared facilities, relevant support in a local context and economies of scale for procurement etc are essential for efficient provision of education. The policy of destroying LEA services—supported by examples of poor LEA's—is generally ill considered. The good LEA's worked—the bad ones needed sorting out. The system did not need centralising—where it will become remote and ineffective.

Governing bodies hire, monitor and fire school leaders. (A fairly close relationship?)

Governors should generally leave relationships with the unions to the School executive but—if the appropriate skills and knowledge are available can on occasions be supportive in this relationship. The governors role in disciplinary procedures make contact with unions almost inevitable.

All Schools (and by inference governing bodies) should seek to be a vibrant part of the communities they serve.

Academy governors are generally the chattel of the sponsor—that relationship is in-effective and unacceptable.

whether changes should be made to current models of governance

Yes. The unaccountable and un-democratic models should be removed and made representative and accountable. The community school model generally works.

January 2013

Written evidence submitted by Ruth Agnew

1.0 INTRODUCTION

1.1 I am a National Leader of Governance, chair of governors of a maintained primary school and manager of a Local Authority governor support service. I am vice chair of the north west co-ordinators of governor services group and, as chair of the National Service Improvement Group for governance, I sit on the National Co-ordinators of Governor Services committee (NCOGs). I am an assessor for the Governor Mark and am also currently involved in conducting external reviews of governance on behalf of the National College as part of the autumn term Ofsted pilot. I am also lead facilitator for one of the 12 licensees who are offering the new Chairs of Governors' Leadership Development Programme, under licence from the National College. This submission is made in a personal capacity.

2.0 EXECUTIVE SUMMARY

2.1 This written submission to the Select Committee inquiry into the role of school governing bodies does not attempt to address all of the issues in the remit of the inquiry but focuses on changes which, if implemented, would, I believe, make the most significant impact on improving school governing in the UK.

2.2 The main focus of the paper is on training. The government has stated its desire to raise the status of school governing but I believe this is not possible while training for governors is optional. A mandatory induction module at the very least, would go some way both to raising the profile of the role and better supporting the many school governor volunteers to effectively contribute to improving our schools.

2.3 The submission also argues that school governing could be made more effective by:

- raising the understanding of school leaders in relation to effective governance, what this looks like and how it can contribute to school improvement;
- requiring employers to release governors for certain defined duties, with pay;
- ensuring that appointing bodies appoint on the basis of appropriate skills and experience;

- simplifying the role of governing bodies and clearly defining this, including a clear expectation that certain functions are delegated to school leaders;
- promoting the appointment of highly skilled and independent clerks, for governor committee meetings as well as full governing body meetings;
- clearly defining which skills contribute to effective governance, and moving away from the implication that a professional role is synonymous with such skills.

2.4 While the submission focuses on governance in maintained schools, the principles raised are applicable in all school and academy governing contexts.

3.0 GOVERNOR TRAINING

3.1 When the current government set out its priorities for school accountability in the White Paper “the Importance of Teaching” it stated “School governors are the unsung heroes of our education system. They are one of the biggest volunteer forces in the country, working in their spare time to promote school improvement and to support head teachers and teachers in their work. To date, governors have not received the recognition, support or attention that they deserve. We will put that right.”⁷

3.2 Many of the commitments towards schools and school leadership laid out in that white paper have now been fulfilled in a variety of ways, and governors, and the governing of schools, are certainly receiving more “attention” than ever before. However I do not feel that the government has yet followed through on its promise to give recognition and support to governors. The vast majority of schools in the country remain in the maintained sector at this point, and yet the capacity of Local Authorities to provide support and training for their governors—always admittedly of varying quality across the country—is lower than it has ever been. Some Local Authorities have risen to the challenge this presents and have adopted new and innovative practices, including my own which is now collaborating and providing governor support across five Local Authority footprints. Others however have reduced or even abandoned support for governing bodies, as this is not a clearly defined statutory function.

3.3 In a time of greater school autonomy, support for the volunteer force that has responsibility for our schools has never been more important, and yet the statutory position remains that there is no requirement for governors to engage in training. I know that ministers believe that the responsibility for creating a culture where professional development for governors is given a high priority lies within governing bodies themselves. I agree that this should be the case and in good governing bodies it is: governors are carefully inducted into an environment where governors keeping themselves informed is the norm—by attendance at training courses and in other ways.

3.4 However it is the weak governing bodies, where training and support is most needed, where there is the least likelihood of governors being expected, or even on some occasions allowed, to invest in their own development. I too often come across situations where governors don’t want to “take money away from the children” by investing in their own development, or where governors feel they are so experienced they don’t need training, despite the fast-moving environment in which they are working, or in extreme situations where head teachers have refused to “allow” governors to have a training budget for themselves (not a defensible position in law but happening in practice).

3.5 Governors are not “just volunteers” but this is the attitude that is encouraged by the lack of any national approach to training and development. In fact they are individuals who have volunteered to take on the strategic leadership of our schools. Special Police Constables, soldiers in the Territorial Army, Citizens’ Advice Bureau advisers and magistrates are all volunteers, but in none of those voluntary roles would it be acceptable for an individual to “pick it up as they went along”—often ending up in them replicating the bad practice that they see modelled around them.

3.6 When he addressed the National Governors’ Association in June this year, Sir Michael Wilshaw said this: “Some governors would prefer to focus on familiar territory and easier issues—school meals, uniform, the plumbing in the loos. These should not be your main priorities. The quality of teaching is the single most important factor in the quality of the school. It is your job to know how good it is and where the weaknesses lie... So rather than lunches and loos, your main focus should be on the quality of teaching in the school, the leadership of teaching and learning, the progress and outcomes for pupils and the performance management of staff, including the headteacher.”

3.7 While governors are allowed to remain untrained they are naturally going to default to the easiest option—why struggle with data analysis when you can have what feels like a meaningful discussion about the colour of the school uniform?

3.8 This is a caricature of course, there are many governors who are well trained, highly skilled and effective, but this is patchy and in my view will remain so until the attitude of the government to the training required for the role changes. I would welcome a mandatory induction module, which could be developed in the same way as the mandatory training on Safer Recruitment for governors and school leaders. In that case an on-line module was developed by the National College for School Leadership, which was eventually also developed

⁷ “The Importance of Teaching”—the Schools White Paper, November 2010, p71

into a face to face training package, with deliverers accredited by the College. In fact there is much high quality e-learning available for governors already, via such providers as Modern Governor (Learning Pool) and Governors' E-Learning (Eastern Leadership Centre). Developing such a package would be relatively inexpensive but I believe it would begin to address the inconsistencies across governing bodies. Legislative change would of course be required to make this mandatory—and it could be that undertaking the training was mandatory before taking up office, or within 12 months of appointment/election.

3.9 Making training mandatory would both provide governors with better support but would also result in greater recognition of the role, as the government wishes, as it would be seen as something with a higher status and as something more highly valued.

3.10 For me mandatory training is the single thing that would make the greatest difference to school governance in this country. However I would also like to take the opportunity to comment on some of the other issues within the Committee's remit below.

4.0 SCHOOL LEADERS' UNDERSTANDING OF EFFECTIVE GOVERNANCE

4.1 Sadly there is a proportion of school leaders who are satisfied with mediocre governance in their schools. This enables them to continue with their plans for the school unchallenged, and such situations can allow ineffective leadership to continue. I welcome the inclusion of greater governance materials in the NPQH, but as this is no longer mandatory I do not believe this goes far enough to enable Headteachers to appreciate the value of effective governance and what this looks and feels like.

5.0 TIME OF FOR GOVERNOR DUTIES

5.1 It remains difficult for some governors to get time away from their paid employment for undertaking governor duties and I would welcome a change in legislation clarifying the amount and nature of time off governors are entitled to requiring this to be with pay. I would also welcome a change that allowed governors who are self-employed to be reimbursed for loss of earnings where appropriate (complex staffing hearings for example can take days to complete).

5.2 Beyond this I would not welcome payment for the role. Governors usually undertake the role wanting to give something back to society, not for remuneration, and evidence suggests that monetary reward does little to motivate or enhance performance. Further I do not believe that the system has the resources to make payment to all governors. Alternatives suggested such as payment to a core group or just to chairs would also seem to me to be unviable. The expectation would be that those paid to undertake the role would undertake the majority of the work and would lead to even greater inequality in the division of labour in most governing bodies.

6.0 ROLE OF APPOINTING BODIES

6.1 Some of the bodies responsible for appointing governors do not appear to me to always do this on the basis of the skills/experience/knowledge an individual would be offering to the role. Some Local Authorities still appoint on the basis of political affiliation, some Diocesan Authorities appoint on the basis of church attendance over and above suitability. The new Constitution Regulations⁸ will eventually impact on the LA appointment system as more and more Governing Bodies reconstitute and as their LA positions become vacant they will have the opportunity to reject LA appointees on the basis that they don't have the skills required. I would welcome a similar requirement that Foundation Governors are appointed firstly on the basis of appropriate skills and experience, while not losing sight of the importance of upholding the ethos of the school.

7.0 SIMPLIFICATION OF RESPONSIBILITIES

7.1 Research published by the University of Bath in 2008⁹ concluded that the role of school governors is "overloaded", "overcomplicated" and "overlooked", stating that "governing bodies are responsible for too much" and "their work is unnecessarily complex, difficult and demanding". I would welcome regulations which clearly laid out the statutory functions of Governing Bodies and simplified these, and laid out an expectation that certain of these should be delegated to the head teacher. This would support governor training, help governing bodies to focus on the important strategic issues, and clarify the boundary between the role of the governing body and the role of the head teacher.

8.0 PROFESSIONAL, INDEPENDENT CLERKING

8.1 Professional, skilled clerks also do a great deal to support good and effective governance. Many schools appoint such clerks for their Full Governing Body meetings but very often have inadequate arrangements for the clerking of committee meetings, meaning that the meetings where the majority of the work of the governing body is carried out often poorly advised and poorly minuted.

⁸ The School Governance (Constitution) (England) Regulations 2012 apply to all governing bodies created or reconstituted from 1/9/12

⁹ "Governing Our Schools", University of Bath: Maria Balarin, Steve Brammer, Chris James, Mark McCormack—October 2008

8.2 In addition a significant minority of schools employ a clerk to governors who is also employed elsewhere in the school, with the role of clerk embedded in their contract. This effectively removes the governing body's statutory right to remove the clerk at any time, and often leads to a conflict where the individual's loyalties are split between the governing body and their line manager—the head teacher. Such individuals are rarely highly informed in relation to school governance legislation and do not on the whole provide the independent and effective advice governor volunteers require.

8.3 I would welcome an inclusion in the new School Governance Procedures regulations, currently in draft, a stipulation that the clerk to governors cannot be employed in school in any other capacity, and at the very least, unambiguous guidance that the clerk should clerk committee meetings as well as full governing body meetings. (As the manager of a Local Authority clerking service I should, I suppose, declare an interest at this point).

9.0 CLARIFICATION OF THE REQUIRED SKILLS

9.1 I welcome the focus which the government is placing on the recruitment of skilled governors, however I feel there is a danger that the kinds of skills required in effective governors have not been clearly defined and that the lazy shorthand of “professional skills” has led to an inference that governing bodies need accountants, solicitors, HR professionals etc. While I believe that such people may indeed make highly effective governors I believe this is because the same skills that make them good at their professions will also make them good governors, for example they may have good analytical skills, be skilled at questioning, be able to effectively build consensus and trust, have the ability to communicate and bring challenge in a way that does not destroy trust and relationships.

9.2 Non-working parent governors may also have such skills and be highly effective governors, and have an additional vested interest in the success of the school which also brings considerable value. I would welcome a clear definition of the skills that make effective governors and believe this would support governor recruitment and induction.

10 CONCLUSION

10.1 I welcome the Select Committee's inquiry into School Governance. In itself such an inquiry raises the status of the role and I am grateful for the opportunity to provide this written submission. I look forward with interest to reviewing the written and oral evidence submitted and hearing the Committee's recommendations.

January 2013

Written evidence submitted by Fergus Kilroy

SUMMARY—TERMS OF REFERENCE—ACCOUNTABILITY OF SCHOOL GOVERNING BODY.

It is abundantly clear that school governance legislation which includes the constitution, the procedures and the guidance of the Gtl is completely lacking in any kind of protection for school governors who are bullied and prejudiced against, in partaking in the largest volunteer force in the UK. Their avenues to redress are scant and the usual outcome is to leave the world of school governance so as to avoid any further bullying and prejudice. All allegations of bullying behaviour need to be investigated by an independent body not the near nonexistent avenues currently available. Raising standards in schools also involves raising the level of integrity, probity and reducing the incidence of bullying of school governance. The problem exists, is live and needs addressing by government.

SAFEGUARDING GOVERNORS

In all schools we passionately believe in the protection and safeguarding of our children and there is sufficient legislation to enforce same. In a similar fashion employees of schools are also protected and they have the addition of union support if necessary. However, those that are volunteers in school such as governors who give freely of their time have virtually no protection at all. The dfe appears at first glance to be an appropriate body to turn to except that it is not. There is apparently no secret in school governor circles that complaints made to the Sec of State for Education have never been upheld in favour of a governor. This enquiry is a perfect and long overdue opportunity to put the mechanics of a framework in place to protect better those who have suffered at the hands of chairs and other governors without any possible recourse to what can amount to the laws of the Wild West. Is the problem rife, no it is not, but for those that it affects it can have a devastating effect on their lives and families.

THE RIGHT OF APPEAL TO AN INDEPENDENT SOURCE IN SCHOOL GOVERNOR SUSPENSIONS

School Governing Bodies have the right if need be to remove or suspend governors for certain matters. Suspension can last from one day to six months. The current procedure for suspension is from the dark ages and allows no recourse to an appeal. A governor who is subjected to a motion to suspend must be given seven clear days notice of the motion. At the motion meeting the governor proposing the suspension of another

governor must make the case. The governor who is accused must instantly respond with their defence. It is simply a barbaric Star chamber procedure completely at odds with Natural Justice.

INDEPENDENT SCHOOL GOVERNORS OMBUDSMAN

As the DfE are not capable of investigating complaints sufficiently with regards to school governors, I would suggest as one possibility the establishment of an Independent School Governors Ombudsman.

1. PERSONAL BACKGROUND TO MY SUBMISSION

1. I have been a school chair at a primary school for 11 years. As part of the largest volunteer force in the UK, I have thoroughly enjoyed the journey and will continue to do so with the primary school.

2. Two years ago as a parent of two children at a secondary school that had just come out of special measures and with an IEB in place received a communication by the Chair of the IEB that the school was proposing to Federate with two schools in a neighbouring authority. Knowing that this was unlawful I contacted the dfe in London who confirmed that it was indeed unlawful. I wrote to the chair and the assistant Director of Children's services to inform them that they must halt the proposal.

3. The assistant Director was however an IEB member of the school. The chair of the IEB was assistant executive of children's services. I was then called twice by the chair and asked to join the IEB, which I did not. The LA and school proceeded with the proposals and the large cost to the school and were only defeated when it became apparent that over 95% of stakeholders were against.

In investigating a raft of matters in school it was very clear that the IEB members did not know what Integrity and probity looked like and had obviously not heard of Nolan. I have a long list of illegalities that could not be taken anywhere due to the connections of those in the LA and the IEB.

4. The school then did what it should have done by law (instead of attempting to federate) and constitute a formal governing body. I applied for a Parent Governor position with a nomination statement that the school's IEB completely lacked probity and that I wanted to ensure a return of integrity to the school. Of 16 applications I finished top of the voting with over 100 votes.

5. As I was an anathema to the IEB, my problems began. Five weeks before I was due to take up the position of Parent Governor I was invited to a committee meeting simply as a parent. I was subjected to 30 minutes in a private room of vilification for asking questions on probity in school. At the meeting proper the IEB members gave out and published to IEB members, school staff and other parents a defamatory/libellous letter about me which had absolutely no basis that later ended up at the High Court in London. One IEB member described the contents as nuclear on the evening. The letter had been authored by the executive head from the other schools in the proposed Federation and on behalf of another governing body. The head had no legal basis for authoring the letter.

6. The following day I asked for an apology. I asked numerous times thereafter for an apology, but none came. The case arrived in the high court this year and has only recently been settled when the labour councillor apologised publically. However, lawfully or unlawfully the labour councillors five figure litigation costs have been indemnified by the city council. I of course with no protection have had to pay my own substantial costs.

7. Three weeks after becoming a fully fledged Parent Governor of the school I was attending a committee meeting of the school. At that committee meeting it was alleged that I had sent an anonymous letter of assistance to a applicant for a position in school. I was racially abused and I was suspended on the spot by the vice chair. I left the school and informed the IEB chair that what had just happened was a kangaroo court and that it was totally unlawful. It transpired that it had been decided prior to the meeting by the assistant director of children's services to suspend me. I was then requested by the chair not to contact any school governance forum's for assistance.

2.

8. The following day the LA and school realised the horrendous error and decided to put in motion a meeting to suspend me properly. However as most members were at the first meeting they had a major conflict at the second suspension meeting. I was not given prior to that meeting any papers any evidence, and I was not allowed to ask any questions on the evening about the accusation. The Chair brought unlawfully to the motion two LA employees to prosecute matters and one was ejected after 20 mins for trying to stick the boot in.

9. The most senior person at the DFE, gave advice to the members of the "second suspension" meeting that they had a major conflict of interest as they were present at the first unlawful suspension and that the motion to suspend must as the legislation prescribes and be heard by an Independent Governing Body. The Chair rejected the advice of the dfe and stated that it was a quasi-Judicial process and will be run as she saw fit. In the motion hearing I was only allowed to read half of my defence and was constantly interrupted by IEB members. When I left the room for them to deliberate, the remaining LA member introduced other baseless allegations which I could not defend, again something which is completely at odds with natural justice.

10. I was suspended for the maximum period of six months. No discussion took place on the length of the suspension which was decided solely by the chair and which again is unlawful as a full discussion must be had and all options must be discussed.

11. The following day I requested from the chair/vice chair copies of the notes and minutes of the first and second suspensions. I immediately complained to the Dfe's governance unit at Darlington that I had unlawfully been suspended twice in ten days, and provided them with a plethora of evidence to support this. The chair then responded after some considerable time to the dfe with a catalogue of lies to protect what had gone wrong. The dfe believed the chair and discounted all my evidence.

12. Anecdotal evidence suggests that the Dfe will always come down in favour of a chair at the expense of a fellow governor.

13. The clock on arriving at a just outcome was ticking. I then had no alternative but to launch at my own cost a Judicial Review. I received the second suspension minutes after a long wait of three months, with the chair hoping that I would be out of time to launch a JR with no documentary evidence from the GB. The chair then went on to withhold the vital minutes/notes of the first suspension for 6.5 months, perverting the course of justice with the ICO eventually forcing the City Council to give them up. These vital minutes arrived just in time for the full hearing and illustrated very clearly that an unlawful decision had been made to suspend me prior to any suspension meeting. Judge Pelling QC commented at the high court that the chair had been economical with the truth and that my version of events was indeed correct. In addition and most pertinent the decision to issue a motion to suspend at the second suspension was issued in a lesser time than the required minimum seven clear days.

14. What was clear to all at the Oral hearing some three months before the full hearing was that the School's Governing body would lose the case. They however decided to continue to the bitter end racking up considerable and unnecessary cost to the school's and the public's purse, with no one able to question this.

15. Some months after winning the Judicial Review, I received concrete evidence that I was not the author of the anonymous communication. I sent this evidence to the dfe who commented that I must seek my own legal advice.

3.

16. I made a number of complaints to the chair about the libellous letter, racial abuse and the unlawful suspensions. The chair would not entertain them and sent them bizarrely to the City Solicitor to deal with. He eventually after many months sent them back to me and said I must continue them with the chair who will not proceed with them.

17. Since the libel case and the Judicial Review, I have continued to receive prejudicial and bullying abuse from ex IEB members who still reside and control the school's GB, such as the chair denying a serious of copies of school minutes to me which is completely unlawful and to which the Dfe at Darlington refuse to do anything about it. In essence there is a massive big black hole in the favour I was pleased that the Dfe via an assistant director of education did comment in writing that had the withheld evidence been presented to them, they would have arrived at a different conclusion. Had the chair not lied, the public purse would have been saved a great deal of money.

18. The chair interfered with the JR, by stating that if I did not drop the JR, I would again be suspended for six months the day after the full hearing. The chair also offered £2,000 for me to drop the case. I reported both of these matters to Judge Pelling during the Judicial Review hearing.

19. The chair has instigated five attempts to get me to resign, a clear course of harassment. My solicitors reaction to me was to inform the chair that the receipt of one further attempt will result in the police being informed.

20. I have had a series of personal emails to the clerk, shared with individuals outside of school, which breaches data protection and ECHR.

21. The clerk to the governors is an indirect employee of the council Children's services and the chair is as denoted above assistant executive of children's services.

22. The school governance forums do suggest that the Dfe's governance department are about as useful as a chocolate teapot in these matters and I am afraid I would have to agree. However, I suspect their team of four or five is too small to deal with and investigate matters such as mine. Indeed they have stated that they don't really investigate complaints like mine at all. They merely write to the chair only. At one point they asked me to contact others governors to seek evidence on their behalf.

23. Lives can be totally ruined by the bullying that goes on in school governor circles and it is time that appropriate safeguards are put in place to deal with such occurrences. Like male spousal abuse, bullying without recourse goes on in school's governing bodies. Procedures in place are completely inadequate to protect those who are bullied.

24. Bullying almost inevitably stems from asking legitimate questions of challenge, which is part of a school governors' remit. Bullying is an abuse of power. Current internal complaints procedures are inadequate. School governors should not have to fear repercussions for challenges to the principles of Nolan.

January 2013

Written evidence submitted by Ian Davies

Please accept the following information concerning the Governing Body Consultation exercise.

1. Governing Bodies should continue to be fully accountable for anything to do with the school.
2. Governors should not be able to act as individuals and the Body can only act as a whole, as is presently the case. It should be made clear that this also applies to the Chair of Governors who, even in extreme circumstances, should seek the views and opinions of other members of the Governing Body.
3. At least 25% of the Governing Body should be made up of Parent Governors. This includes church schools.
4. Each Governing Body should have a say in local, regional and national school governance.
5. Governing Bodies should not be there simply to "rubber stamp" local or national government policies. If a policy is not suitable for that particular school, there should be the opportunity to challenge it or revise it.
6. There should be a more robust process for complaints about the school. Appeals against decisions made by a Governing Body should NOT be heard or reviewed by other members of that same Governing Body. Another independent panel of school governors should examine such cases. The present process makes it extremely difficult to get past the Governing Body of the school and makes it very easy for the Governing Body to "close ranks" when needed.
7. The Governing Body should have some involvement in ALL school job vacancies, not just that of the leadership of the school.
8. A "retention fee" of, say, £50 should be paid annually to all school governors. This would be recognition for the important voluntary role that school governors fulfil, together with acting as a contribution to sundry expenses such as printing, phone calls, time off work and other incidentals.

January 2013

Written evidence submitted by Andrew Kent

I am the Chair of governors of Didsbury Road Primary School in Stockport, where I am a community governor. I am also a trustee in Foundation Trust five school collaboration in Cheshire East. I first served as a governor in a High school over 30 years ago, and have around 23 years' service in total, in high schools and primary schools. In that period I have been Chair in an Aided primary school, and served as a Vice Chair and Chair of different committees. I have been a teacher governor, LA and parent governor over this period. In my professional capacity I have worked in and around schools since 1978, with substantial experience of working with heads, governors and LA and Diocesan officers, frequently in very challenging circumstances and including five years co-ordinating the LA schools causing concern programme. I am a lead officer in a five LA shared governor support and development traded service collaboration, which is purchased by the very large majority of schools and academies in the LAs concerned, and a lead facilitator for the lead licensee in the National College for School Leadership (NCSL) programme for Chairs and aspiring Chairs of Governors. I chair the NW National Coordinators of Governor Services (NCOGS) group and represent them on the NCOGS national committee, and represent that group on the NCSL national advisory group on governance. I also undertake assessments of governor body impact and effectiveness for the governor mark quality standard.

1.0 EXECUTIVE SUMMARY

- Effective governing bodies play a key role in ensuring schools do not fail their pupils.
- Recent policy changes, in particular the new Ofsted framework focus on governance, NLGs, the National college programmes and the new Constitution regulations should encourage a step change in the quality of governance.
- Much greater emphasis should be given to encouraging and requiring governing bodies to recognise their role in system leadership, including in wider collaborations.
- Developing and varied models of academy governance will require scrutiny, in particular to ensure they do not become remote and unresponsive to stakeholders.
- All governing bodies should be encouraged to see formal consideration of re constitution as good practice.

- Appointing bodies should require new governors to undertake relevant training within two terms or so of taking up post, with similar expectations/evidence of training before any re appointment.
- Headteachers and governing bodies should be encouraged to see having an identified and reasonable budget for governor development and training is good practice.
- All appointing or nominating bodies should be expected to engage in meaningful dialogue with schools/governing bodies before putting forward any person as a governor.
- Remuneration is most unlikely to be relevant to the improvement of governor effectiveness, but Heads and governors should be encouraged to agree appropriate allowance policies. Consideration should be given to payment of loss of earnings, within prescribed limits.
- The debate around governor “skills” needs to be carefully “unpacked”, and not reduced to an expectation of more “business/professional” governors.
- No major change is needed to the present system at this time but the impact of recent governance related changes should be assessed again in due course

1.0 The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1.1 The role is to set the vision for the school, ensure the widest possible opportunities for children and young people, to include the highest possible standards of achievement and attainment. This requires the recruitment of quality leaders, especially the headteacher, and holding leaders to account, and financial probity, with resources focussed on key priorities. Communication with staff, parents and other identified stakeholders is a further key function. None of the above can be achieved on a sustainable basis without a readiness to work with external partners, to include other schools and settings, particularly, but not exclusively, within the local area.

2.0 The implications of recent policy developments for governing bodies and their roles

2.1 The welcome new focus on governance in the revised Ofsted framework, the introduction of NLGs, and the launch of a new national leadership development programme for chairs and aspiring chairs of governors, provide a basis for a step change in the quality of governance. It is important that these recent initiatives and the new freedom to be more flexible about the size of governing body membership are allowed to embed over at least the next 18 months or so; it is too early as yet to fully judge impact.

2.2 Similarly the new and positive emphasis on school to school support, via in particular teaching schools and their alliances, need time to work through, and the governance arrangements that underpin them, and the associated required governing monitoring and scrutiny role will need to be considered more openly and transparently than has been the case to date. Further, far too many governing bodies, including those in “outstanding schools” fail to recognise their system leadership role and can block sensible arrangements to build capacity and use resources effectively, eg re both soft and hard federation options, and the release of outstanding leaders and others on secondments to support schools who find themselves in difficulty.

2.3 More recent and developing Academy governance models are as yet not fully tested; there is risk they could become remote and unresponsive to stakeholders, especially parents, and in chains take on some of the worst top down approaches of the Local Authorities of yester year!

3.0 Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

3.1 Generally speaking, recruitment in my experience has not been a serious concern, with vacancy rates low. I am conscious the wider picture shows more variation. Recruitment in my experience is most successful where LA governor services, Diocesan bodies and SGOSS work collaboratively, and also encouragement is given to schools to be proactive and transparent in their approach with parents, staff and the wider community. The new constitution regulations should also assist because of the flexibility they bring- but governing bodies must be encouraged to consider applying them.

3.2 There is much quality training and support and advice available in most areas- though not all—LA, Diocesan and other; there are very high quality other external packages of support available too, web based, or eLearning modules, which any governor in England can access, subject to the governing body concerned being willing to purchase them. Ofsted and ministers might give a stronger message here, as might LAs and Diocesan bodies, to governors, and to headteachers; the latter unquestionably sometimes block access to the purchase of suitable packages, citing “cost”; it is simply not credible to claim school budgets cannot fund reasonable access.

3.3 If government is determined not to require mandatory training for governors, then governing bodies, and those who appoint to them, should be advised and expected ensure there is an explicit expectation and requirement new governors will undertake induction training within the first 2 terms of appointment, and experienced governors similarly evidence further update training before re appointment.

4.0 The structure and membership of governing bodies, including the balance between representation and skills

4.1 There is much assertion regarding size, unsupported by anything other than the opinion of the individual or organisation making the claim. The IEB analogy is not an appropriate one here as the task is not the same—extends beyond—that of a governing body and is any case by definition interim. The hybrid skills and stakeholder model which is the 2012 Constitution regulations position allows proper establishment based autonomy to a large degree on size and representation.

4.2 However it is very hard to understand the rationale for Headteachers being governors, and governing bodies can also be under the undue influence of too many staff (whether as governors, associate members, or “observers”).

4.3 Much of the current discourse around “skills” appears to be a proxy for business or professional persons, which is unhelpful, unless balanced by a personal commitment and passion for best outcomes for children, and the ability to be persistent in bringing challenge in the right way. There is much stereotyping also around the role of parent and LA governors in particular—without parent governor’s insights, and their “stake”, for example, the reality of daily life for pupils and parents at a school would pass many governors by.

4.4 Where LAs are serious and transparent about appointments (or nominations), and enter into dialogue with schools about this, as the large majority now do, many excellent governors are appointed. It is time for some very strong all party statements to those LAs(I live in one) who continue to appoint purely, and arrogantly, on the basis of local elected member balance, without transparency, and make no effort whatsoever to enter into a dialogue with the schools they are appointing to.

4.5 Whilst appreciating this is a very delicate area, it is not immediately apparent that Diocesan Bodies are consistently transparent in their appointment processes; the Committee may wish to look at offering some observations on practice in this area also.

5.0 The effectiveness and accountability of governing bodies

5.1 Many governing bodies are able to evidence their effectiveness, and engage actively and positively with stakeholders. Ofsted judgements are a source of evidence for this. Schools with effective governing bodies are most unlikely to allow standards to drop to the extent an Ofsted category is an outcome. Their role especially that of the Chair and other lead governors, in providing genuinely effective support for head teachers, in what is at times a lonely job, can be, and often is, key in allowing difficult decisions to be made, and in the management of innovation, with the associated risks.

6.0 Whether new arrangements are required for the remuneration of governors

6.1 I do not believe there is any evidence for this, though the option to claim for loss of earnings, within certain prescribed limits, would be beneficial, given the significant time commitment required for certain key tasks—eg appointing a new Head.. However I do believe clear statements to encourage governing bodies to recognise the legitimacy of having an allowance policy, and for governors claiming in line with this, would be appropriate.

7.0 The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

7.1 Governing Bodies must have a constructive and open relationship with their own school leaders AND more widely with other governing bodies in local and other partnerships. Whether maintained schools or academies, the relationship with the local authority remains important in promoting the interests of children and parents/carers, This is so such arrangements and associated development plans and resource allocations beyond the school are agreed, and monitored and challenged.

7.2 Further that they are sustainable, not simply dependent on particular personal/professional arrangements—or, also sometimes apparent, do not develop because an individual head, and therefore school, feels they can opt out. This is a serious weakness in much current headteacher/professionally led collaboration. Good practice is found with use of the current collaboration regulations, trusts, and other formalised partnerships. This requires much stronger leadership from across the system.

8.0 Whether changes should be made to current models of governance

8.1 No significant changes are required; there is much that works extremely well in the current system. Many of the policy developments around the school system in relation to governance referred to in this submission have the potential to bring further improvement, whilst retaining the responsiveness to their communities and local circumstance. Academy governance models, which vary very substantially, should be carefully scrutinised to ensure they are similarly responsive and effective, as the number of academies grows.

Written evidence submitted by the Buckinghamshire Association of School Governors (BASG).

BASG is a voluntary body of school governors, independent of the Local Authority, supporting effective governance in schools in Buckinghamshire. The association is affiliated to the National Governors' Association. This evidence is not only related to our experience within Buckinghamshire but also to knowledge of schools and governors in other authorities.

EXECUTIVE SUMMARY

School Governors take on the role to help their schools. Many of them when they take it on, don't altogether understand what they mean by that and very often it can result in a rather outdated approach of patting people on the head and telling them what a wonderful job they are doing. They are unquestionably supportive, but with effective induction training can soon be brought to the understanding that this job is also about challenging their schools to improve and to provide absolutely the best opportunities for every child that passes through them.

Mandatory induction training is in our opinion unquestionably the key to raising standards of effective governance and therefore supporting school improvement. It raises governors' awareness not just of what their roles and responsibilities are, but also of what information they need to be able to meet them. It helps them to understand that they need to earn the respect of the professionals by spending time in the school while it is working and gives them tips on how to establish their own credibility.

The relationship with the Headteacher is fundamental to the governing body having a credible position in a school and is crucial if good relationships with staff are to be established. The leadership of the Chair of Governors and their working relationship with the Headteacher can make or break governance in a school.

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

- (a) Governors in the main understand their overall responsibility to be that of holding their school to account for the quality of the education it provides. They do this by understanding the context in which their school operates and by monitoring the progress of the school and evaluating the impact of what it is providing for the children. Based on their knowledge of the strengths and weaknesses of the school they, with the input of the Headteacher, are responsible for setting and continually reviewing the strategic direction of their school.
- (b) A constructive, professional working relationship with the Headteacher is crucial to the effectiveness of a governing body, to enable positive relationships with staff and to enable governors to operate in what sometimes may be sensitive situations. Good Headteachers welcome challenge from their governors but in many instances will rely on governors for support at times when they are isolated by their leadership role.
- (c) Governors need high quality information to enable them to be accountable and although there are instances where governors fail to fulfil this role, there are also situations where they are impeded from doing so by an obstructive Headteacher. Governors fear that too much challenge will suggest mistrust of the senior management but are anxious that what the school is telling them may be wrong.

2. The implications of recent policy developments for governing bodies and their roles

- (a) There is a feeling that the expectations of the role have become more incoherent as the line between strategic and operational has appeared to blur. Many governors struggle to understand how they can be held accountable for standards in the classroom when they are discouraged from making these judgements.
- (b) With reference to 1c) above the loss of the School Improvement Partner role has left governors without triangulated confirmation that what the school is telling them is the right story and the whole story. Governors are having to become sufficiently "expert" in the ways of their schools to be able to reassure themselves that all is well.
- (c) With the increase in freedoms governors feel that they should be able to influence more what is happening in schools but many now feel isolated. Policy changes which have resulted in the diminution in services from Local Authorities have affected the support available to governing bodies in areas such as Human Resources, Legal and Democratic Services and Property Services—Governor Services remain a strength, however, in many areas; there is a loss in information sharing affecting the confidence that governors have in the quality of other service providers who are now flooding the market.
- (d) Academy schools with their structure of Members, Directors and Governors have in some cases, we believe, blurred the lines of accountability with many governing bodies no longer aware of their specific roles and responsibilities and where delegation of responsibility starts and ends.

3. Recruiting and developing governors, including the quality of current provision, and any challenges facing recruitment

- (a) Issues around recruitment can vary between schools even in the same neighbourhood. It is very often the schools with the social and demographic problems that have the greatest problem in recruiting.
- (b) Employers are encouraged to give governors time from work to enable them to fulfil their duties but are not required to pay them and self-employed people in particular find it difficult to commit the time required. It is recognised that governance increases one's skills particularly in the areas of leadership and management and that businesses benefit from this and acknowledgement of this in some way would enable more able, skilled people to engage.
- (c) Training is essential for effective governance. Governors need more than anything else to understand their specific roles and responsibilities and we would reiterate calls for mandatory induction training for new members. Further development of governors can depend on the attitude of the Chair and of course on the availability now of support from the Local Authority.
- (d) The recognition of the importance of the role of the Chair is welcome but there are many Chairs who have been in post too long and whose attitude, demeanour and understanding of what the role now entails can negatively impact on the rest of their governors.
- (e) The training for Chairs of Governors should be delivered by Chairs of Governors and not the legions of ex Headteachers who are lining up to take on this work.
- (f) The effective education of our children is unquestionably the most important thing we can do for the future of our society and we believe that more could still be done to raise the profile of governance with the general public to attract more to the role.

4. The structure and membership of governing bodies including the balance between representation and skills

- (a) The focus on smaller governing bodies based on skills has confused and indeed panicked many as neither "smaller" nor "skills" has ever been categorically defined. Governors are concerned that the role does not become even more of a burden than some already consider it to be and so tend to shy away from reducing their number.
- (b) And what skills exactly are the ones that are so sought after? Many highly talented and experienced professionals recruited to governing bodies actually find that they have not the time either to devote to the role or to get to know the context of their school; this latter issue can result in members of other professions, for example finance or Human Resources, trying to impose their business culture on the school environment. While many of our schools could be run in a more professional and business like way, the fact that the raw material is children and the product is their education makes this a quite unique setting.
- (c) Governors need to care about children and have a willingness to learn how their school works and those attributes along with representation of those groups who have the greatest interest in the outcomes for the children is, in our view, the optimum mix.

5. The effectiveness and accountability of governing bodies

- (a) The level of effectiveness of a governing body is in direct proportion to its fundamental understanding of the role, its ability to create good relationships, its ability to communicate effectively internally and with its stakeholders and the leadership of the Chair.
- (b) An effective governing body self evaluates and undertakes training on a regular basis.
- (c) The loss of the School Improvement Partner means that many governing bodies no longer have the opportunity to triangulate the information they are receiving from the school to confirm its accuracy.
- (d) Unfortunately it has often been difficult to identify an underperforming governing body until it is too late; the demise of Local Authority governor support services will create an even greater risk of this happening and the isolation of some converter Academies will mean that there is little or no scrutiny whatsoever.
- (e) Powers of intervention need to be strengthened at local level such that when a school and/or its governing body is perceived to be failing it can be prevented from doing so. Intervening once a school has failed is too late for those children.
- (f) 10 questions for governors in the white paper, 20 questions from the APPG, Governormark and the Ofsted report "Learning from the Best" have all helped to raise awareness among governing bodies of the information to which they should have access.
- (g) The NGA has published a series of "Knowing your School" guides which have also raised awareness in some Headteachers who were hindering access to certain sources of data.

- (h) The inclusion of specific requirements in the latest Ofsted framework has without a doubt focused attention on governors' accountability and Headteachers are encouraging their governors to concentrate more on areas such as staffing that were hitherto considered outside the remit of governors.
- (i) Performance Management has at last been recognised as the key management tool for raising standards and providing governors with evaluative information. This must be made to work, but not in the threatening way in which the latest version was launched; it must be used to support our teachers to improve and to give all our children absolutely the best educational experience that they can.

6. *Whether new arrangements are required for the remuneration of governors*

- (a) Categorically not! Even the proposal that Chairs of Governors should receive an honorarium meets with much opposition in that this would undoubtedly change the relationship between the Chair and the rest of the Governing Body.
- (b) What would be welcome as mentioned in 3b) above would be some recognition perhaps in tax breaks for people who give their time in such activities—this would reward governors without them having to take money from the school budget—money that is for the children. The majority of governors already fail to take their expenses for the same reason.
- (c) It would be useful, however, if the time governors spend were somehow recorded so that the true cost of governance could become transparent.

7. *The relationships between governing bodies and other partners including local authorities, Academy sponsors and trusts, school leaders and unions*

- (a) The relationship that governors have with different services or partners has always differed from school to school but with the reduction in many of the local authority services governing bodies are having to become more aware of other providers.
- (b) HR departments in particular are becoming depleted and, along with changes to staffing regulations, are causing governors to come into more frequent contact with unions.
- (c) Parents have been represented for many years on LA Overview and Scrutiny Committees by Parent Governors but many LAs have found this role difficult to fill and it has been difficult for governors to understand how they represent this constituency or even communicate with it. What are we trying to achieve through this representation and is there another way of doing it.
- (d) We have little experience of Academy sponsors.

8. *Whether changes should be made to current models of governance*

- (a) Governors have the option now to operate within many different models and ways. It is important that changes are made that are right for the context of a school and there is not an assumption that "one size fits all".
- (b) We would continue to support the stakeholder model and with the flexibilities that are now available this can be most effective.
- (c) As said above pressure for reduction in size is not helpful and the focus on the IEB model with its very different agenda has caused much anxiety.

January 2013

Written evidence submitted by the Association of Teachers and Lecturers (ATL)

1. EXECUTIVE SUMMARY

ATL welcomes this inquiry. In summary:

- School governing bodies offer critical friendship, strategic vision and quality assurance to school staff including the leadership.
- Major policy developments, including changes to school status and proposals to devolve teachers' pay determination to individual school level, place a greater onus on school governing bodies in terms of legal and administrative accountability and in workload terms.
- This has increased the difficulties in recruiting and retaining school governors, particularly those from less traditional backgrounds.
- Governing bodies are increasingly responsible for organising their own training, with little impartial information or quality assurance available. Not enough training focuses on developing trust, honesty and integrity within the governing body.

- Governing bodies are a vital part of the accountability system, ensuring schools are accountable to their local communities. They must also be accountable themselves for the ways in which they support teaching and learning in particular.
- It is not clear how Academy governing bodies are held accountable to their local communities, nor how Ofsted inspection reports help to hold governing bodies accountable.
- Individual school governing bodies should be better focussed.
- Nationally agreed training should be available, both in the legal duties associated with governance and in developing reflective analytical tools to hold schools to account.
- Schools cannot, and should not, work independently of each other. ATL recommends the development of local governance, responsible for the education of all pupils across a local area, with maintained and Academy schools working together with colleges and the local authority to develop mechanisms to plan, work and learn together.

2. ABOUT THE ASSOCIATION OF TEACHERS AND LECTURERS (ATL)

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy-making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

3. We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members—teachers, lecturers, headteachers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in the United Kingdom—are empowered to get active locally and nationally. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We are affiliated to the TUC, and work with government and employers through partnership and by lobbying.

4. ATL POLICY

ATL believes that teachers as professionals must be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in increasing social justice. Within light national parameters, development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders; assessment should be carried out through local professional networks. Schools and colleges should be encouraged to work collaboratively to offer excellent teaching and learning, and to support pupils' well-being, across a local area. Accountability mechanisms should ensure a proper balance of accountability to national government and the local community, which supports collaboration rather than competition.

5. *What is the purpose, roles and responsibilities of school governing bodies?*

ATL's on governance¹⁰ sets out our view that

“Governance should have a unique role in furthering the professional locus in decision-making, offering both support and challenge at a local level, and ensuring that schools are held to account in the local community. The important functions of governance currently are:

- Critical friendship.
- Strategic vision.
- Quality assurance.”

6. Governing bodies can offer critical friendship to the whole school staff as well as the leadership, based on direct, local knowledge of the issues faced in schools and across local areas. It holds schools to account for strategic vision and direction. It also offers sustainability, ensuring continuity of vision through changes in personnel and circumstances.

7. While there remains a vital role for school governing bodies, we also need a new form of local governance responsible for education development at local level, ensuring good education for all pupils across a local area.

8. *The implications of recent policy developments for governing bodies and their roles*

Major changes in school structures have a big impact on school governing bodies, as the governing body is the employer in Academies. However, the powers of individual governing bodies can be diminished in chain Academies, where staff may be employed centrally.

9. Increasingly, governing bodies have been put under pressure to become Academies, either because there were financial incentives to convert, or because an Ofsted inspection triggered a conversion process. This pressure has at times led to difficult relationships between governors who were for or against conversion, and between governors and staff, including school leaders. Where schools have converted, a divided governing body is not a good place to begin rebuilding staff morale and providing vision.

¹⁰ ATL (2009) The future of governance: the end of the experiment, a position statement, p1

10. Academy status can also mean loss of local authority (LA) support for governing bodies. While this support may be replaced by Academy chain support, this may not reflect knowledge of the local area. For individual schools converting to Academy status, this can mean loss of a link to other schools in the area, as well as loss of LA support for HR, payroll, data services, ICT and governor training. Many of these services will require negotiation with other providers in order to ensure value for money and effective provision. This takes time as well as governors with expertise in contract negotiation and management.

11. There are difficulties too with the lack of binding contracts for future funding, which makes it increasingly difficult to plan for the continuing education of pupils.

12. The report of the School Teachers' Review Body in Dec 2012 contains proposals that will devolve pay determination for teachers much more to individual school level. If implemented, these proposals will place a greater onus on governing bodies to ensure that appraisal systems are fair and unbiased and that decisions on pay taken by headteachers accord with discrimination legislation. We do not believe that most governing bodies have the requisite level of expertise in this area to ensure the fairness of the proposed pay systems and this will present a challenging training and recruitment issue for schools.

13. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

It has always been difficult to recruit governors, and it is often schools with the greatest need which struggle most in this respect. In our position statement we note that *"it is becoming increasingly difficult ...to recruit and retain governors with the expertise to carry out the most important functions that relate to the leadership of schools. As governors' duties increase, it becomes increasingly difficult to find governors with the time or the commitment to engage in the meetings, the training, the debate and the paperwork. These difficulties are exacerbated by the lack of status of governors and difficulty of securing time out of work to carry out governor duties."*¹¹ The increased pace of change in the last few years has continued to increase governor workload, with little change in governor status or employer commitment. The motivation of volunteers to carry out such a difficult and responsible role can be easily harmed by perceptions that government and its agencies are constantly finding fault with governing bodies.

14. Timing of meetings and training has an impact on recruitment and retention. Holding meetings during the day can be difficult for governors who work, unless their employers are supportive of volunteering generally or education specifically. Evening meetings penalise those with family commitments, as well as people from Black and minority ethnic communities and women, who are more likely to work non-traditional hours. They also mean long working days for staff governors and the headteacher. Part of the answer is to ensure that times of meetings are varied, and to encourage more employers to provide paid time off for governor duties.

15. Action is needed to improve the diversity of governors, including by ensuring that governor vacancies are advertised in community settings, in appropriate languages and forms of communication. Training, including induction, needs to reflect the diversity of the community and of governors. Many people lack the confidence to put themselves forward as governors, perhaps because English is not their first language, because they did not do well at school, or because they have a particular image of governors that does not reflect their own background. ATL recommends that better information should be provided about the role of governors, that shows the important contribution of people from different backgrounds. This information should be provided in settings and in ways that attract less "obvious" candidates including through special events in non-school-based venues.

16. We also stated in 2009 that *"Too much of a governing body's role is to do with practical management"*.¹² Unfortunately, this problem has grown rather than diminished. As individual governing bodies take on a greater role as employers of staff and in negotiating services, the responsibilities become even more onerous, and detract from the vital role of providing strategic vision for the school. This makes it even less likely that governors will come forward from across the wider community.

17. Training, which used to be provided by the local authority, is cut back even for maintained schools, due to cuts in funding, and becomes another cost to be negotiated by the governing body. There is very little information about the range of courses available, and very little, if any, quality assurance. Training must balance national requirements with local knowledge and expertise.

18. Increasingly, it is difficult for governing bodies to receive impartial information on difficult issues. In the past, governors could be supported by the governing body of another school which had been through similar issues. In a more competitive school environment, and with less local authority input, it is now more difficult to find people who can broker that support and help schools to learn from each other. It remains to be seen whether the National College might form part of the answer, through its National Leaders of Governance.

¹¹ ATL (2009) *The future of governance: the end of the experiment*, a position statement, p3

¹² *Ibid*, p2

19. We believe there should be a nationally agreed training package covering the role of governors and the myriad legal, financial, employment and education duties imposed on schools. It should also enable governing bodies to develop and use their own analytical tools in order to identify the key issues of the school, evaluate the strategic action plan and hold schools to account for progress against the plan.

20. Effective governing bodies have integrity, and members trust each other to be open, impartial, honest, challenging and supportive. Current training focuses on the “nuts and bolts” of governance. While this is important, training must also enable governors to develop as a body in order to sustain integrity and trust. These are critical success factors which can be developed, but not very effectively through training overly or solely focussed on the processes of governing.

21. *The structure and membership of governing bodies, including the balance between representation and skills*

ATL believes that the critical friendship, challenge and support that governing bodies can offer should be based on direct, local knowledge of the community, and the issues faced across local areas. It is likely therefore that governing bodies include staff, parents and others with community interests, including democratically elected representatives of the local council. Now that Academies can appoint a number of Academy governors it is vital that the voice, knowledge and expertise of “local” governors is not lost.

22. ATL supports the policy of including pupils’ voices in the day-to-day business of schools. We recognise that sixth form colleges have pupil representation on the governing body, but we are not convinced of the effectiveness of this strategy, particularly as students are elected for one year only. We do believe that there should be links between the governing body and school council at both primary and secondary school level.

23. *The effectiveness and accountability of governing bodies*

According to the Ofsted report *School governance: learning from the best*,¹³ the characteristics of effective governing bodies include:

- Positive relationships of mutual support and integrity between governors and school leaders, based on trust, openness and transparency.
- Well-informed governors, given good quality, accurate, concise information focussed on pupil achievement.
- Clarity of role and responsibility, and an understanding of the difference between headteacher and governor roles.
- Good understanding by governors of the school, underpinned by visits to classrooms and conversations with staff, pupils and parents where the purpose is understood by all involved.
- Governors willing to ask challenging questions and make difficult decisions.
- Effective time-management and good systems for sharing information between committees, with a strong clerk, who ensures meetings are well-run and who maintains governors’ work plans.
- Effective induction, and training which encourages governors to reflect on their own effectiveness.

24. Governing bodies “should hold schools to account for their vision, and for the development of teaching and learning to support that vision... Governance must be about holding schools to account, in a professional dialogue based on expertise and trust, not control and surveillance”.¹⁴

25. The governing body should therefore be accountable for the way in which it supports teaching and learning. The question remains, to whom it should be accountable and how. In particular, it is unclear to ATL how the governing bodies of Academies are accountable to their local community.

26. Ofsted inspection is one way of reporting the effectiveness of governing bodies, and the new criteria for leadership and management encompass governance. It would be helpful if inspectors could discuss findings with the wider governing body as well as the Chair. If inspection is carried out sensitively, rather than punitively, it can offer useful insight for governing bodies to reflect on their own effectiveness, as well as a challenging external perspective on the successes of their school. This will not be the case if governors feel (as many teachers do) that Ofsted inspection is about finding fault.

27. However, it remains unclear how inspection reports help to hold a governing body accountable to its community, to its sponsor or to national government—or indeed to all three.

28. *Whether new arrangements are required for the remuneration of governors*

We are reluctant to support any idea of payment for governors, as we believe this raises questions about their independence. We do believe much more could be done to raise the status of governors, which we believe

¹³ Ofsted (May 2011), *School governance: learning from the best*, No. 100238

¹⁴ ATL (2009) *The future of governance: the end of the experiment, a position statement*, p4

should be equivalent to that of magistracy. This should include proper funding for expenses, mandatory training, and support from employers for governors to carry out their functions during working time.

29. *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

The relationships between governing bodies and local authorities are undergoing difficult changes according to ATL members, often due to cuts in LA services. Advisory staff have been redeployed or have left, leading to a loss of continuity in relationships, loss of morale, and in some cases LA staff who have little understanding or experience of the school or the local area. We are concerned that losing this vital support for volunteers on the governing body could lead to serious mistakes.

30. We believe that the Select Committee might usefully look into the working of School Forums, and their relationship with school governing bodies. These have the potential to bring together a range of LA and Academy schools in a local area, with the Local Authority, to agree important policies across the local area.

31. *Whether changes should be made to current models of governance*

ATL believes that governing bodies at individual school level must be much more focussed, offering support for professional debate and development, particularly around teaching and learning.

32. But we also believe that we need a form of local governance that supports developments in education at a wider local level, ensuring good education for all pupils in all communities across a local area. According to our position statement, this local governance would offer strategic overview and vision of teaching and learning for the local area, and support local decision-making to benefit all pupils in a local area, including on issues of admissions and exclusions, courses and resources, community cohesion and well-being, equality and diversity, within professional dialogue and intelligent questioning. We are concerned by the loss of local collaboration, which we believe will be exacerbated by moves to introduce profit motives into the school system.

33. Local governance could cover a number of schools in a local area, it may cross local authority boundaries. It should include all schools in the area, including Academies and free schools, faith schools and maintained schools.

34. We believe that local governance, with responsibility for children's learning across a local area, should include governors with expertise in finance, administration, employment and law that can be shared across the local area. It should include representatives from the local authority including wider children's services and bodies involved with careers guidance, as well as trade unions, community leaders, parents, local employers, universities, voluntary organisations, and other organisations with strong local presence. Teachers and educational professionals should make up at least one third of governing bodies.

35. We believe local governance would enable schools and colleges to support all of the children in area more formally and consistently, to develop mechanisms to plan, work and learn together. According to our position statement, this model "*offers focussed support and challenge to individual establishments with a framework that acknowledges that schools cannot and should not operate independently of each other. It offers a route for those who are committed to the development of 'their' establishment to consider the impact on all pupils in a local area, as well as providing local expertise that can be shared.*"¹⁵ With the development of Academies, and the demise of the local authority, we believe the need for this kind of local governance is increased.

January 2013

Written evidence submitted by Lord Richard, Ten Professional Support

I am writing as Adviser to Ten Professional Support, a company which provides information and guidance to 27,500 school leaders and governors. I also take an active role with the all party parliamentary group on school governance, working closely with Neil Carmichael MP.

SUMMARY

- Governing bodies need to be highly effective as schools become more autonomous and accountable for outcomes.
- The key to effective governing bodies is to recruit the right people with the right skills but, even more so, to provide them with ongoing and relevant support by giving them access to the best possible quality assured information, knowledge and experience.

¹⁵ ATL (2009) The future of governance: the end of the experiment, a position statement

1. MAKING GOVERNING BODIES EFFECTIVE

Ten Governor Support, the APPG and the NGA have together produced a self assessment tool for governing bodies which details the prerequisites of an effective governing body. We think that these questions, which are set out below, encapsulate what makes for a successful body and should be asked of themselves by governors on a regular basis:

- do we understand our existing skill sets and experience and the gaps we need to fill—ie do we undertake a regular skills audit?
- do we have a thorough understanding of our role and remit?
- do we have a professional clerk and are we efficient in the way we work?
- do we ensure that the school has clear long term aims, clear priorities and an ambitious school development plan which is regularly monitored and reviewed?
- do we make sure that our strategic planning cycle drives our activities and agenda setting?
- do we understand the school's performance data well enough to hold school leaders to account?
- is the Board the right size with an appropriate committee structure?
- do we review our performance each year and ensure that all members are able to make a contribution to our work?
- are we satisfied that our performance management of the head teacher is effective?
- are we sure that our financial management systems are robust and that we get the best possible value for money?
- do we listen enough to pupils, parents and staff?
- do we produce an annual report and provide an opportunity for parents and the local community to discuss this with us?
- do we carry out a regular 360 degree review of the board's chair?
- do we insist that the chair and committee chairs are re-elected each year?
- do we assess regularly how much the school has improved over the last three years and what contribution governors have made to this?
- are we in touch with best practice around the country?
- do we invest in governor support and training?

2. SUPPORT

2.1 Ten Professional Services has spent the past two years developing a support service for governors. This is based on the learning from a sister service for school leaders, The Key, which now supports 6000 schools and 25,000 school leaders.

2.2 In Wirral, for example, 120 schools subscribe to the new governors service with 368 governors now using the service. Every time we answer a question from a governor we publish the response as an article on the website—www.tengovernor.com—and these articles are then available to all other subscribers. This is already a rich resource of information and knowledge covering the issues which governors themselves are concerned about.

2.3 The Wirral governors viewed 1,535 articles from September-November this year, an average of more than 4 articles for each governor. The most popular articles this term in the Wirral have been

- (a) reconstituting governing bodies from September 2012;
- (b) the 20 key questions for governors—likely sources of evidence;
- (c) governors year planner; and
- (d) how to carry out a skills audit.

2.4 Not only does this service provide online support for governors but it also enables us to distil the issues of most concern to governors across the country so that the Department and others can respond. In addition it ensures that governors receive quality information and guidance that is not mediated in any way by the Head or the Local Authority.

2.5 From our experience we are convinced that this kind of service is essential if governors are to have the information and knowledge they need to offer credible constructive challenge to the school's executive.

Written evidence submitted by John Harman

Having been a school governor I was dismayed at the lack of public education on the role of a school governor in any meaningful discourse, therefore you had a tendency to realise that the attraction of being a governor for many was based on false premises and in effect became a de facto popularity contest within the playground politics when seeking election, the methods for election give a very slim evaluation of the capabilities of purpose, roles and responsibilities and leadership. Therefore many parents do not understand what they are voting for, similarly many do not realise what they are signing up for.

Changes in recent policy development, particularly with regard to academy status has left a number of governing bodies at a loose end. Having attended consultation meetings with a local school that underwent conversion to an academy, it was evident that the governing body had little or no understanding of the proposition they were putting forward or how to engage in community cohesion. This has particularly left a dis connect between the school and the community.

The training provision for most governors is woeful at best and follows extremely bad practices of learning and development, they tend to be chalk and talk at the trainees with a handful of hand outs that are barely read, many of the training environments I attended training were in primary schools with inappropriate seating and in one case the venue was locked and we had to do the training on a bench in the playground. Better use of online learning programmes for knowledge acquisition and then active learning to scenario test applied skill would better suffice.

In society we have not adequately promoted the role of governor and many institutions do not support staff in performing this valuable task, we need to raise the profile wider than mere “worthiness” and connect it with skills and learning development for individuals in key areas of skills development required in the workplace—align it better (look at possibilities of badged learning attainment and/or things like tin can open learning initiatives)

Many governors I met were drawn to doing it based on seeing it as “preferential” to their children within the school, an “opportunity” to affect school policy to their advantage, this was the main reason I left governing as I found the whole approach abhorrent, additionally many governors will end up hindering the teaching and leadership of the school by insisting on practices that contradict good teaching and learning practices because they have outdated notions of education—better education on modern educational landscapes would be good. I often felt that we were not recruiting a diversity of skills from all sectors of life and rather because of the nature of the role, only attracting people that have time on their hands or a sense of “worthiness”—governing bodies needs a much wider capacity of skills to support a school and outreach programmes are not achieving this.

Governing bodies are not accountable enough to the community at large and too few opportunities are encouraged to connect the governing body to the community, many shy away from this. There should be better provisions for reporting to the community in easy ways, not minutes of meetings hidden away that the public have to seek out.

I would investigate different incentives to motivate people to be governors, including the possibility of connecting the work with work place pay reviews and potentially some form of tax credit or credit system.

January 2013

Written evidence submitted by Peterborough Local Authority: Governor Services

Peterborough Governor Services have consulted with their Governor Leadership Group, their Governors’ Forum and have encouraged individual Chairs to respond.

1. GOVERNING BODY EFFECTIVENESS

2.1 It is important that all schools have the same level of effective governance. Those weaker governing bodies should be supported through training and intervention.

2.2 It is considered that Local Authorities and local governance mentors are best placed to support those schools requiring intervention.

2.3 Governormark and governance skills audits are considered to be an excellent tools to improve governance.

3. GOVERNING BODY ACCOUNTABILITY

3.1 Governing bodies should remain the accountable body.

3.2 Governors needs to have the confidence to ask questions in order to hold the schools to account and headteacher must facilitate this.

3.3 Working with governing bodies must be part of headteacher’s training and induction.

4. MODELS OF GOVERNANCE

4.1 It is considered that there needs to be a mix of representation and skills.

4.2 Smaller governing bodies are not seen to be the best way forward.

4.3 The current models of governance from 2012 Legislation are considered to a good way forward giving governing bodies the flexibility of size and scope to bring skills but giving some degree of representation.

5. GOVERNING BODY RECRUITMENT AND PAYMENT

5.1 Funding should be available to support local governing body recruitment. This used to be provided by Local Authorities but has now disappeared due to funding constraints. SGOSS is too remote.

5.2 Governors should not be paid but discretionary funding should be available locally for mentors and those governors appointed as “additional governors” or those supporting schools in challenging circumstances.

January 2013

Written evidence submitted by Misbah Arif

SUMMARY/POINTS OF CONCLUSION

- There needs to be clearer and more transparent accountability for governors’ actions, particularly in resolving disputes between staff.
- The governing body should make an effort to get to know the wider staff group, not just rely on the opinions and judgments of the Head teacher. A method to do so should thus be enshrined within procedures and practice for governors.
- There need to be clear and transparent accountability measures to ensure that parents governors are not just acting on behalf of their own child, as opposed to the student body, and therefore the staff body, as a whole.
- Governors should be required to show how their actions are in keeping with legal HR procedures and thereby objective in staff matters.
- Governors should be required to show their actions are for the benefit of the school community as a whole. This would include parent and staff governors ensuring that they actively canvas for opinions regularly.

EVIDENCE

1. In an inner city London secondary school I taught in the Head teacher was widely known to be a bully, both within and outside the school. For family reasons, I wished to move and went to talk to him about this. He said that he wanted me to stay and take on more responsibility but I explained that I needed to be nearer my parents’ home. Despite initially then being professional and supportive, he quickly began to bully me. I made a formal grievance compliant in the May, at the same time as tendering my resignation. I had clear evidence within my grievance, including formal school documents.

2. Following my resignation and formal grievance complaint the Head continued to act in a bullying manner, all of which I documented.

3. The chair of governors of the school, who was an employment lawyer, did meet with me regarding my grievance in May but not until the very end of the July by which time the summer term and indeed academic year was nearly over.

4. Following the meeting in July I then had to wait for a response from the Chair of Governors regarding my grievance. In retrospect I know I should have filed a holding grievance at a court back in the summer term, while waiting for the response. However I was not advised about this at the time and was busy looking for another job while working. In fact, the Chair of Governors gave me a distinct lack of information, which in retrospect was—either deliberately or not—to the Head teachers’ benefit. By the time the Chair of Governors did contact me, regarding my grievance in May, it was the autumn term (by which point I was working in another school). It was then that I found it was too late from a legal perspective to take the matter further.

5. The way the Chair of Governors acted, either deliberately or otherwise, meant that my formal grievance complaint was not dealt with as I wished or in fact how it should have been dealt with. It was dealt with in such an inefficient manner by the Chair of Governors that it was rendered a “pointless exercise”. The Head teacher in question had bullied many staff before me and continued to do so after I left.

6. In this instance, there seemed to be no one accounting for how the governing body dealt with the complaint about the Head teacher. I was never made aware of any procedures that were following, the timeframe of procedures or had the chance to meet anyone other than the Chair of Governors.

7. In the meeting regarding my grievance the Chair of Governors told me she had to “trust the word of her head teacher”, and though I can appreciate this is fine in general, this is not an objective stance to take in starting a discussion regarding a formal grievance complaint against the Head teacher.

8. Another comment the Chair of Governors made, in my discussion regarding my grievance, was that she was a parent governor but didn’t know me because I hadn’t taught her son and therefore she could not make a “judgement” about me. I felt this was not relevant, nor is a parent governor in a place to judge a teacher in the conventional sense. The Chair of Governors made no effort to contact members of my department or other staff in the school who had worked with me. In fact I am not aware of anything she did to consider the grievance I presented other than her discussion with me and any discussions she had with the Head teacher (of which, in terms of the latter, I was not aware of or privy to).

9. In other secondary schools I have worked with, in or know of through teaching colleagues; parent governors (along with other “influential” parents) are often listened to above other parents. For example, if a parent governor wishes their child to be moved in to a different class then the move is done, even usually when there is no justifiable reason. This is then not the case in similar requests from other parents. This concerns me as it make the role of parent governor about being about getting the “best” (or what one wants) for ones child, rather than about representing all parents and thereby all children in the school. This also has a potential to bring in a bias from those parents who have the cultural/socioeconomic background to be acting as governors in the first place.

10. This leads to my conclusions regarding this (which are given in the summary):

- (a) There needs to be clearer and more transparent accountability for governors’ actions, particularly in resolving disputes between staff.
- (b) The governing body should make an effort to get to know the wider staff group, not just rely on the opinions and judgments of the Head teacher. A method to do so should thus be enshrined within procedures and practice for governors.
- (c) There need to be clear and transparent accountability measures to ensure that parents governors are not just acting on behalf of their own child, as opposed to the student body, and therefore the staff body, as a whole.
- (d) Governors should be required to show how their actions are in keeping with legal HR procedures and thereby objective in staff matters.
- (e) Governors should be required to show their actions are for the benefit of the school community as a whole. This would include parent and staff governors ensuring that they actively canvas for opinions regularly.

January 2013

Written evidence submitted by the Catholic Education Service (CES)

1. EXECUTIVE SUMMARY

1.1 The evidence is being submitted by the Catholic Education Service (CES) on behalf of the 20 Catholic dioceses across England and the Catholic Bishops’ Conference of England and Wales.

1.2 The CES represents 2166 Voluntary Aided, Academy and Independent schools in England on national education policies.

1.3 The dioceses, which we represent, play a significant role in the recruitment, appointment, support and development of Foundation Governors.

1.4 We believe it is important to protect the foundation governor model for our schools and would welcome greater training and support for all governors.

2. GOVERNANCE IN CATHOLIC SCHOOLS

2.1 The current regulations require that the foundation governors in Catholic VA schools are in a majority of two over all other categories of governors collectively.

2.2 This ensures the schools are strategically led according to the particular religious character of the school.

2.3 It is our wish that the Select Committee sees this as strength in school governance and commits to recommending the current system is maintained.

2.4 The Catholic Code of Canon Law requires high standards in Catholic schools (Can, 806§2). The Bishops of England and Wales passed a resolution at their plenary in November 2011 mandating the CES to develop strategies alongside Diocesan authorities and within the wider Catholic sector to ensure that Catholic schools in difficulty can be helped to improve rapidly so as to offer an excellent Catholic education to our children.

2.5 We believe that strong governance is of crucial importance to maintaining high standards in schools and the recruitment, appointment, support and development of Foundation Governors is an important strand of the work being undertaken by the Catholic Church in ensuring standards are maintained and strengthened.

2.6 We welcome the select committees focus on governance for this reason.

3. RECRUITMENT, TRAINING AND DEVELOPMENT OF GOVERNORS

3.1 We share the view that all governors need key skills and training and we will work to improve training for foundation governors in our sector.

3.2 We would like the Select Committee to consider strengthening regulations that guarantees governors time off work for their work in schools. The demands are increasing and therefore there is a similar increase in the amount of time governors need to be in the school during school hours.

3.3 It is important that we are able to recruit from minority ethnic groups, across the age and skills range and from local communities as 33.5% of pupils in Catholic Primary Schools and 28.7% of pupils in Catholic secondary schools are from ethnic minority backgrounds.

4. CONCLUSION

4.1 The CES are grateful for being given the opportunity to provide written evidence to the Education Select Committee.

January 2013

Written evidence submitted by Confederation of British Industry (CBI)

1. The CBI is the UK's leading business organisation, speaking for some 240,000 businesses that together employ around a third of the private sector workforce. With offices across the UK as well as representation in Brussels, Washington, Beijing and Delhi, the CBI is the voice of British business globally.

2. The improvement of our education system is the most important long-term investment that the UK can make to enhance economic growth and social inclusion. Last month, the CBI published the outcome of a major review of effective schools in the UK and the best systems globally. The report of this project—*First Steps*—is included with this response.

3. We welcome the opportunity to submit evidence to the Committee on school governing bodies. While steps the government has taken to improve the effectiveness of governing bodies by placing a greater emphasis on governance in the Ofsted inspection framework and introducing measures to make it easier for governing bodies to recruit the right mix of skills and expertise, it is clear that there is still a significant variation in the capacity and capabilities of school governing bodies across the UK. Businesses believe some further measures are needed to improve the effectiveness of bodies for all schools. In particular, we believe:

- A well-run governing body is critical to supporting school improvement but performance is still patchy, particularly for those schools needing strong governance the most.
- A broader definition of accountability for schools is required by which governing bodies should also be judged. Ofsted inspection should play a key role in enforcing this.
- The number of governors on a body should be capped so that it can be more effective in providing challenge and support to school leaders.
- It is essential that school governing bodies have the right balance of skills and experience; more businesses can be encouraged to support schools to achieve this.

A well-run governing body is critical to supporting school improvement but performance is still patchy, particularly for those schools needing strong governance the most

4. The strong causal link between effective governance and the quality of school provision and pupil achievement is widely recognised.¹⁶ Governing bodies have an essential role to play in driving improvement in schools, by providing strategic direction, monitoring progress towards long term goals and offering critical challenge to the headteacher and school leadership team. In the best examples, governors support decisions that are in the interests of pupils and actively develop relationships on behalf of the school with the wider community. Governing bodies are like the boards of a company—a place for supportive challenge to the school leadership, not a more empowered version of the PTA.

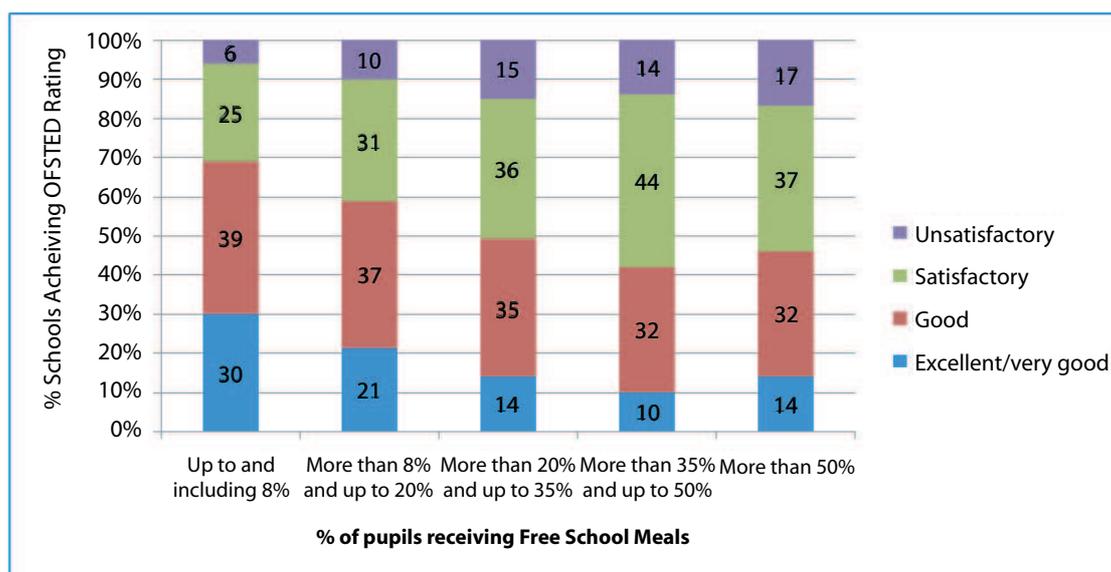
5. Current reforms in England offer a timely opportunity to address the issue of school governance. The reforms rightly acknowledge the vital role of devolving decision-making to school leaders and lessening prescription from the centre. A drive toward greater autonomy for schools will require effective school governance to support the transformational change being sought. The government must implement measures to ensure effective provision in all schools across all the UK.

¹⁶ OFSTED, *School Governance: Learning from the best*, May 2011

6. Business remains concerned however, that evidence shows nearly many governing bodies are not up to the task. In 2009–10, Ofsted inspections found that governance in 44% of all maintained schools required improvement (44% were rated as satisfactory/inadequate).¹⁷ A separate 2008 study¹⁸ found there is a particular issue with the effectiveness of governance for those schools in most need. As Exhibit 1 shows, only 46% of governing bodies were rated as good or excellent in primary schools where more than 50% of pupils are receiving Free School Meals. In contrast, this proportion rises to almost 70% rated as good or excellent in schools with less than 8% of pupils on Free School Meals.

Exhibit 1

EFFECTIVENESS OF THE GOVERNING BODY IN FULFILLING ITS RESPONSIBILITIES IN PRIMARY SCHOOLS BY % OF FREE SCHOOL MEALS¹⁹



A broader definition of accountability for schools is required by which governing bodies should also be judged. Ofsted inspection should play a key role in enforcing this

7. In the CBI's *First Steps* report, we emphasise the need to begin the debate on education reform from the outcomes we want our schools system to achieve. These straddle the academic and the behavioural, emphasising both progress on the core and enabling skills and knowledge, and the development of behaviours and attitudes that are essential to success in work and life.

8. For reform to be a coherent whole, all the incentives acting on schools need to be addressed. This includes the accountability system, and the many conflicting expectations placed on schools. But judging real outcomes for every child and the steps schools are taking to deliver them is complex and not easily reducible to a league table or test. A renewed system should be able to judge performance against the outcome goals based on more complex metrics. For instance, a primary school should be judged on a basket of measures, not just testing scores at age 11. The goal of school accountability systems, including the role of school governors, should be to arrive at a comprehensive view of whether a school is achieving the broad outcomes it is set. In order to achieve this, the CBI believes the weighting of Ofsted narrative reports should be much greater in judging school performance as a whole, and that of league tables and simple exam-based metrics lessened. They should be the tool with which school governors hold the leadership team to account.

9. We strongly support the greater focus of Ofsted inspection on school governance and believe it will help to identify those school governing bodies that are not up to the task. Reports from Ofsted should be the basis of effective challenge to heads and governing bodies on low performance, which should not be tolerated. Ineffective governing bodies should be replaced if they fail to respond to measures to support improvement.

The number of governors on a body should be capped so that it can be more effective in providing challenge and support to school leaders

10. The fundamental responsibilities of governing bodies should be to set the overall strategic direction of a school, hold headteachers to account and have a relentless focus on driving up standards across the whole operation of a school, including the curriculum. But governors should not get dragged into micro-managing the school's day-to-day activities. We know that effective governing bodies are organised and structured in a

¹⁷ Ofsted inspections carried out between 1 September 2009 and 31 August 2010

¹⁸ Balarin, M, Brammer, S, James, C and McCormack, M, 2008. *The School Governance Study*. London, UK

¹⁹ SOURCE: *ibid*

way that supports this core purpose. In line with powers already available to academy schools, the CBI would like to see more freedom for all schools to innovate and develop governance structures that provide a better basis for securing educational improvement.

11. There is strong evidence that smaller governing bodies are more effective at remaining strategic and are more decisive.²⁰ We welcome the action taken so far by the Government to enable governing bodies to move to a new model with a reduced minimum size of governing body and a smaller number of fixed categories. Because we have still not reached a critical mass of effective school governing bodies we believe a maximum cap should be introduced to limit the number of governors. This would provide a useful guardrail to determine the size of all bodies while retaining the flexibility for bodies to appoint individuals to different roles.

It is essential that school governing bodies have the right balance of skills and experience; more businesses can be encouraged to support schools achieve this

12. Businesses support the drive to decentralise control to schools but it is imperative for headteachers and school leaders to be supported and challenged by governors who have the right skills and expertise. The most successful governing bodies draw on a wide range of expertise, including parents, business people and local government officers. Businesses can help by offering its experience—for example in the effective deployment of non-executive directors—and by encouraging employees to bring their work-related expertise onto governing bodies, like HR and finance, as many already do.²¹

13. We welcome government's recent moves to make it easier for school governing bodies to recruit the expertise they need by introducing a new optional category of governors to be appointed on the basis of skills. However, the scale of the challenge facing school leaders is such that we would like to the government go further. We recommend that government suggest the types of skills that school governing bodies should seek to recruit, such as strong financial skills or human resources expertise. We also believe that the Welsh government's initiative to make school governor training obligatory is a step in the right direction.²²

14. It is imperative that the time and expertise of governors is efficiently deployed. Businesses are concerned by the number of their employees who volunteer to become school governors, only to be frustrated with the indecision and bureaucracy that can result from poor structures and inefficient operation of bodies. The end result can be that they are unable to bring to bear their expertise—the reason why they originally became a school governor. We would urge government to speed up their on-going review of legislative requirements and to deliver on measures to reduce bureaucracy for all school governing bodies.

15. While the Department for Education has had success in recruiting business leaders to fill school governor posts through the School Governors' One Stop Shop (SGOSS), SGOSS estimate on their website that some 30,000 vacant governor positions remain in England alone. As Annex A demonstrates, CBI believes that there is a strong case for more businesses to encourage their staff to take on these important volunteer roles. We recommend a focused call to action, hosted in the Department for Education website, to encourage greater uptake. The CBI would be willing to help promote governor opportunities among its members and the wider business community.

CBI EMPLOYMENT AND SKILLS DIRECTORATE

Annex

SCHOOL GOVERNORS—THE BENEFITS FOR EMPLOYERS

There are hundreds of thousands of school governors across maintained schools, making them the largest group of volunteers in the country. But for these volunteers to carry out their important role effectively, they need the backing and support of their employer. There are three good reasons for employers to give that support and to encourage more of their employees to take on this valuable activity:

- It's a great development opportunity for employees, adding to their skills.
- It boosts employee engagement and adds to a company's positive profile.
- Effective governors mean better schools, which in turn mean better education outcomes, strengthening our skills base.

It's a great development opportunity for employees, adding to their skills

Becoming a school governor provides the opportunity for employees to develop a range of skills and competencies that they can apply in their own workplace to the benefit of their employer. As a governor, employees will be involved in activities such as:

- Using and developing interpersonal skills, potentially dealing with a wider variety of people and situations than they have previously encountered.

²⁰ DCSF, *The 21st Century School: Implications and Challenges for Governing Bodies: a report from the Ministerial Working Group on School Governance*, 2010

²¹ Some 29% of firms report they have employees acting as governors according to *Learning to grow: education and skills survey 2012*, CBI/Pearson, 2012

²² Welsh Assembly Government, *Statement: An Update on the 'Improving Schools' Plan*, Published on 10 October 2012

- Developing teamworking skills.
- Chairing meeting.
- Interviewing and making employee appointments.
- Financial planning and management.
- Enhancing their knowledge of the education and qualifications system.

Being a school governor also raises employees' awareness of the value of effective governance and gives them practical experience of it, which they can go on to apply within their own organisation or sector. In brief, one of the best ways to develop people's ability to manage effectively and responsibly is to give them real responsibility—and that's what being a governor involves.

It boosts employee engagement and adds to a company's positive profile

Volunteering schemes are popular with employees—and helping young people is seen as particularly valuable. So supporting employees to be actively involved as school governors not only strengthens the engagement of those individual employees but raises morale and commitment more broadly across the workforce. It's also attractive to potential recruits.

Everyone wants to work for an organisation they can take pride in, and a major contributor to achieving that type of reputation is for firms to be seen to play an active part in helping to build a better education system. Supporting employees as school governors can add to a firm's positive profile as a socially responsible, community-involved employer.

Better schools mean better education outcomes, strengthening our skills base

Virtually every employer recognises that we can thrive as a nation only if we become a truly high-skills economy. And in surveys employers consistently report they anticipate needing their future recruits to have more—and higher levels of—skills.

To achieve those essential better outcomes in terms of strengthening our skills base, we have to improve the learning that goes on in schools. And that means improving every aspect of schools, as well as the teaching of young people in the classroom. School governors have a key role to play in driving forward that improvement through challenge, encouragement and effective governance. By supporting school governors, employers can make an essential contribution to ensuring that they have the right young people with the right skills and competencies available to them in the years ahead.

January 2013

Written evidence submitted by UNISON

1. Introduction

1.1 UNISON is the largest public service trade union in the UK representing around 1.4 million members. The majority of our members are in the public services including approximately 350,000 working in the education sector, around 240,000 of whom work in schools.

2. The purpose, roles and responsibilities of school governing bodies within wider context of school governance and leadership

2.1 Governing bodies face a challenging future, re-defining their role in response to the government's rapid re-structuring of the education landscape. The shift in the balance of responsibilities between schools, local authorities and central government means that governing bodies need to have a set of clearly defined roles and responsibilities. This includes sorting out the delicate relationship with the Head based around constructive challenge, now that schools have increasing autonomy.

3. The implications of recent policy developments for governing bodies and their roles

3.1 The introduction of academies (including Free Schools, Studio Schools and University Technical Colleges) and the diminished role of local authorities create particular uncertainties for governing bodies, as they gather enhanced duties. As well as internal challenge there is a need to ensure that schools have consistent external challenge to ensure school improvement. The role of governing bodies in this is now much more complicated.

3.2 Local authority school improvement support is declining for community schools (and those academies that buy-in from them) as funding from the Department for Education (DfE) diminishes. However authorities still keep an eye on school performance in the areas they cover. Academy chains have variable school improvement systems in place depending on whether they are heavily centralised or federated. UNISON's real concern is around improvement in stand-alone academies (and newly formed federations/multi academy trusts), where the governing bodies appear to be the main judge of standards, along with Ofsted inspections. Recent

proposals by Ofsted to strengthen their regional structures will not fill the gap left by local authorities. Additionally the leadership of Ofsted does not seem as independent from central government as it has been.

3.3 Alternative middle tier structures being proposed also have their problems. How democratic, costly and accountable would appointed school commissioners be? Elected commissioners may be democratic, but they would have weak links with both local support structures and national academy chains (and as mayoral referenda have shown, elected commissioners may not be wanted).

3.4 Schools continue to pick up additional responsibilities, such as careers advice and additional health and safety duties, which they need to be ready to deal with. For instance recent government policy statements have also suggested that responsibility for health and safety in all schools (not just non-local authority controlled) should transfer to governing bodies. If this were to happen then the management of asbestos in schools would become the responsibility of all governing bodies. UNISON along with the Joint Union Asbestos Campaign believes that the management of increasingly difficult issues such as this could have an impact on schools' ability to recruit governors. The recent asbestos incident in Cwncarn High School in Wales is evidence of how things can and do go wrong when asbestos is not properly managed in a school.

4. Recruiting and developing governors, including the quality of current training provision and any challenges facing recruitment

4.1 Increased responsibility should necessitate improved training. Currently training is patchy and there is a danger that local authority training programmes will wither away in some areas. Again small and stand alone academies may face difficult choices when prioritising training. We have particular concerns around the provisions of training in human resources/personnel, legal and insurance issues and health and safety duties. In relation to our example in paragraph 3.4, we believe that all governors, head teachers, caretakers and bursars should receive school specific asbestos management training.

4.2 We are also concerned that without local authorities monitoring training quality, some schools might be attracted to training which is cheap but inadequate. The National Governors Association have a vital role to play as they provide excellent advice and support.

4.3 The government could help raise the status of governing bodies, by advertising their value, and promoting the importance of members of the community getting involved in their local school. Being a school governor should be recognised as an important role in the community, and employers should be encouraged to give time off to staff who are school governors so they can fulfil their duties.

5. The structure and membership of governing bodies, including the balance between representation and skills

5.1 Governing bodies should have a mix of representation and skills. The two are not mutually exclusive. It is important that governing bodies contain a wide range of skills, to ensure that they can fulfil their duties and recognise the type of school and its mission. However, additionally there is an important community aspect which needs to be taken into account by the presence of local parents.

5.2 There is a need to recognise that the knowledge of frontline staff is also vital; and this does not just mean teachers. The government rightly recognises the importance of quality staff in delivering quality and we believe these skills are highly beneficial in informing boards of current education practice and also putting forward the views of staff. In co-operative trust schools (of which there are around 400) all staff are encouraged to become involved in the trust board and share in the decision-making process.

6. The effectiveness and accountability of governing bodies

6.1 Ofsted has previously detailed their view of the characteristics of successful governing bodies. Earlier this year the All Party Parliamentary Group (APPG) on School Governance published its "Twenty key questions for a school governing body to ask itself". Both documents contain much sensible advice.

6.2 In the new environment it is particularly important that governing bodies ensure clarity of different roles and responsibilities, notably with their Head of School. The danger of all boards is that they do not get the balance right, so that instead of focussing on overseeing strategy, risk and challenge, they try to micro manage the day to day running of the school. The provision of statistical and financial information becomes vital, and boards need to be sure that they are being provided with the right information, rather than that which suits.

6.3 An area that needs addressing is how ineffective governors, and especially chairs of governors, are tackled. Governors in community schools can raise concerns with their local authority, and those in academy chains can approach their head office, but smaller academies are restricted. The relationship between the Chair and Head is vital—we have seen too many Chairs who have been in thrall to their Head.

7. Remuneration

7.1 UNISON does not believe that governors should be remunerated. Funding is already tight and with budgets unlikely to increase in coming years this would be an unnecessary drain. There is also a danger that governors could become focussed on money rather than improving the school.

7.2 However, we do recognise that there may be the case for paying specific expenses, for example child care costs to allow those who might be restricted from attending otherwise.

8. The relationship between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders and unions

8.1 The local authority remains the key organisation in providing strategic advice and information for all community schools. We believe that sensible academies should avail themselves of the services of their local authority.

8.2 A more interesting new relationship is that between those academies that are part of chains and their head office. As some chains act more like a franchise, academies within such chains them will have more autonomy than those that are part of a centralised chain. Boards will need to adapt to the balance from their former relationship with their local authority. Some may see the sense of taking advice and support from both national chain and local authority.

8.3 Unions have a very good relationship with most schools. UNISON staff members, and also UNISON members not employed by schools, give significant amount of their own time in running governing bodies. Inevitably there are occasional tensions, often in relation to our key role of supporting staff that are subject to grievance or disciplinary hearings. With an increasingly fragmented world we expect to increase and support UNISON staff and members who are governors, advising them on changes in the Education environment.

9. Whether changes should be made to current models of governance

9.1 Schools should constantly review their own board constitution. The APPG's "Twenty questions" document is a useful starting point. However there is also no reason to change them if they work.

9.2 There appears to be an increasing clamour from some to move to a smaller "business model". However as the DfE's own internal review has shown there is limited evidence on the optimum size of a governing body and governors do not see this as one of the most important elements in effective governing. Similarly there is little evidence of any link between size of governing board and attainment. A one-size fits all model would not be helpful.

January 2013

Written evidence submitted by the City of Leicester Governors Association (COLGA)

1. EXAMPLES OF PERCEPTIONS OF LOSS OF AUTHORITY

1.1 Head Teacher performance should be Governor led with the Chair of the review panel organising the meeting and leading the discussion around objectives. The external SIP has an advisory role to play for both the HT and governors involved in the review. It is unfortunate that following a review process it is no longer a requirement that governors involved in the HT performance review must have completed the performance management training provided by Governor Services. However COLGA feel that it should be. All governors should undertake the training in order to understand the process involved in a school setting.

1.2 Governors should not be presented with building operations with unrealistic deadlines for approval. The issues relating to property ownership and buildings should always be presented to appropriate governors with time to respond after due consideration. Too often deadlines are imposed which are unrealistic and lead to poor decision making.

1.3 Governors should have more status/equality in discussions with their HT. The partnership should be one of equals.

1.4 Governors should have the authority to terminate employment of Clerks to the Governors.

1.5 Governors should retain the power to pay appropriate staff to clerk all sub-committees.

1.6 Governors should retain the power to appoint Head Teachers.

1.7 Governors should have the right to decide for themselves whether their school should become an Academy and should have no external force applied to that decision.

1.8 Governors should be able to write to the M.P. in whose constituency the school is situated and expect the M.P. to respond to legitimate concerns

2. REPRESENTATION WITHIN THE LOCAL COMMUNITY OF SCHOOLS

2.1 Governors should be represented on all local committees and boards concerned with pupil places, education and restructuring of schools, discussions with local authorities, standards and local SEN provision etc.

3. PROVISION OF INFORMATION AND RESOURCES

3.1 Recent legislation has increased the responsibilities of governors without providing extra resources to ensure they can carry out those responsibilities.

3.2 Governing Bodies should have automatic right of access to sources of data about their schools eg Raise on Line etc.

3.3 Governors should have the timely right of access to information held by local authorities and central government about their schools.

3.4 Governors should be able to appoint and reward appropriate administrative support to carry out tasks felt necessary by governors.

3.5 To ensure appropriate membership on governing bodies it should be possible to support governors who need to be released from their normal employment during school hours. If necessary child-minding support should be available.

4. RESPONSIBILITY OF INDIVIDUAL GOVERNORS

4.1 There needs to be a mechanism to check inappropriate action by governors especially in relation to the HT. The HT needs a mechanism for appeal against sacking or suspension which provides a realistic process.

4.2 Governors must attend meetings regularly.

4.3 Training for Chairs and Vice-Chairs should be made compulsory.

4.4 On-line training should be quality assured and readily accessible.

January 2013

Written evidence submitted by Geoffrey Davies

INTRODUCTION

1. I am a solicitor specialising in education law and have been advising academy trusts, particularly multi academy trusts, from 2002, early in the last Government's academies programme. I have acted for many of the larger sponsored multi academy trusts. I am also a director of United Learning Trust, which until recently was the largest sponsored multi academy trust.

SPONSORED MULTI ACADEMY TRUSTS

2. The previous Government's academies programme essentially sought sponsors to support particular academies, either on a single academy or multi academy basis. Some of the earlier and best known sponsors were ARK, Oasis, Lord Harris and The Church Schools Company (now United Church Schools Trust), for all of which I have acted since their inception. The structure required by the Department for Education and Skills (now the Department for Education) ("DfE") required the sponsor to establish a company limited by guarantee—known colloquially as an academy trust—which would then own and operate academies. The principal sponsor would be a member of the academy trust and would normally have the right to appoint and remove a majority of the board of directors of the academy trust, which is the governing body of the academy trust. Following the model set by the Church Schools Company for the operation of its private schools, the DfE agreed to the concept of their being local or academy governing bodies (LGBs) for each of the academies operated by the academy trust. The LGBs are technically committees of the directors of the academy trust to which certain powers and functions of the board of directors were delegated. There is no specifically agreed scheme for such delegation and the extent of delegation depends very much on the ethos of the academy trust in question, and of the competence of the members of the relevant LGB.

3. The board of directors of a multi academy trust normally (in accordance with the requirements of the DfE) comprises:

- (a) a majority of persons nominated by the principal sponsor;
- (b) a number of the chairmen of LGBs—the chairmen are either appointed by the directors of the academy trust or elected by the members of the LGB.

The articles will also contain a right for the DfE to flood the board by appointing additional directors in certain limited circumstances.

4. The LGBs were required by the DfE to comprise:

- (a) a representative of the local authority in which the relevant academy is situated;
- (b) a representative of the teaching staff, elected by the teaching staff at the academy;
- (c) a representative of the non-teaching staff, elected by the non-teaching staff at the academy;
- (d) a parent, elected by parents of pupils at the academies; and

(e) the principal of the academy.

as well as persons nominated by the directors of the academy trust. It was usual for academy trusts appoint to the LGB persons of influence in the area in which the academy is situated. Recently the DfE has relaxed the requirement for membership of LGBs so that only two elected parents are required to be members of it. Indeed the DfE has relaxed the requirement even to have a LGB by saying that each academy need only have an advisory body comprising at least two elected parents.

5. Most multi academy trusts established fairly quickly a strong central executive team, led by a chief executive officer. The teams would normally include expertise on education, ICT, HR and finance. Control over the operation of the academies is vested in the executive team. The executive team would report to the board of directors usually once a term. The principals of the academies would normally report directly to the chief executive officer of the academy trust.

6. The role of the directors of the academy trust would largely be a strategic and monitoring role, holding the executive team to account. The presence of LGB chairmen on the board of directors considerably contributes in the case of United Learning Trust to the quality of discussion at board meetings because of their intimate involvement with the academies for which they are directly responsible.

7. As mentioned above, the role of the LGB is not clearly defined. There are certain specific roles undertaken by the LGBs, such as dealing with grievances by staff and staff disciplinary matters, considering admission issues and exclusions. However the principal purpose, at least in the United Learning Trust model, is for the LGBs, and in particular the chairmen of the LGBs, to be a critical friend of the principal, challenging and supporting the principal in the exercise of the principal's duties. However, the principal does not report to the LGB, but to the central executive team and the LGB is not in a position to give directions to the principal as to the conduct of the principal's duties. The role of the chairman of the LGB is particularly critical in this structure and most LGB chairmen spend a considerable amount of time directly engaged with the academy for which they are responsible. They provide a conduit for information to be provided to the central executive team, and through the central executive team to the board of directors. That provides a check in relation to any information provided by the principal to the central executive team.

8. None of the directors of the academy trust (other than the chief executive if he has been appointed a director) nor of the members of the LGB (other than any staff members) receive any remuneration from the academy trust.

9. How well does this structure work? In my opinion extremely well indeed. The LGBs provide on an individual academy basis a direct link with the local community in which the academy works. The directors of the academy trusts are able to take an overview of the operations of the academies as a whole, and are able to identify differences between different academies, for example staff ratios, expenditure on particular heads of expenditure, performance against targets etc. The information provided to the directors therefore provides a good basis upon which they can challenge the performance of the central executive team and, through the central executive team, the academies themselves. However one of the key features which makes this work well is the involvement and commitment of the original sponsor. It is absolutely clear from any involvement with the Harris Federation that Lord Harris's personal commitment to the academies operated by the Harris Federation sets the tone and standards by which the Harris Federation's operations can be judged. The same could equally be said to be true in relation to ARK Schools, Oasis Community Learning and United Learning Trust. It should be recognised that in relation to each of these four entities a strong central executive team has been established with considerable experience in the areas in which the academies operate.

NON-SPONSORED MULTI ACADEMY TRUSTS

10. Since the current Government's conversion programme started a number of non-sponsored multi academy trusts have been established. The critical difference between these multi academy trusts and the sponsored multi academy trusts is the absence of a sponsor. There is no person or organisation which actually controls the operation of the multi academy trust itself.

11. The DfE's requirement as to membership of multi academy trusts has been non-proscriptive, although the DfE normally requires the chairman of the board of directors to be a member. Broadly the DfE simply requires there to be a minimum of three members of the multi academy trust who are then entitled to appoint a majority of the directors of the multi academy trust. In addition to the directors appointed by the members, the DfE normally requires:

- (a) the chairman of the directors to be a member;
- (b) at least two parents elected by parents at the academies to be members—in the case of larger multi academy trusts the DfE's normal requirement is for two parents per ten academies to be so elected;
- (c) for a multi academy trust with less than five academies for the chairman of the LGBs for each academy to be members or, somewhat bizarrely, where there are more than five academies, for the principals of the academies to elect from their number three principals to be members; and
- (d) the chief executive officer of the multi academy trust.

12. There are no provisions in the DfE's Model Articles of Association for a multi academy trust which deals with the succession in membership of the multi academy trust. The first members effectively have vested in them the future control of the multi academy trust, without any control over their long term suitability and without any guidance as to what should happen if they die, become insane, or simply lose interest in the operations of the academies for which they are members of the academy trust are responsible. In my opinion this is a significant defect in the current organisation of multi academy trust.

13. Notwithstanding the comments above, the fundamental structure though for non sponsored multi academy trust and sponsored multi academy trust is substantially the same and, subject to the key personnel being suitable for the task undertaken, can provide a sensible structure for the operation of multi academy trust.

SINGLE ACADEMY TRUSTS

14. The position in relation to sponsored single academy trusts and sponsored multi academy trusts is substantially the same in that the sponsor of single academy trusts will normally be in a position to appoint a majority of the directors of the board. In the older single academy trusts the board was required to include the same people as would in the case of a multi academy trust serve on the LGB. More recently the DfE has relaxed the requirement for membership of the board so that in addition to the directors appointed by the principal sponsor, it was only necessary to include two parents elected by parents of pupils at the academy operated by the single academy trust.

15. The position with regard to single academy trusts established, as a consequence of the conversion of a maintained school into an academy, is very similar to the position in relation to a non-sponsored multi academy trust. The members of the single academy trust will quite often be some, or even all, of the members of the governing body of the maintained school. The DfE merely requires there to be three members of the single academy trust when it is established, without being proscriptive as to who they should be. The same difficulties, as I have mentioned above in relation to succession etc. of those members, arises in relation to a single academy trust as arise in relation to a non-sponsored multi academy trust.

16. The single academy trust will have a board of directors but no LGB. The principal of the academy will fulfil the role of the chief executive officer in a multi academy trust. It is very unlikely that in a single academy trust there will be any independent education experience available to advise the directors about the success of operations or otherwise of the academy operated by the single academy trust unless that experience is available on the board itself. There is therefore a considerable risk that with a single academy trust the only authoritative statements about the education of the children available to the directors of the academy trust will come from the principal. The ability of the board to hold the principal to account is severely limited, in the absence of appropriate experience on the board, because they have no information with which to challenge the principal other than that provided by the principal and his or her team. It would be very easy to see how a board of directors of a single academy trust could be duped by a principal.

17. In essence the board of directors of single academy trusts are probably in no better position to govern "their academies than were the governing bodies of the maintained school which their academies have replaced. The key difference is that the local authority no longer has any formal role in challenging the performance of the executive team within the school. There will, of course, be good and bad boards of directors, as there are now good and bad governing bodies. In the case of single academy trusts, the roles which would fall to be performed by the directors are likely, because there is no central executive team, to be more onerous than the roles to be performed by the directors of a multi academy trust.

18. *Is there a better way of ensuring long term stability of the membership of non-sponsored academy trusts?*

As the members of a non sponsored academy trust appoints (or elects) the majority of the directors of the academy trust the relationship of those members and the way in which they pass on their roles over the years is of critical importance. As things stand it is probable that with a well run academy trust, the original members will resign and be replaced with members nominated by the directors. In less well run academy trusts I fear that they will muddle along without addressing the issue properly. One possible alternative would be for the parents of registered pupils at the academy to have the right (under the articles) to be members of the academy first whilst their children are on the roll at the school. This arrangement would give real accountability of the directors of the academy trust to the parents. The parents who are members would have the right then to elect and remove the directors. I would suggest that that should happen, as is the case with publicly limited companies, on a three year rotation to ensure that there was continuity, with the elections taking place at an annual general meeting of the academy trust. The directors could also present the accounts of the company for approval at that time and would, necessarily, be available for questioning. There would then be some real accountability for the directors' actions (or inaction) and for the performance of the academies operated by them. I would not suggest that this applies to sponsored academy trusts as there is a real level of responsibility to the sponsor.

Should Directors of Academy Trusts be paid?

19. In my view it is an honour and privilege to serve on the board of directors of an academy trust, and a civic and social responsibility. The moment one seeks to remunerate directors, I fear that the wrong people will seek to put themselves forward. For those that are successful in the community, the amount of remuneration

which could properly be afforded is unlikely to be sufficient an attraction to serve. For those to whom the remuneration is an attraction, one would ask why? It is possible nonetheless that, given the quite considerable role which is played by the chairman of a multi academy trust, which goes far beyond simply chairing meetings of the board, there is a justification for the payment of remuneration. Indeed under the current Articles of Association it is possible to remunerate a chairman for services beyond the role of merely being a director. However it would be rare for anyone to make use of those provisions.

January 2013

Written evidence submitted by Geoffrey Hackett

A BRIEF RÉSUMÉ

- My key interest in education after leaving school in 1962 was for 40 years as an employer in several industry sectors—Transport, Textiles and Television.
- As a member of IOD and Manchester Chamber of Commerce I shared for many years colleagues concerns as to the suitability of educations output to be fit for work at any level and served on committees to form support links and advice for those about to seek employment for the first time.
- My concerns for educations ability to provide a rounded and useful package became heightened in 1998 when at 52 I became a father for the first time and I became as focused on the provision as I had for many years been on the output of education.
- For his pre-school and early years my son went to a private school in Cheshire. But in 2006 we moved south to Surrey and decided to let my son finish his primary education close to where I was working as a consultant in Chertsey.
- By 2008 I had become a parent governor and was soon involved as Chair of the Children and learning committee. My son left the school in 2010 and went on to Esher High School. I stayed serving out my term a parent Governor I then became a Local Authority Governor and Chair of governors for the school
- I stayed because while I had arrived as a governor of the school through a set of unusual coincidences it became very quickly apparent that this was a good school yet the local community considered it a poor school and the Ofsted reports for the last 11 years only managed satisfactory yet I and the majority of the parents with children there new it was better than that.
- When I hinted that as my son had moved on his school perhaps I should resign Carole (my partner) said “perhaps they need you more than his ‘outstanding’ new school” so I stayed and I am pleased to say at our recent November Ofsted inspection the school became recognised as a good school in all categories and on the up.

THOUGHT

If education is for society it has to be fit for and about society at all levels

FOR ADDITIONAL BACKGROUND INFORMATION

Following my leaving school in 1962 I worked in top management positions within transport, fashion clothing and property. In the last twenty years I have been responsible for the production of over 400 management development programmes, a screen writer and director of many TV broadcast management training programmes and author of the book *Change? What Change?* As I always become deeply involved in things I undertake I am also on the committee of Surrey Governors Association and attend local National Governor Association meetings.

I am sure the committee will receive much advice and input about the benefits and pitfalls of governors, of quality, of skill sets, of qualification, of function, of balance, of accountability, effectiveness and of value. So I will just concentrate on one issue which I believe is essential to implementing any change effectively and finish with one or two general thoughts for consideration.

With great enthusiasm and courage new ideas are launched into most organisations and institutions. Then a couple of years down the road every one wonders why such good ideas and improvements failed to be accepted or simply appeared to fail. the answer is always the same, not enough listening to people who talk little but perform well coupled with not having worked the effect of the changes through with consideration for all other aspects of change that may take place or of those which need to take place for the programme to work. Sadly this happens more in government than else where because with a limited time scale reforms are rushed through on the bases of “ivory tower” thinking and very little seeing it from the ground up.

Example: back in the 1980’s government were told we are going to have many choices of television channels someone worked out this would create many new jobs in media and colleges were encouraged to train students in media studies, film, television and journalism. That someone in effect got the idea that we would instead of one BBC and one ITV we would have twenty such channels and as the BBC and ITV employed some 50,000 people between them then we were going to need 500,000 trained staff to fill

the jobs created. Colleges got large sums for teaching these courses larger than maths or science subjects able students were directed to these course.

Unfortunately colleges had no trained staff so English teachers and geography teachers read a few books and the students got plenty of “lights—camera—action” and no substance of what the industry is really like. Worse no one calculated that technologies being developed in Japan and elsewhere would mean that where you currently needed a crew of eleven to go out and film an interview today one journalist can do it on his own that where you needed twenty graphic designers working for a week to create an effect today one can create a far greater effect in ten minutes on a computer.

Worse no one calculated the de unionisation of such industries would take away restrictive practices that had lead to overstaffing and free-up people to be more effective for less money. So to expand the TV sector was not actually going to need 500,000 more trained in TV and Media but maybe only another 50,000 all of whom would have been better trained on the job were they got real value experience from professionals in the right environment. In the nineties one was better employing geography or history students and training them than taking on a media student and having to de train them before you could train them properly result Thousands of disillusioned students/citizens/voters/society.

Thinking planning and testing any change plans through in the light of everything surrounding the situation is essential. At the moment the amount of new ideas legislation multiplied by the simple chaos that is created either good or bad as a side effect of implementation or even just considering implementation means that governors (like all people in education) have a lot to cope with. They may or may not be lasting issues but they are a real short term problems. What leaves the top table as a small matter can often become a very large problem when it comes to the implementation stage.

The concept that governing bodies can bring more of their “real world expertise to the corridors of learning and the ivory towers of thinking” may well be a good idea. However this will not happen without constructing an environment and the frame work for a free exchange of ideas and realisms and the flexibility of space for them to be understood and tested out.

Teachers who are pressured to get x or y percent of pupils beyond a target level set out their stall to do just that the process ensures that both talented and underperformers become ignored as staff seek the best way to get the maximum number over the target line so no Einstein’s, Newton’s or Edison’s for the future the process of targets usually means averaging and averaging creates mediocrity.

The concept that we are teaching our children for jobs which have not been created in technologies which as yet do not exist creates an excuse for some teachers to say “what am I teaching our children for—no one knows what they will be doing”. Sadly this was not what was intended the issue is we have to train children to be flexible to be respected, and respectful, free thinking, caring, concerned, intelligent kind members of our society. Who can enjoy the work that they do what ever that work is. for society will always want some one to do something so why not learn to be happy in your work and the whole world will benefit not every one is needed in an Ivory tower and as we recently discovered training 400,000 students to be plumbers may have finished up with a great deal more satisfied people at every level and in every corner of society than having 400,000 disappointed want to be media Spielberg’s wandering the streets of the world. (See panel on previous page).

Governors need encouraging in joining the ranks from all walks of life, not just retired teacher’s, lawyers, accountants and builders.

I feel it would be a pity to loose the volunteer aspect of Governorship and for most (especially parent governors) eight events a year at a couple of hours each is not a big ask. However to be an effective chair means far more commitment and many chairs of governors are in school for at least four hours a week they also attend many classes and other training events and try to network their knowledge maybe given the demand on people who generally need to be retired or semi retired to have the time to carry out this work with true effect and value to the school should receive a small annual payment of say between £4k and £6k per annum to cover the time they might have been working in B&Q or similar. Those on high pensions or of a generous nature could always be encouraged to donate it to a school project

Everyone in education should ask themselves and colleagues “What are we teaching our children for?” then listen to and answer it every day.

Written evidence submitted by Calderdale Governors Association

1. *The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership*

News headlines talk about more responsibility and decision making powers to head teachers whereas the reality is this is actually down to Governing Bodies, who may delegate some powers to head teachers. Government needs to do far more to explain the role and recognise the importance of Governors. *More action less talk!*

The role of Governing Bodies needs to be much more widely understood—ALL head teachers and deputies should have *statutory training* to fully understand their role and the Governing Body’s role and how they

are accountable to their Governing Body. Too many head teachers operate as if they are the boss, not the Governing Body.

2. The implications of recent policy developments for governing bodies and their roles

To be effective governors need to be truly “independent and objective”. Staff and parent governors need to set aside personal interests, we have too many of both categories who feel they have to agree with the head teacher, for fear of reprisal. There are training issues here too. Since we have to have presentation from both, it is even more important to have all other governors with no conflict of interest.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

Governing Bodies should be able to recruit for skills required, having due consideration for the representation requirements. They must be able to demonstrate paper trail for fair recruitment practices. Training should be mandatory for all governors, especially Induction Training. Governors should also demonstrate that they are keeping up to date through relevant training—again should provide audit of this. Governors are very dependent on Local Authorities/Governor Associations/Independent providers offering a suitable range of training options in their locality. More needs to be done to enhance the perception of Governors—they are not just amateur do-gooders- they are in fact a vital part of our state education system.

4. The structure and membership of governing bodies, including the balance between representation and skills

This should be down to individual Governing Bodies although it is important that parents are represented in all schools. Equally important are community governors, perhaps Governing Bodies should be encouraged to recruit these from outside the immediate community given the difficulty in recruitment. Local Authority governors are not required in the new world, at least it should be up to Governing Bodies if they want this category. Local Authority governors often receive no specific training for role, they do not represent the Local Authority—their role is to do the best for the pupils and school community.

The recent changes regarding more freedom for Governing Bodies are welcome.

5. The effectiveness and accountability of governing bodies

Ofsted should look at this as an integral part of inspection. There are schools which have been judged good or outstanding where governors have never seen any Raise on Line data, not received reports on quality of teaching and learning etc. These Governing Bodies have been fortunate in that they have strong leadership teams in post. When you have poor leadership and management in school, the GBs inevitably are held to account.

See paragraph 7 also.

6. Whether new arrangements are required for the remuneration of governors

The Chair of governors should be paid a nominal eg £5–10k per annum and it should also be mandatory that governors are paid expenses. If they choose not to claim expenses that’s fine, but others who do not have financial independence should not be made to feel guilty for claiming expenses. This is a cost of running our schools so why should volunteers be out of pocket? The payment for Chairs may help confer some professional status on the role but also would mean prospective Chairs of Governors have to go through a transparent application process, interviewed and appointed by the Governing Body.

7. The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions

The Government states that school improvement is the responsibility of Governing Bodies yet little has been done to ensure school leaders and Local Authorities actually understand this. The Local Authority has failed to support Governing Bodies seeking to address issues around poor school leadership—especially when the problem is the head teacher. It’s taken far too long to support Governing Bodies to dismiss/discipline head teachers who were clearly incompetent. Equally, the Local Authority has chosen a political action when seeking to address schools causing concern, as opposed to the best course of action to enable that school to improve. *Schools should NOT have to go into an Ofsted category before action is taken.* There are local examples where nothing has been done for over 2 years despite pleas for help from a succession of Chairs.

There needs to be clarification on the boundaries and limits of responsibility/action between head teacher, Governing Body, Local Authority and DfE. This is especially important as in above when things go wrong.

8. Whether changes should be made to current models of governance

Whilst there is a need for more autonomy for GBs to run themselves as they please, there is also a need for greater accountability and in that sense, structure to what is expected of GBs. How effective is the GB? On

balance we are in favour of Ofsted routinely inspecting the effectiveness and accountability of GBs, but this has to be in an agreed comprehensive format if we are to ensure consistency.

9. Role of clerk to the governing body

Too many schools have the school administrator/head teacher's secretary as the clerk to the governing body. This creates a conflict of interest. We firmly believe professional, independent clerking is essential for all Governing Bodies to operate in an effective way essential to the successful operation of our schools.

January 2013

Written evidence submitted by The Communication Trust

The Communication Trust is delighted to provide evidence for the Education Committee's inquiry into School Governors and would be very happy to discuss these issues in more detail.

The Communication Trust is a coalition of 47 voluntary and community organisations with expertise in speech, language and communication. We harness our collective expertise to support the children's workforce and commissioners to meet the speech, language and communication needs (SLCN) of all children and young people.

SLCN is the most common Special Educational Need (SEN) identified by primary schools (26.5%) and is a feature of many other areas of SEN, such as hearing impairment, learning difficulties and autistic spectrum difficulties. Evidence also shows that in areas of social deprivation 50% of children may enter school with delayed language.

As a coalition of organisations, including several schools, the Trust interacts with school governors on many different levels and is well placed to make an assessment on their purpose, roles and responsibilities. The Trust has considered the Committee's questions and would like to make the following overarching points:

1. The Department has recognised in the "The Importance of Teaching" that "governing bodies sometimes lack the information or training needed to challenge effectively and support the head teacher and senior leadership of the school to improve." The Trust believes this is particularly the case for SEN; governors require specialist knowledge to have the confidence and ability in order to make decisions around SEN provision, decisions that will impact on long term outcomes for pupils.

2. The experience of the Trust and its members is that there is a great variability of school governing bodies and their response to SEN issues in general and SLCN in particular. We would therefore like to see governors' roles to be more clearly defined, especially with regards to their responsibilities for SEN, including SLCN.

3. It is apparent that where a school's leadership has recognised the importance of SLCN, governors are more actively supportive of the issue; sometimes this leadership can also come from a governor with personal or professional experience of the issue. However, it is too often the case that many schools have almost no knowledge of the issue and no leadership around improving this.

4. The unique importance of SEN is recognised by the Department for Education. In making the changes in July 2012 that gave head teachers in mainstream and alternative provision academies greater freedom over the teachers they employ, the Department stated, "because of their unique and specialist role, SEN Coordinators and designated teachers for looked-after children will still be required to have QTS." Governors need to be able to support and challenge the unique and specialist role of the SENCO; in order to enable this we believe the SEN link governor role should be mandatory, and should receive approved training.

5. Governors need to understand statutory and regulatory frameworks and relevant developments at both national and local level for SEN provision, and to understand changes that may be introduced in the Children and Families Bill. The Trust would therefore like to see specific SEN governor training that meets a national quality framework. This could be delivered locally by any number of providers, including the VCS, to reflect the "local offer" whilst also delivering the national framework.

6. Knowing that training is available and that there is a named link governor would also give parents confidence that there are clear lines of accountability around SEN, particularly within the proposed changes to SEN provision.

7. The Trust recognises the challenges of recruiting and retaining governors with appropriate skills and experience, suited to the needs of the children and young people in the school and reflecting the community. We believe schools should have the discretion to remove barriers for those people, particularly parents, who would like to serve as governors but are not able to. For example, if there were a parent of a child with SEN who wanted to serve and had a matching skill set but who needed costs of their childcare covered, the school should be able to facilitate that and parents empowered to be able to claim this without being stigmatised.

BACKGROUND TO THE COMMUNICATION TRUST

There are many children and young people in the UK who face challenges with communication and who need more particular support from the adults around them. The children's workforce has a clear and essential

role in understanding and supporting children's communication. It is absolutely vital that they are able to identify early children and young people who are struggling and can effectively provide support for all those with speech, language and communication needs (SLCN).

The Communication Trust exists to ensure that the children's workforce can fulfil this role. We look to make sure that the workforce and the third sector develop the confidence, skills and knowledge they need, so that every child and young person gets the right support from the right people at the right time. The Trust was founded in 2007 by Afasic, BT, Council for Disabled Children and I CAN, who recognised that in order to make a lasting impact for children and young people, particularly those who struggle to communicate, we needed to work collaboratively and collectively. Since 2007, the Trust has brought together nearly 50 organisations, combining the efforts of the not-for-profit sector and working constructively with Government and civil society to make great strides in shaping policy, improving understanding and developing effective solutions.

January 2013

Written evidence submitted by The Leeds North West Education Partnership—A Cooperative Trust

Governing bodies consist of volunteers. A collaboration of committed individuals with a genuine interest in contributing what they can for the benefit of our schools. They bring a balance of not just academic and employment knowledge, but life skills and experience which proves invaluable to the leadership and management in our schools.

The role of a governor is demanding in terms of meeting attendance, school visits and training. We are ambassadors for our schools and there should be increased awareness of the expectations placed on us in performing this vital role effectively within our schools. The role requires a significant amount of time and commitment to be effective and as a public duty; consideration should definitely be given to permitting a reasonable amount of paid leave per term for employees in order to carry out their role as Governor. Local authorities do support Governors and relationships between them should be open, honest and mutually beneficial. However, the recruitment and development of governors is left very much to chance. There needs to be an effective and reliable recruitment process involving open days and pre-election training which emphasises expectations and the commitment needed to contribute effectively to the running of a school. This would discourage those passive; "title-seekers" who want the role on their CV but can send apologies for meetings for up to 6 months before being reprimanded. Each and every position on a governing body has to be effective and is of equal importance and we suspect that some existing governors did not realise the commitment needed on applying for the role. There is no room to carry those who are not committed. Being a governor is a huge responsibility and should be regarded as such by all parties concerned. Further to this, we are volunteers, therefore we are unpaid and individual remuneration may not be necessary but thought should be given to paying reasonable expenses, subject to criteria. This should be funded with a separate "governing" budget as school funding is stretched enough as it is. Consideration should also be given to the fact that the needs of Primary Governors are in some respects different to those at High schools and also, schools with PFI need extra support to ensure quality and value from the contract.

In summary, to provide balance and constructive challenge, the individual volunteers need to be assured they have adequate support from the government/local authorities to enable them to perform the role of Governor effectively. The school and the students are at the centre of why we volunteer and why we are committed. To be part of their achievement is our reward but we deserve an appreciation of the commitment we demonstrate in time, knowledge and challenge to enable us to perform this role. The government should include this in their discussions as part of the Commons Select Enquiry.

January 2013

Written evidence submitted by the London Boroughs Asbestos Group, London Borough of Islington

EXECUTIVE SUMMARY

1. The following opinions are based on the experience of members of the London Borough's Asbestos Group (LBAG), whose obvious focus is on the role of governors in this particular area of work.

2. LBAG brings together Asbestos Management representatives from London Boroughs and Housing Associations on a regular basis (three to four times a year) to discuss asbestos management issues, legislation, best practice, etc. Most of us have been in post for more than five years; the management of asbestos within in schools is an on-going challenge for Local Authorities (LA's) and is discussed frequently in our meetings. LBAG is also represented on the Asbestos in Schools Group, where this review was brought to our attention.

3. Within Community Schools the LA is one of the Dutyholders and therefore the responsibility for managing asbestos is not placed on school governors, it is dealt with between the LA and individual headteachers. LA's set the Asbestos Management Policy in Community Schools and also possess in-house H&S expertise to support, train and advise.

4. In our experience, even with LA support, governor's awareness of asbestos management requirements is limited and training offered to governors is poorly attended.

5. Due to their role being voluntary and with the majority in full time work outside of education, we believe that it is unfair to expect governors to possess the expertise required and overall responsibility (especially in schools operating outside of Local Authority control). Certainly a two hour training course, if even attended would not cover all the legal requirements and practical application of asbestos management they would need to fulfil their role.

6. In our experience there is a significant lack of asbestos awareness and knowledge in schools outside of Local Authority control, including the legal requirements under the Control of Asbestos Regulations 2012. This has been established through services our members offer to these schools. This is a major concern.

7. We are also aware that independent schools cannot obtain insurance cover for incidents involving asbestos exposure; we believe this will prevent interested parties becoming governors if they understood the school/governing body themselves could potentially be held liable.

LBAG OPINIONS AND RECOMMENDATIONS

The following summarises the points we would like to put forward to this review:

- (i) We fully recognise and value the contribution of governors make to the running and management of schools, considering they are volunteers and not health and safety experts.
- (ii) In general Governing Body members have very little awareness of asbestos management, legal responsibilities and the impact this has on their role as a governor.
- (iii) Non-Local Authority schools governors receive no support; this needs to be addressed.
- (iv) We recommend non-LA schools should be required to submit an annual status report summarising asbestos management objectives and achievements.
- (v) On point 3, we are of the opinion that legal responsibility for asbestos management in non-LA schools should rest with Headteachers with the support of competent members of staff and external expertise.
- (vi) If responsibilities are to be maintained at governing body level, training should be compulsory

January 2013

Written evidence submitted by Family Action

ABOUT FAMILY ACTION

Family Action has been a leading provider of services to disadvantaged and socially isolated families since 1869. We work with over 45,000 children and families a year by providing practical, emotional and financial support through over 100 services based in communities across England. A further 150,000 people benefit from our educational grants and informational service. We tackle some of the most complex and difficult issues facing families today—including domestic abuse, mental health problems, learning disabilities and severe financial hardship.

Family Action provides family support services which work with parents and children to ensure that vulnerable children are in school and that children and young people with emotional, attendance or behavioural problems or illness or disabilities or caring responsibilities outside school are supported in school.

To contact Family Action about this submission please e-mail Rhian Beynon Head of Policy and Campaigns at Rhian.beynon@family-action.org.uk.

EXECUTIVE SUMMARY

Family Action is responding to the Education Select Committee Inquiry into the Role of School Governing Bodies relating to the following points:

- the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership;
- the implications of recent policy developments for governing bodies and their roles;
- the effectiveness and accountability of governing bodies;
- the relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions; and
- whether changes should be made to current models of governance.

The most vulnerable school pupils include those such as young carers, chronically ill and disabled children, children with special educational needs and children with other difficulties. Our two reports on young carers and school and children living in Troubled Families with attendance difficulties highlight the issues facing these children.

While the Pupil Premium is of huge potential benefit to supporting the learning of these children, awarding the responsibility for implementation of this financial support to individual schools without adequate duties of accountability potentially undermines the Government's intention to support vulnerable pupils.

While school governors do have a duty of fiscal responsibility in respect of spending of the Pupil Premium and Ofsted has a duty to inspect the spending of the Premium there is no accountability upon school governors to report publicly on how schools are responding to the needs of vulnerable pupils.

Our own experience as well as research by the Joseph Rowntree Foundation report shows that in order to provide support for vulnerable families affected by chronic illness or other difficulties multi-agency cooperation is often needed between schools and health and social care services.²³ Yet, such collaboration is often missing. Thus, to enhance the cooperation between education, health and social services, and share knowledge of the local population of disadvantaged and vulnerable children and families, an effective join up between these agencies is needed. This could be achieved through further accountability of school governing bodies for instance to Local Health and Well-being boards. This would enhance the impact of spending on the Troubled Families Programme, for which improving school attendance and reducing exclusions are key criteria.

Governing bodies should ensure that the Pupil Premium funding, intended to raise the attainment and aspirations of disadvantaged pupils, is used appropriately and effectively. The research conducted by Sutton Trust shows that rather than a universal approach to the distribution of finances, specific interventions are likely to be more successful. Thus, school leadership including governors should monitor what their evidence indicates is effective in improving teaching and learning and work out what costs are associated with these approaches.²⁴

Evidence further discussed below shows that schools have mixed feelings about the effectiveness of the Pupil Premium on vulnerable pupils. The fact that there is no direct link between school spending and the outcomes for pupils suggests that the level of efficiency differs from case to case depending on the wider context of the particular school.

Due to the cuts of other finances as well as the flexibility given to schools when deciding how to use the Pupil Premium, schools often use Pupil Premium to maintain or enhance their conditions, rather than directly focusing on the needs of vulnerable pupils. Thus, only 1 of 262 school leaders feels that Pupil Premium has significantly improved the way they do things. Many schools feel that there is a lack of transparency in terms of how local authorities develop the funding.²⁵

Our *Be Bothered!* report highlights that despite the improvements in the method for identifying vulnerable pupils, young carers are one of the disadvantaged groups that often remain unrecognized. Because social stigma of vulnerable children prevails, young carers often remain reserved about expressing their problems and the support they need.²⁶

Although exclusion contributes to the complexity of the problems young carers and other vulnerable children face, only a minority of schools adjusted their exclusion policies after the introduction of Pupil Premium.

RECOMMENDATIONS

- School governors should have a duty to ensure that schools identify and address vulnerable pupils and provide them with appropriate support.
- Governing bodies should ensure that schools monitor the impact of their spending of the Pupil Premium on the outcomes of the identified children.
- The Pupil Premium should not only reach vulnerable pupils but also lead towards a real improvement in their school performance. Schools should use the Pupil Premium for its original purpose: to improve the attainment of disadvantaged pupils, rather than for other purposes. Schools should try to find strategies to remove cultural stigma and encourage vulnerable pupils and their parents to actively seek support in their schools and ensure that their vulnerability does not effect their attainment at school.
- While we support the Ofsted inspection criteria we call for further accountability on school governing bodies to scrutinise and be publicly accountable for the response to vulnerable and disadvantaged children, for instance through reporting to Local Health and Well-Being Boards
- Governing bodies should encourage effective communication between schools and parents of vulnerable children in order to recognize and meet the individual needs of the vulnerable child.

²³ <http://www.family-action.org.uk/uploads/documents/The%20Troubled%20Families%20Programme-What's%20needed%20to%20deliver%20outcomes%20on%20school%20attendance%20FINAL.pdf>
<http://www.jrf.org.uk/sites/files/jrf/2028-education-poverty-theory.pdf>

²⁴ <http://www.suttontrust.com/research/toolkit-of-strategies-to-improve-learning/>

²⁵ Pupil Premium, Ofsted raising standards, improving lives, 2012, <http://www.ofsted.gov.uk/resources/pupil-premium>

²⁶ <http://www.family-action.org.uk/uploads/documents/Be%20Bothered!%20Make%20Education%20Count%20for%20Young%20Carers.pdf>

- School governors should ensure that the connection between free school meals and regular exclusions are monitored and regularly revised in order to adjust exclusion policies for the needs of vulnerable groups.
- Local authorities and health agencies and schools need to establish effective communication. This will lead to a greater transparency as well as understanding as to how the funds are allocated.

The impact of the Pupil Premium on children from disadvantaged backgrounds

1. The Summary for Schools Spending the Pupil Premium conducted by Durham University suggests that financial spending on vulnerable pupils will not necessarily improve their situation and their achievements. The fact that there is no direct link between spending on schools and outcomes for pupils suggests that spending money effectively is complicated. The research shows that the level of efficiency is often individual, depending on the context, the school, the teachers and their level of training and knowledge, and the areas the improvement is focused on.

2. Therefore, in order to achieve the purpose of the Pupil Premium analysing how the money is spent is crucial. Yet, the Ofsted survey shows that the majority of school leaders are very cautious in assessing Pupil Premium’s effectiveness. Only a minority were able to provide evidence that would confirm their achievements. One third of primary schools and a quarter of non-mainstream schools stated that the governing body of their school had a limited or no specific focus on spending the Pupil Premium.

3. While some school leaders stated that the Pupil Premium has helped them to maintain and enhance the provision for disadvantaged children as well as rise the awareness of the needs of this group, others felt that due to the cuts in other funds, they could not use the Pupil Premium for its original purpose thus the needs of vulnerable groups have been given little attention.

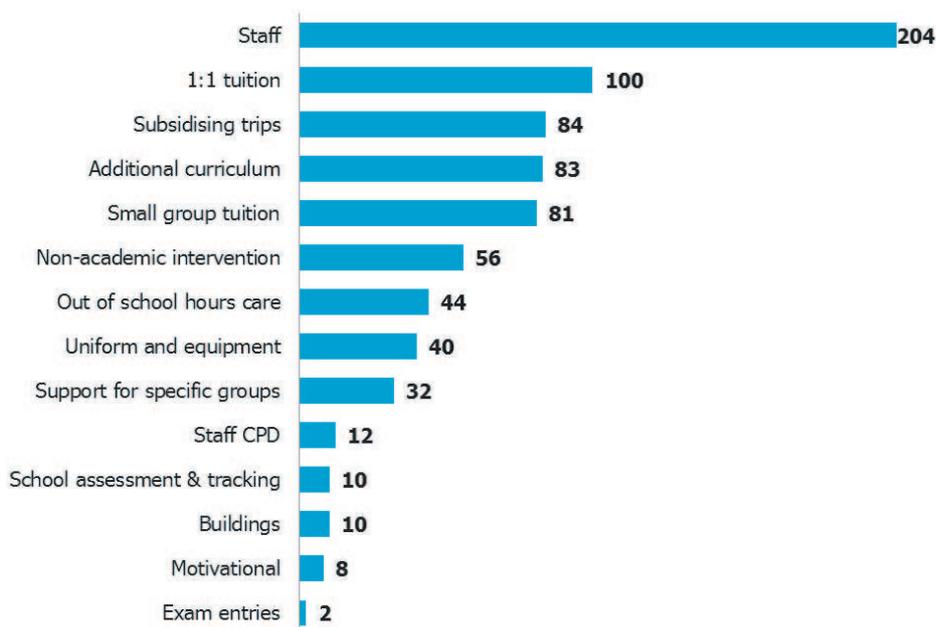
What is Pupil Premium used for?

4. While the flexibility given to schools to use the Pupil Premium provides them with the benefit of tailoring an individual approach that suits best the needs of their school and their pupils, the funding is often used in a wide range of areas with little focus on pupils personal development (*see figure 1*). Particularly low attention has been given to parent support workers, behaviour support workers and counsellors.

5. According to the survey conducted by Ofsted, only one in ten school leaders stated that the Pupil Premium has significantly improved the ways they do things. Many admitted that they do not separate the finances given for the Pupil Premium from their budget and use it rather to maintain or improve their conditions.

Figure 1

WHAT IS PUPIL PREMIUM USED FOR?



Answers provided by 119 school leaders responding to the telephone survey and 142 school leaders responding to additional questions at inspection.²⁷

²⁷ ???

6. Most commonly, the Pupil Premium has been used to pay for teaching assistants. Yet, the evidence brought together by Durham University suggests that teaching assistants have a very low impact on children's achievements and improvement.²⁸ What is more, the most recent study in the UK argues that low attaining students are doing less well with the support of teaching assistants in the core subjects of Maths and English. Around 25% of schools that participated in the Durham University research stated that the funds have been, at least partly, used to pay existing or new teachers usually involved in one-to-one teaching support (*see figure 2*).

The impact of the lack of multi-agency cooperation

7. A report conducted by the Joseph Rowntree Foundation "*Education and Poverty*" stresses the importance of multi-agency work and argues that to tackle educational issues there is a need for cooperation between professionals from education, healthcare and social services. While the report points to the positive impact of multi agency work on behaviour where schools collaborate with child/family services, it also argues that where the joined-up nature of the problems families face are not considered by any of the services the family receive they fail to provide adequate support for vulnerable families.²⁹

8. Our own experience shows that there is often a failure by commissioning to join up health and social care models and adults with educational services. Often chronic illness in families has a profound impact on mental health and wellbeing which is crucial for appropriate parenting and for children's participation at school. Yet, many families affected by chronic illness do not have the resources or resilience to respond to such difficulties and need additional support. Family Action provides professional home-based family support which provides extra assistance and sets up links between schools and health.

Raising awareness in order to remove cultural stigma

9. Ofsted research shows that the cultural stigma of applying for free school meals persists so many parents do not apply for the support they are eligible for. Our *Be Bothered! Make Education Count for Young Carers report* found out that only 18% of young carers have been approached by their school. Many young carers remain silent about their caring role because they fear being perceived as "different".

10. Our research showed that 79% of the respondents to our survey thought that young carers would receive better support if teachers and peers were more aware of their caring roles.

11. Research conducted by Diabetes UK and Clic Sargent suggests large numbers of ill children are denied the support they need to keep up with their education whilst receiving treatment. As a result 35% of chronically ill children face bullying after returning to school with nearly 50% experiencing isolation from their peers.

12. Our *Be Bothered! report* investigating the problems young people with caring responsibilities face in education and developed in collaboration with young carers, parents and teachers found that 49% of young carers feel that their caring role has had a negative effect on their school work. 52% of the young carers we interviewed had missed school with 60% struggling with punctuality.

Exclusions and vulnerable groups

13. Our research highlights the particular problems for young carers and the danger of punishing some of the most vulnerable pupils for absence due to their caring roles. Often, causes of absence are not recognized and punishment in terms of detention or extra homework only compounds the problem. Moreover, given the pressure on schools to improve attendance, vulnerable pupils often feel lack of understanding and high pressure from teachers to be in school.

14. One in eight respondents to the Ofsted survey stated that Pupil Premium has had no impact on their approach towards exclusions. One in three mainstream schools stated that the Pupil Premium has raised awareness about the possible links between exclusion and free school meals.

The lack of transparency

15. The Ofsted survey concluded that non-mainstream schools in particular felt that there is a lack of transparency in the way local authorities devolve Pupil Premium finances. Further uncertainty has been highlighted in the way local authorities consulted these schools and pupil referral units as to how Pupil Premium should be allocated. Thus, schools often do not understand the basis on which local authorities devolve the Pupil Premium

Method of identifying children eligible for Pupil Premium

16. While the new method of identifying children eligible for the Pupil Premium has generally been perceived as more effective in addressing low income families and those moving in and out of difficulties, more should be done to identify other vulnerable groups such as young carers.

²⁸ *Toolkit of strategies to improve learning: summary for schools spending the Pupil Premium*, The Sutton Trust, 2011; www.suttontrust.com/research/toolkit-of-strategies-to-improve-learning/.

²⁹ <http://www.jrf.org.uk/sites/files/jrf/2028-education-poverty-theory.pdf>

17. Our research shows that vulnerable groups often need an individual approach tailored to their particular needs. Failing to recognize and address the particular needs of vulnerable groups, such as young carers may only compound their problems.

January 2013

Written evidence submitted by Umesh Raichada, Parent Governor

I would personally like to comment on my experience on the Subject of the Role of School Governing Bodies as I have been a parent Governor for over eight years now. The Governing body basically has a role of being a CRITICAL FRIEND, QUESTION and RECOMMEND the strategy for the school development plans. In order to make the Governing Body more effective it should have a CROSS REPRESENTATION OF PEOPLE ON THE BOARD INCLUDING PARENTS!!! The role of Community Governors & Political parity/ councillors Governors should be limited going forward.

Personally I recommend that ALL Nursery, Primary, Secondary as well as the new so called ACADMYS MUST COMPLY WITH NEW REGISLATION in order to get more Parents to be involved in Joining the GB. In most cases up and down the country the role of GB and election of Governors is kept as a CLOSED SHOP and not enough COMMUNICATION takes places between Schools and parents to promote the role of Parent Governors, Too often Head teachers do not like CHANGE and Input from Parents as they have had freedom to run the schools all these years without questions being asked. But if such schools are funded by hard working parents who are in most cases high rate tax payers Schools should become more open minded.

ALSO OPEN INFORMATION ON GOVERNING BODY MINUTES—Going forward all schools should comply with the Freedom of INFORMATION ACT.

One of my daughters attends a high school which has been turned into an academy and before it turned into an Academy they put out a call for a Parent Governor this was put on hold until it became an Academy. During the consulation process which was done very fast with limited information given to parents and in most cases information in a form of large PDF files that parents had to visit the school website to read !!!! During the consulation process I met the Chair of Governors and informed him that I was very keen and interested in the position of a “Parent Governor” to my surprise he replied “*You have to be selected to be a Governor by the Governing body*” which is totally incorrect as the right to vote in a parent Governor has to be voted by parents!! Anyway I did not say anything at the time as it was inappropriate at the time. Since then I have applied to be a Governor and lost by one or two votes as the school did not remind parents about the election process and how important it is for them to vote. Since then I have asked the Clark to the Governing body to send me minutes of the GB meetings which she has done. I am now having to chase the Clark for the minutes and after several weeks of waiting I have received the second set. I copied the PA to the Headteacher so that she is aware of my request. The Headteacher has replied to my email saying: “You may well feel that this is a way in which you can personally keep yourself up to speed on what decisions are made and why they are made but as you are not an elected Governor of the academy I cannot see that there is any requirement on the Clerk to service your needs as if you were by action if not in fact a self co-opted member of the Governing body. *Please do not, in your response to me, quote freedom of information.*”

I have asked Brent Councils Director of Children and Families to look into this for me as well as the Information commissionaire both of which have not come back to me. THIS IS TOTALLY WRONG AND SHOULD BE LOOKED INTO BY THE RELEVANT HOUSE OF COMMONS SELECT COMMITTEE

January 2013

Written evidence submitted by the London Councils

This response is submitted by London Councils. London Councils is a cross-party organisation lobbying the government and others on behalf of our member councils to protect and enhance council powers so they can do the best possible job for their residents and local businesses.

EXECUTIVE SUMMARY

1.1 The education system is changing dramatically across England as Government reform takes hold. The rise in the number of Academies and Free Schools is creating a more autonomous schools sector which places more responsibility on their governing bodies to ensure the school management team is delivering a high quality education to all pupils.

1.2 Schools in London are the best performing at both secondary and primary level and London local government is committed to ensuring that they continue to thrive. Governing bodies play a key role in overseeing the continuous improvement of schools, by both supporting and challenging the school leadership team, but in many cases they need support to be able to fulfil this role effectively.

1.3 The Schools Minister, in his recent speech at the LGA on 4 December, clarified that local authorities have an ongoing strategic role in school improvement. He stated “if local authorities want to retain their

important role in schools then they must act when schools in their areas need to improve.” In this context, it is important that local authorities have effective communication routes into all local schools.

1.4 Community governors form a vital link between a school and its local community. London Councils feels strongly that this role should be strengthened in the new system in order to ensure that schools are able to reflect the needs and interests of local people. Community governors also provide an important information conduit between the local authority and the school which is essential in order to deliver the best education for all local children. This is why we are calling for all state funded schools, including Academies, to have at least one governor appointed by the local authority, on behalf of the wider community.

1.5 London Councils recognises that quality of governors can be inconsistent and often they are not able to monitor and challenge the school management effectively. We feel that there is a key role for local authorities to play in offering more comprehensive training and support for community governors, which could be rolled out more widely to all governors where appropriate.

MAIN SUBMISSION

2 The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

2.1 London Councils feels that all governing bodies should provide a mix of both support and challenge to the Head Teacher and leadership team. It is important that the governing body has sufficient information, expertise and influence to be rigorous in challenging issues as soon as they emerge and expect their recommendations to be acted upon by the school leadership team in order to effect change.

3 The implications of recent policy developments for governing bodies and their roles

3.1 The education system is changing dramatically across England as Government reform takes hold. The rise in the number of Academies and Free Schools is creating a more autonomous schools sector which places more responsibility on their governing bodies to ensure the school management team is delivering a high quality education to all pupils.

3.2 Conversion to academy status removes a school from the family of local authority maintained schools and, by default, central support services provided by the local authority. Governing bodies for Academies therefore will need to scrutinise the procurement decisions made by the school leadership team and oversee the effectiveness of the delivery of these services. It will therefore become increasingly important for governors to have finance and business acumen.

3.3 With the changing dynamic between schools and local authorities, governing bodies in Academies will need to monitor the effectiveness of the ongoing relationship between the school and local authority. This should include scrutinising how support is delivered to vulnerable pupils, such as those facing permanent exclusions or with an SEN statement, where the local authority has statutory responsibilities. If a governing body does not feel its school or local authority is managing support for vulnerable pupils effectively, it should feel confident that it can intervene.

3.4 Given the Government’s emphasis on peer learning and the reduction to many local authorities’ school improvement services, all school governing bodies need to look at what learning they can take from their wider family of local schools to improve their own school’s performance and management. In many areas local authorities have facilitated education improvement partnerships that will help support this type of learning.

4 Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

4.1 London Councils feels that the current level of provision available for developing governors is insufficient to meet the ongoing improvement challenge facing London’s schools. This is why all the London boroughs have pledged to improve support on offer to their community governors. There may be an opportunity to roll this out more widely to all governors, where appropriate.

4.2 Governor recruitment is a significant issue for London’s schools. London Councils has identified a number of challenges around recruiting high calibre governors in London, including:

- Shortage of overall applicants.
- Mixed quality of potential governors.
- Lack of governors from the local communities in which schools are located.

4.3 London Councils is currently looking at ways to encourage more potential candidates, particularly those with specific expertise and experience, to apply to become governors in London.

5 The structure and membership of governing bodies, including the balance between representation and skills

5.1 At present only local authority maintained schools have community governors appointed by local authorities, and this is no longer a statutory requirement for governing bodies.

5.2 Community governors form a vital link between a school and its local community. London Councils feels strongly that this role should be strengthened in the new system in order to ensure that schools are able to reflect the needs and interests of local people. Community governors also provide an important information conduit between the local authority and the school, which is essential in order to deliver the best education for all local children. This is why we are calling for all state funded schools, including Academies, to have at least one governor appointed by the local authority, on behalf of the wider community.

5.3 Given the more critical role of governors in a more autonomous system there are a number of skills that they will increasingly need to support the school management, such as financial and business acumen. However, the most important skill that they should bring to a governing body is a confidence and ability to constructively challenge Heads to improve school effectiveness.

6 *The effectiveness and accountability of governing bodies*

6.1 As stated above, London Councils feels that many governing bodies need training and ongoing support to be fully effective in holding their schools to account. To this end London local government has agreed to support community governors with an enhanced training offer, and there may be scope to roll this out more widely to all governors, as appropriate.

6.2 Community governors play an important role in representing the views of the local community to the school governing body. The local authority is well placed to support community governors in this role, particularly through sharing local intelligence. Therefore London Councils feels it is important that regular communication channels are set up between community governors and local authorities. This would ensure that the governing body receives the support and additional information it needs to robustly challenge the school and that local authorities have access to early information about emerging issues in order to act, where appropriate. Some London boroughs have developed their own mechanisms to do this, for example through termly meetings for all community governors.

7 *Are new arrangements required for the remuneration of governors?*

7.1 London Councils does not have any comments on this area.

8 *The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions*

8.1 It is essential that all schools maintain good relationships with local authorities, whatever their status. Local authorities remain responsible for over 100 statutory duties in relation to children, such as managing exclusions, admissions and school places, securing appropriate provision for vulnerable pupils and safeguarding children. To fulfil these duties in the best interests of pupils, local authorities need to have regular communication with schools. A school governing body can help to ensure that information is being shared between the two in a timely and efficient manner.

9 *Should changes be made to current models of governance?*

9.1 Please see answers to question 5.

January 2013

Written evidence submitted by the Reverend Tony Shutt

CHAIR OF GOVERNORS

The Federation of Send Church of England Schools

- Comprising Send Church of England First School and St Bede's Church of England Junior School, Send, Surrey *also Priest-in-charge, Parish of Send (Church of England)*

BACKGROUND

- I have been a Church of England foundation governor of three schools in the primary sector since 1989 (23 years).
- I am currently Chair of Governors of a Federation of two schools, infant and junior. St Bede's is among the 261 schools in the first phase of the current government's Priority Schools Building Programme. So plenty to manage yet to come.
- I seem to spend most of my time on school governance. I do my best to squeeze in my "day job" as a Church of England parish priest.
- I have willingly and enjoyably spent much of my life attending governor training, briefings, conferences and meetings over the years. Less enjoyably I once spent 17 hours chairing four sessions of a complaint appeal against a school.

- I am a Surrey Additional Skills Governor, meaning I am available to assist other governors and schools.
- I took part in the pilot National College leadership development programme for Chairs of Governors in July 2012. But I can't afford the time and the school can't afford the money (over £400) to take part in the full course that is now available.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1. In my experience, the key to school improvement and success inheres mainly in the quality and capacity of the head teacher and the school leadership team to lead and sustain school improvement. And incidentally, compared to me, some of them are paid very well to do so. It's frustrating when they don't.

2. It seems to me that even outstanding or good governance can come to nothing, or can only bring about slow insecure change, when it is trying to interact with weak and insecure school leaders.

3. Even the most perceptive, clued-up, challenging, analytical, supportive and compassionate offering of governance can be wasted on a head teacher who either will not or cannot effect the required improvements. Long-running, powerful waves of buoyant good governance either break like surf upon an intransigent head teacher or, however supportive and sensitive, contribute only to the erosive undermining pressure the head teacher already feels because of their weaknesses and insecurities.

4. However, the outcome is perhaps not the same when the balance of capacities is the other way round. I imagine strong and effective head teachers and school leaders can manage to a large extent to make schools good and outstanding even with weak governors and governance. With some canny resolve and low relational viscosity, strong and effective head teachers can flow around and past weak governing bodies to bring their generative influences directly to bear on school staff, pupils and their performance. Such a dynamic may not be what head teacher's want or think is structurally best for the leadership and community of the school, but the alacrity and quality of outcomes are what matter. Needs must.

5. In the present structural dynamic of the governance-leadership configuration, it seems to me that when governance and leadership find points and periods of synergy, great things can be achieved, and quickly—and everyone is content. But too often, as in a floundering friendship or a marriage perhaps, when each party to the relationship misses the others intent and contribution to a greater or lesser extent there can be failure to progress and frustration all round.

The implications of recent policy developments for governing bodies and their roles

6. No comment.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

7. Training is too dependent on the effectiveness of individual schools and governing bodies to organise. There should be standard high-quality induction procedures, even if only an essential core of procedures and training. To this, local provision can be added. Governors might reasonably be licensed or authorized in some commonly accepted way to practice.

8. Recruitment challenges seem to come and go. Recruitment can be problematic for all kinds of governors for different reasons. Governing bodies tend to be more representative of committee types than the wider community. SGOSS has been useful to us in finding introductions to some governors, but the matching of candidates to our needs has not always been suitable.

The structure and membership of governing bodies, including the balance between representation and skills

9. I sometimes think a few governors who really know what they are doing and who get on and do it would be far more effective than a ragbag of disparately informed and motivated people some of whom take too long to evolve from their primordial clueless form. It is too readily possible for people without effective skills to become governors. However, too few governors could be problematic. There is a lot to monitor and evaluate as a statutory requirement. I've heard governors who have been involved in interim executive boards say the model of only a few governors working intensely is unsustainable because of burn out.

The effectiveness and accountability of governing bodies

10. See paragraphs 2–6.

11. I am a Church of England foundation governor, so I am accountable in some sense, I suppose, to the Diocesan Board of Education (DBE). But although the DBE provides a wide variety of training and support for governors, and governors of all kinds, I am never called to account by the Diocese for my role as a

foundation governor. That is left to the processes of personal responsibility, school and governing body self-evaluation and periodically Ofsted. Similarly authority governors seem not to be held to account by their appointing local authority, neither staff governors by staff, nor parent governors by parents.

Whether new arrangements are required for the remuneration of governors

12. I doubt whether the passion and commitment of volunteers can be bought. The voluntary ethos is an important and characteristic ingredient in the maintained school community, in which many people volunteer and work willingly, effectively and lovingly alongside salaried staff and advisors.

The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

13. No comment.

Whether changes should be made to current models of governance

14. In many schools it seems that the present arrangements work well, perhaps surprisingly. In my opinion, changes should only be based on thoroughly researched objective evidence. There should be far more well focussed, planned and calibrated research on what successful governance looks like and how it can be replicated.

January 2013

Written evidence submitted by the Elliot Foundation Academies Trust

OUR CONTEXT

The Elliot Foundation Academies Trust (TEFAT) is a multi academy trust, responsible for a growing community of 8 primary academies. We anticipate having 20 primary academies by September 2013 based in two or more geographical clusters. We have plans to grow to 100 primaries over the next four years.

The TEFAT Board of governors is the governing body for all of our academies setting and operating universal policies. A local committee, which we name the local governing body, is appointed to each academy.

We believe the existing system of governance to have serious shortcomings. We would want to encourage the Select Committee to discuss, not only a review of governance, but create a new form of accountability that is simple, easy to administer and effective.

THE REQUEST FOR EVIDENCE

The questions posed, imply that the current arrangements for governance of every maintained school should be retained. We would question this assertion.

We would welcome a fundamental review of the governance needs of our school system and by inference the best way of achieving continuous rising standards and outcomes for pupils that prepare them for a wider role in society.

We recognise that we are working within an existing legal framework that should ensure probity and compliance.

We also recognise that Head Teachers may be unaware of governance freedoms and are often NOT adopting practices to the full extent of their existing powers.

The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

It is essential that clarity on the prime purposes for governing bodies is established and understood at a national level.

We suggest that there are three main purposes and place them in order of priority below:

1. *Accountability*—monitoring key performance indicators, finance and estates, pupil outcomes, staff & head teacher performance as examples. This monitoring role is critical to the sustained success of any school.
2. *Legal compliance*—review and implementation of policy and procedure to ensure that the school or academy is operating within all framework requirements.
3. *Advocate & Critical friend*—ability to review and reflect on all aspects of the school and create a “healthy” work environment for all and to undertake wider school and community functions, for example consultation and public relations.

If these can be accepted as the three purposes then consideration needs to be given as to how they can best be delivered through effective measures.

1. ACCOUNTABILITY

Monitoring key performance indicators, finance and estates, pupil outcomes, staff & head teacher performance as examples. This monitoring role is critical to the sustained success of any school.

SOLUTION

1. Increasing the role and autonomy of the Principal or Head teacher whilst retaining enough checks and balances to ensure the school is well-managed.

A well-informed and well-trained head should operate across the full spectrum of school improvement activities including organisational leadership, financial management as well as school improvement. They should also be able to rapidly deal with staff issues.

Staff disciplinary is an example. The School Staffing (England) Regulations 2009 gave an option for head teachers to be delegated responsibility for the disciplinary process up to and including dismissal. However this option is rarely used and is unnecessarily delegated to a GB panel.

An in-school policy review could remove this option and compel Head Teachers to take on this key role. Any appeal would then fall to the GB (appeal panel) or an independent panel.

2. A cluster model for small and primary schools is needed to enable a group of people who understand the need to monitor key performance indicators across their group of schools, have expertise to enable them to do so in areas of finance and estate, staffing, pupil outcomes and providing VFM.

For this group, roles and expectations would be made explicit and related to outcomes. Skills audits for such individuals would be a requirement and a clear framework for carrying out their functions across the academic year would ensure all areas are met.

Through this mechanism they would hold the Head teacher to account.

2. LEGAL COMPLIANCE

Review and implementation of policy and procedure to ensure that the school or academy is operating within all framework requirements.

This area would be covered in the above model.

3. ADVOCATE & CRITICAL FRIEND

The ability to review and reflect on all aspects of the school and create a “healthy” work environment for all and undertake wider school and community functions, for example consultation, public relations, etc.

We would suggest this is part of the wider Head Teacher role and function. Where an individual “critical friend” role is needed this is provided by peer to peer support. Consultation and public relations should be Head teacher led.

The implications of recent policy developments for governing bodies and their roles

As a Multi Academy Trust, the Elliot Foundation wants to create an effective and efficient governance unit that could function across more than one primary school and bring professionalism to a voluntary role.

The current requirement for election of parent governors is a block to being able to construct an impartial, small, robust team able to focus on the functions and roles explained above. This team could include parents.

Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

A straightforward process for removing any governor from maintained schools is urgently needed where this is deemed necessary for effective functioning of the school.

Locally, it should be possible to source individuals with the skills and commitment to carry out the much-needed strategic role described above. Reducing numbers to a small team and eliminating election processes would speed up functioning and focus activity. School Governors One Stop Shop could be helpful in the sourcing process for these teams.

As part of the “recruitment” process greater significance should be given to the role, and training, of any clerk. Whether to a small group as described or GB as presently exists. The clerk can play a crucial role in the success of the GB work through their knowledge, information flow and procedural advice.

Targeted resources for “governor” training should be identified. This critical area should not be a burden to the school budget.

The structure and membership of governing bodies, including the balance between representation and skills

“Governor” appointments should be based on skills, commitment and the school context not representation—therefore there should be a removal of requirement for “parent”, “staff”, “local authority” or “community” or any other group.

A well-balanced skills set in a small group of 4–6 would suffice in managing the priority areas and creating a professional working relationship with the Head teacher.

The advocacy and critical friend role could be carried out by a separate group of local representatives that may include parents.

As a Multi Academy Trust we are also exploring the option of forming small “professional” teams that carry out the accountability and legal compliance role for a cluster of schools.

Whether new arrangements are required for the remuneration of governors

Remuneration is less important than professionalising the role. However by widening the role we could suggest that this makes some form of remuneration inevitable as it becomes more like a “job”.

Remuneration is already taking place in some academy chains.

Remuneration disadvantages small schools and primary schools whose budgets are smaller than secondary schools unless the model of a small team across clusters of schools were adopted.

Remunerating governors would wholly change the nature of the relationship and might undermine their role. It might also cause some difficulties for those employed where their employer might not want them to be earning elsewhere but are happy to give flexibility in their working practice for voluntary work.

If governors were remunerated this would require additional financing. Whether there would be a national scale of pay or left locally could also cause division as some schools might reward more highly.

Whether changes should be made to current models of governance

The current models are based on long history and should be removed completely and replaced with a simpler, smaller and flexible model based on delivering accountability and legal compliance.

We would welcome a more rigorous review of governance looking at different models of holding schools and academies to account.

Progress of schools, academy or not, will not be made by adhering to a system of school governance that has not been significantly changed since before the Education Reform Act (1988) and the implementation of local management.

January 2013

Written evidence submitted by National Association of Head Teachers

INTRODUCTION

1. The National Association of Head Teachers (NAHT) is delighted to be able to give evidence to the Select Committee on this important topic of school governance. As a member organisation representing approximately 28,500 serving school leaders across all phases of education, we are well placed to speak on such issues. Our members also are governors: head teachers are ex officio governors, while other members will be staff governors or part of the governing bodies of other schools. All have an interest in how the role of the governor and the governing body is changing over time.

PURPOSE, ROLES AND RESPONSIBILITIES OF SCHOOL GOVERNING BODIES

2. Whilst the appropriate role for governors is at a strategic not operational level, our members tell us that this is not always clearly understood. Often, it is interest in the operational that attracts members of the school community into school governance. However, developing an understanding of the strategic nature of governance amongst parents and other interested stakeholders is essential if the governing body is to operate effectively. Governors need to hold school leaders to account for the day-to-day work of the school, rather than either act as cheerleaders of the school or get involved in micro-management, thereby superseding the role of the head teacher.

3. The value of a good chair and clerk cannot be overstated. Sadly, not all schools have good chairs and clerks and we must be mindful of the potential risks presented by ineffective or ill-intentioned governors. The problems caused by rogue chairs of governors were highlighted by NAHT members at our 2012 annual

conference, where a review of the role of chair was called for and, as more accountability is devolved to schools, disputes between heads and governors are a growing part of our casework. Members are keen to engage with the Select Committee to discuss further these issues.

IMPLICATIONS OF RECENT POLICY DEVELOPMENTS

4. The government's desire to increase the autonomy of head teachers has led to some conflict with governing bodies. Decisions relating to the length of the school day, the curriculum, etc. still require governing body assent, for example. However, some governing bodies may not have the necessary skills and knowledge to assess fairly the recommendations of the head and therefore either reject outright any change to the status quo or force through inappropriate change.

5. The Academy/Free School movement has greatly increased the number of educational trusts operating in England. These trusts have responsibility for the strategic oversight of the Academy(ies) though some of these powers are delegated to the governing body. In the absence of one organisational model, the seemingly competing role of Trusts and governing bodies has given rise to an unacceptable level of confusion and, in some cases, insecurity.

6. Governors are being asked to undertake increasingly complex financial and educational decisions with the potential to permanently impact on the school's provision in their local community. The training, preparation and support available for those governors has not kept pace and, indeed, in many instances, has decreased along with other local authority services. The reasons behind this are many but the negative effect is the same. Questions remain as to the sustainability of an entirely voluntary workforce with no mandatory training.

RECRUITING AND DEVELOPING GOVERNORS

7. Because of the increasingly complex demands placed on governors (as referred to above), schools frequently encounter difficulties in recruiting suitable governors with the necessary skills to support the school. It is true that some businesses already promote membership of governing bodies to their workforces and we would wish to see this replicated more widely. The importance of the role is such that it should be considered as a civic duty, similar to that of a magistrate or service in the Territorial Army, with equivalent rights to time off work.

8. The NAHT supports mandatory training for Chairs and also believes that all governors should have the right to effective training. This should be coupled with an expectation that they will undertake such training. Even where governors are well-equipped with the basic skills needed to fulfil their role, other less familiar areas, for example the quasi-employer role, demand particular skills and knowledge that need to be developed and cannot be assumed to be present within the skill set of every governing body.

STRUCTURE AND MEMBERSHIP OF GOVERNING BODIES

9. Whilst it is important to see adequate representation of stakeholders across the governing body, it is essential that the skills necessary for challenge and support are also present. Skills to operate at a strategic level are at least as important as representation of stakeholders.

10. Although parents, the major stakeholders, need to play a significant part in the governance of the school, it is important to bear in mind that the parent body is constantly changing. As it changes, so does the level of involvement. This is normal and should be catered for in the membership arrangements. Any lessening of the level of engagement of parents with governing bodies in academies and free schools is a matter of concern to the NAHT. Consideration should be given to separating the functions of representation, via some form of council, and decision making, via an executive board. Such separation would facilitate retaining an election process for community representatives, whilst also allowing for appointments on the basis of required skills.

EFFECTIVENESS AND ACCOUNTABILITY OF GOVERNING BODIES

11. For governors to be able to hold school leaders to account, it is essential that they are able to question and probe properly, without disrupting the day-to-day running of the school. To achieve the right balance of challenge and support in order to be totally effective is difficult but represents a worthwhile aim.

12. The relevance of Ofsted's judgement of governing body effectiveness is sometimes questionable. The overall leadership and management judgement must make clear the strengths and weaknesses of the governing body, the school leadership team and their interaction. Only in this way can schools attempt to remedy any issues raised. The blending of a single judgement for governance and operational leadership in the new framework was a backwards step in this regard.

13. As democratically elected post-holders, individual school governors cannot be removed from office, irrespective of their performance. This must be addressed if governors are to be fully accountable for their decisions, conduct and effectiveness.

ARRANGEMENTS FOR REMUNERATION OF GOVERNORS

14. The NAHT believes that consideration should be given to providing some level of remuneration to the Chair of governors, especially for those overseeing more than one school. This sits alongside the recommendation outlined above that being a governor is a civic role. The amount of remuneration need not be excessive but the essential work undertaken by the chair needs to be recognised in some way.

15. Similarly, the role of Clerk to the governors should be recompensed. Clerks need to be independent and well informed so that proper procedural support can be provided to the governing body. Rather than seeing this as a basic, purely administrative role, the Clerk's role should be seen as more akin to that of a Company Secretary or Town Clerk. They need to have complete understanding of procedural matters for the governing body and also the legislation underpinning school governance, governing body responsibilities and such matters.

GOVERNING BODY RELATIONSHIPS WITH PARTNERS

16. The number of different school structures and associated models of governance has led to a certain amount of distance being created between governing bodies and their natural allies and/or partners. It is often difficult for both sides of the relationship to understand what is needed from each other and where the boundaries lie. Clarity of roles and responsibilities would help prevent some of this.

POTENTIAL CHANGES TO CURRENT MODELS OF GOVERNANCE

17. There appears to be considerable concern over the size of governing bodies. However, the Association continues to maintain that, in general, size is less important than the skills present in the governing body. Although the Association would not press for major changes to models of governance in general, it is true that there does need to be a level of clarity over the structures for academies and free schools. Also, where schools collaborate informally, there can be some tension on occasions regarding where ultimate responsibility sits for joint operation between the schools concerned. It is not that there needs to be another governance model, rather, there need to be clarity across the piece.

CONCLUSION

18. We would welcome the opportunity to discuss these issues further with the Committee.

January 2013

Written evidence submitted by David Joyce, Chair of Governors, Winterbourne Earls CE (VC) Primary School

INTRODUCTION

1. Governors are enthusiastic amateurs. They are drawn from a wide range of professional backgrounds who volunteer their skills, experience and particular interests for the good of the school that they serve. The pool of expertise they provide does not necessarily stem from a deep knowledge of the education system, but the teaming together of the governors, the headteacher and the staff of a school should generate a resolve to ensure that every child receives the best possible education.

ACCOUNTABILITY

2. Governors are often described as "critical friends" to the school, monitoring and challenging a school's day-to-day operation whilst helping to develop its long-term plans to achieve and maintain the highest possible standards. Their activities are judged as part of a school's measurable and reportable performance indicators through the Leadership and Management elements of an OFSTED inspection.

3. Governors operate within and to the law. They are subject to Criminal Records Bureau checks. They must ensure the school operates safely within the terms of the Health and Safety Act. They must ensure a Child Protection regime is in place. In overseeing accounting and financial management, and contributing to budgetary control, governors are central to that aspect of the running of the school that is, essentially, a business, paying for staff, buying in services, and rewarding performance. They observe Employment Law whilst contributing to the process that employs and dismisses staff. The headteacher's performance will be monitored and reported on annually by governors, as a direct consequence of which, the following year's pay of that key person will be determined.

4. As an unpaid body of volunteers, governors provide a highly effective leadership and management mechanism that costs relatively little³⁰. They can be praised or criticised for their level of effectiveness. Governors add value, but, regardless of the needs of the school, they are neither sworn to office, nor subject to contract and, if they choose, can just walk away.

³⁰ Schools contribute to Governor Services from their budget, entitling governors to attend training courses and seminars.

5. Though governors are required to operate in accordance with the law, there is no check and balance mechanism in place other than OFSTED and diocesan inspections that might now be at intervals as great as five yearly. Her Majesty's Inspectors might also visit from time to time. The effectiveness of a governing body therefore relies largely on a process of self-regulation created by the mix of governors drawn from teaching and non-teaching staff, parents, local authority appointees, community appointees and, where applicable, diocesan (Foundation) appointees. Accountability, however, goes beyond the requirements of OFSTED.

6. The governance of a school relies upon developing meaningful relationships with other members of staff, parents, pupils, the local community and, in some instances, a Church or other religious body. Such accountability can lead to challenges and appeals being raised against the school which must be answered fully and in accordance with established procedures that can elevate cases to Local Authority and, subsequently, Ministerial level if required. This can exert unwelcome pressures on hard-working governors who might have higher priorities linked to work and family commitments. Such pressures can detract from the role and affect governor recruiting at a time when many schools have difficulty recruiting, sustaining and retaining a full governing body. Serious consideration must therefore be given to this issue.

Recruiting and Retention—should Governors be Paid?

7. *Paying Governors.* Governors give freely of their time as concerned and responsible citizens, keen to give something to the community. Parent governors will be keen to raise awareness of the wider parent community and voice ideas for improving the school's modus operandi as it affects children. Others on the governing body will contribute for different reasons, but all must act for the common good of the school rather than any self interest. The motivation should come from such ideals rather than the possibility of financial incentive, and I would not support a direct (salary-related) payment system which would require some form of contractual obligation linked to Employment Law, etc. Great care must be taken to avoid undermining the commendable motives that governors currently have for volunteering for office, but that is not to say that some form of financial remuneration should be afforded to governors for their time and effort.

8. *Flat Rate Payment.* Governors could be paid an annual flat rate for holding office, but this could lead to issues surrounding regular attendance, levels of responsibility, and seniority based on position or time served.

9. *Attendance Allowance.* The Inquiry might usefully consider a form of Attendance Allowance based on a pro-rata system that acknowledges transport costs, printing costs (much of a governing body's correspondence is by email and links to Local Authority or Government websites) and attendance at additional committees, appeal panels, study periods, courses or seminars. This could be based on setting a rate for an agreed number of main governing body meetings per annum (six, each lasting two hours), plus a number of sub-committee meetings (Curriculum, Finance, Premises, etc) and training. A small incentive sum might be set aside to pay to governors who attend all required meetings as an annual bonus, though

This is fine detail that could be examined during the inquiry. In summary, the governors would be repaid solely for the resources they use to deliver an important service to the community, thus ensuring that they continue to be motivated only by a genuine desire to serve.

January 2013

Written evidence submitted by the Asbestos in Schools Group (AiS)

INTRODUCTION

1. This evidence is submitted by the Asbestos in Schools Group (AiS). It therefore covers the aspects relevant to asbestos in schools. It examines the role and responsibilities of school governors, their training and skills. It examines how governors are affected by government policy in particular in academies and free schools. It examines their liability if a claim is made against the governing body for an asbestos related illness and questions the implications for recruitment. It makes simple recommendations.

2. The overall aim of AiS is to make schools safe from the dangers of asbestos. AiS is non-party political. The group's expertise covers all aspects of asbestos in schools. Amongst the group's members and supporters are MPs, all six of the teaching trade unions, the four school support staff unions, the asbestos consultants association ATaC, experts on risk, solicitors, doctors, the London Boroughs Asbestos Group, the asbestos victims support forum, the health and safety campaigning organisation Hazards, the Independent Schools Bursars Association and individuals including those who have been effected by the devastating effects of asbestos exposure in schools.

3. AiS are represented on the DfE Asbestos Steering Group. The committee reports to the Minister and it is tasked "*To promote good practice in asbestos management in schools by local authorities, dioceses, school governors, head teachers, bursars and school business managers, parents' groups and the teaching and support staff unions—in the independent and maintained sectors.*"³¹

³¹ DfE Asbestos Steering Group TORs. 25 Mar 2011

EXECUTIVE SUMMARY

4. Many governors do not have the necessary training, awareness and skills to oversee the management of asbestos in schools. The problem is significantly increasing with large numbers of schools becoming academies or free schools where the legal and practical responsibilities rest on the governors.

5. Because of their lack of asbestos awareness many school governors are taking on the responsibility for school buildings without realising the legal and financial implications when they contain asbestos.

6. In general pupils and non-employees are not insured for asbestos exposure risks in schools. Local authorities therefore self insure, however most academies or free schools do not have the resources to do so. The governing body are legally responsible for meeting any future claims, but in general there is no system in place to meet those claims.

LACK OF ASBESTOS TRAINING AND AWARENESS AMONGST GOVERNORS

7. Many governors are taking on the legal responsibilities in schools that contain asbestos without the training or skills to either competently or safely fulfil their duties. This is a particular problem in the increasing numbers of schools that are leaving local authority control.

8. The legal responsibility for the safety of staff, pupils and non-employees in academies, free schools, voluntary-aided and foundation schools rests on the governing body. DfE state:

The Health and Safety at Work Act 1974 requires employers to protect their employees at work. In schools, it also requires that 'pupils, visitors and all other persons are protected from harm to their health and safety from known or foreseeable risks so far as is reasonably practicable'.

The Control of Asbestos Regulations 2012 places specific duties on those who manage non-domestic premises to identify the presence of asbestos-containing materials, and manage the risks they present...

The governing body is the employer for academies, free schools, voluntary-aided and foundation schools.³²

9. For both practical and legal reasons training is an essential part of asbestos management. The school management team, including the governors, have to be trained so that they are aware of the dangers of asbestos and the need to implement rigorous measures to ensure the safety of the occupants. The governors also have to be aware of the priority asbestos warrants so that they allocate the necessary resources.

10. Governors will inevitably delegate the duty of managing asbestos. However governors need a good level of asbestos awareness so that they can judge whether the person to whom they have delegated the duty is doing it correctly. They must also be fully aware that as the governing body they retain the ultimate legal responsibility for the safety of the occupants.

11. A good practice in some schools³³ is that the chair of governors annually signs the asbestos register. This not only assures that they are fully aware that the safety of the staff and pupils is their ultimate responsibility, but it also ensures that they keep abreast of the practical management of asbestos in their school.

12. DfE were asked by AiS to make asbestos training mandatory for school governors, headteachers, teachers, support staff and relevant officials in local authorities.³⁴ They proposed that the training would be tailored to the role and would either be in basic asbestos awareness or full asbestos management training. DfE declined the proposal,³⁵ instead they have issued basic web-based asbestos awareness guidance for headteachers and school governors, but even that is not mandatory and there is no system in place to determine if governors have read and understood the guidance and are managing their asbestos safely.³⁶

13. In 2010 HSE commissioned a seven month study by a senior school leader to assess health and safety leadership in schools and to make recommendations. Extensive interviews were undertaken. His draft report was complete in August 2010. He expressed concern about the lack of training and clarity about responsibilities amongst governors and senior leaders in health and safety matters. He came to conclusions and made recommendations.³⁷ The conclusions and recommendations are central to the role of schools governors in connection with the safe management of asbestos and health and safety in general.

14. The report has not been published, and critical recommendations have not been adopted. An FOI request was submitted in October 2010 for a copy of the report but was refused by HSE under section 22 "*information intended for future publication*" as HSE stated they planned to publish within six months.³⁸ This has not

³² DfE Asbestos management in schools: Asbestos: the legislative framework <http://www.education.gov.uk/schools/adminandfinance/schoolscapital/buildingsanddesign/managementofpremises/b00215518/asbestosmanagementschools/asbestoslegislativeframework>

³³ Personal communication Lees/ Bursar Kings College Taunton.

³⁴ DCSF Asbestos Steering Group minutes 26 April 2010. AiS briefing for Minister 12 May 2010, updated 12 Oct 2010

³⁵ DfE Asbestos Steering Group AiS note of meeting 29 Nov 2010

³⁶ DfE Asbestos management in schools: <http://www.education.gov.uk/schools/adminandfinance/schoolscapital/buildingsanddesign/managementofpremises/b00215518/asbestosmanagementschools/asbestoslegislativeframework>

³⁷ Leadership of Health and Safety in Schools .Draft findings and recommendations made following the secondment of a headteacher into HSE's Public Services Sector. Draft findings collated Jul 2010.

³⁸ HSE Freedom of Information request 2010110157. Reasons for withholding information 8 Nov 2010

happened. It is suggested that a copy of the report is obtained by the Education Select Committee for their inquiry.

15. Members of the asbestos consultants association visit schools throughout the country and they conclude: *“The evidence is that the system of asbestos management in many schools is not of an adequate standard, in some it is ineffective, in others it is almost non-existent, and in some it is at times dangerous... These are not minor problems that have crept in over recent years; rather they are fundamental problems that are endemic in schools in the UK...”*³⁹

16. One of the main reasons for ineffective asbestos management is a lack of training and asbestos awareness. Although some local authorities provide asbestos training for school governors it is not mandatory and it is known that where it is on offer there is a limited take up.⁴⁰ If a school converts to an academy then it leaves the control of the local authority and anecdotal evidence is that many governors do not possess the asbestos training or skills to fulfil their duties.

ACADEMY GOVERNORS TAKING ON UNKNOWN LIABILITIES

17. Governors in academies and free schools are taking on the legal and financial responsibility for schools without being sufficiently aware of the implications or what asbestos they contain. This is despite asbestos potentially being one of the greatest costs in maintaining, refurbishing or replacing school buildings.

18. Governors are taking on the liabilities on the basis of an asbestos “management” survey. Most surveys only identify the accessible asbestos but do not identify hidden asbestos, and therefore the governors are taking on an unknown financial liability.

19. Considerable costs overruns have occurred when unexpected asbestos material is uncovered during school maintenance or refurbishment. Written evidence to the Education Select Committee underlined the problem:

*“In one project involving a 20 school refurbishment, a non-intrusive survey during the preferred bidder stage showed remedial costs of £1.4 Million. Asbestos removal is common in school refurbishments. It was acknowledged by both parties that there could be more asbestos and Jarvis’s liability was capped. Much larger amounts of asbestos were found subsequently leading to delays and cost over-runs which could not be obviously explained to parents without causing alarm or embarrassment to the client.”*⁴¹

20. If the governing body does not have sufficient asbestos awareness they could find that they have unknowingly taken on a huge financial burden for just maintaining the buildings, and any plans to refurbish the school could founder when the unplanned cost of asbestos is included.

PUPILS AND NON-EMPLOYEES ARE GENERALLY NOT INSURED FOR ASBESTOS EXPOSURE RISKS.

21. Millions of school children are uninsurable against disease caused by exposure to asbestos at school. This brings into stark reality the risks to children from asbestos in the nation’s schools. However the implications are also far reaching for governors of schools and in particular those outside local authority control.

22. Public liability insurance covers the risks to pupils and non-employees. In general academies and free schools are unable to obtain commercial public liability insurance cover for asbestos exposure risks. The Minister confirmed in a Parliamentary answer that *“there is a general asbestos exclusion for public liability insurance.”*⁴² However, in the absence of commercial insurance, future claims can still be met in local authority schools as they self insure. But most academies and free schools do not have the resources to do so.

23. The legal responsibility for the safety of staff, pupils and non-employees in an academy rests on the governing body,⁴³ which is the academy trust. They are therefore legally liable for any claim that may be made against the academy. The question therefore arises that if they are not insured who will pay any compensation awarded against the academy?

24. In answer to a Parliamentary question the Schools Minister implied that, in the absence of public liability insurance, the governors’ liability insurance will meet any future claims.⁴⁴ Experts have advised that this is incorrect as governors’ liability insurance is not meant to be a catch-all insurance and will not normally provide cover for other uninsurable risks.

³⁹ Assessment of asbestos management in schools Asbestos Testing and Consultancy Association 24 Jan 2010 http://www.asbestosexposureschools.co.uk/pdfnewslinks/ASSESSMENT%20OF%20ASBESTOS%20MANAGEMENT%20IN%20SCHOOLS%20ATAC.%2022%20FEB%202010.pdf?zoom_highlight=atac#search=atac

⁴⁰ Hertfordshire asbestos in schools meeting 11 Dec 12

⁴¹ Education and Skills Select Committee Jarvis memorandum 18 Dec 2003

⁴² Parliamentary written answer Schools asbestos. Ian Lavery MP/ Minister of State Nick Gibb MP 21 Mar 2012. <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120321/text/120321w0003.htm#1203222000906>

⁴³ DfE Asbestos management in schools: Asbestos: the legislative framework <http://www.education.gov.uk/schools/adminandfinance/schoolscapital/buildingsanddesign/managementofpremises/b00215518/asbestosmanagementschools/asbestoslegislativeframework>

⁴⁴ Parliamentary written answer Schools asbestos. Annette Brooke MP/ Minister of State Nick Gibb MP 22 May 2012 <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120522/text/120522w0003.htm#12052254002792>

25. The Minister explained that the liability would fall on the academy trust rather than individual members of the trust “*An academy trust is a corporate body so its members should not be held personally liable provided they act reasonably and in good faith*”⁴⁵

26. However it must be questioned whether it would be considered that the trust had acted reasonably and in good faith if they failed to have a contingency fund when they were unable to obtain insurance cover—and that question can only be resolved by the courts. If they considered that they had not acted reasonably and in good faith, then it must be presumed that the individual members of the trust could be personally liable to settle any claim.

27. The academy trust members are school governors. Most governors are not trained in asbestos awareness and will not be aware of the very real potential that any failure in asbestos management could expose pupils to asbestos with the possibility that any one of them might subsequently develop mesothelioma. Inevitably they will also not realise the personal implications for themselves and the financial burden on the academy if a future claim is made when there is no insurance cover.

28. In a subsequent *Parliamentary answer* the Minister made the legal position clear “*The Secretary of State for Education...is not legally responsible for any compensation awarded, and nor is he bound by the terms of the funding agreement to compensate an academy for any such liability.*”⁴⁶ It is implicit in the answer that the academy would be expected to meet any claim from its insurance cover, and if that was unavailable then the claim would have to be met from its own resources.

29. It needs to be confirmed whether the governors of academies are aware of this or are aware that they need a contingency fund to meet any potential claims. It is reasonable to assume that they are not, and that is because DfE has not informed them. The Minister acknowledged in answer to a parliamentary question “*No guidance has been issued to local authorities, academies or free schools in respect of insurance cover for asbestos exposure risks.*”⁴⁷

30. DfE has a duty to ensure education and therefore the Minister gave the assurance that if an academy had to settle a claim from its own resources then “*The Department for Education would work with any affected academy or free school to ensure that it remained financially secure and the education of its pupils was not compromised*”⁴⁸

31. DfE however added the caveat that “*Academies are meant to have insurance and therefore if an award was made that brought the financial viability of the school into question this would be done on a case by case basis, taking into account a range of factors which would include, for example, the financial viability of the school and its overall performance.*”⁴⁹

32. The caveat puts into question the credibility of the assurances, because the unresolved question has to be what would happen if the academy or free school was not financially viable or had a poor performance?

33. DfE’s statement that decisions will be on a case by case basis avoids addressing the problem now and instead defers decisions and any proper solution until the first claim is made. Because of the long latency of mesothelioma that could be twenty or thirty years from now when the first victims from academies and free schools develop mesothelioma. At which point it is far too late for an academy to be told it should have had a contingency fund and for a former pupil with a terminal illness to discover that their school had been unable to obtain insurance and that no one has properly thought through how to meet their claim.

34. A further problem is that some academy trusts believe that they have full public liability asbestos risk cover when they do not. Expert brokers have stated that the exclusion clauses in some policies for negligence and long term exposures in effect means that most potential claims will not be covered. It might take thirty years for a claim to be made and only then will the academy realise the profound significance of these exclusions.

35. As at 1 December 2012 there were 2,543 academies in England⁵⁰ and 79 free schools.⁵¹ Therefore this is a problem that affects the governors and many thousands of pupils and non-employees in schools. If asbestos is present in a school there is always the potential for claims. If asbestos management is to be a viable option then there is a practical and moral obligation on the government to ensure that there are means in place to meet those claims.

36. Although this is a problem that has been specifically identified in academies and free schools, it needs to be confirmed whether it extends to voluntary aided schools, foundation schools and independent schools.

⁴⁵ Parliamentary written answer Schools asbestos. Annette Brooke MP/ Minister of State Nick Gibb MP 22 May 2012

⁴⁶ Parliamentary written answer 108134. Annette Brooke MP/Minister of State for Schools Nick Gibb MP holding answer 21 May 2012: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120522/text/120522w0003.htm#12052254002792>

⁴⁷ Parliamentary written answer 100813.Schools mesothelioma. Ian Lavery MP/ Minister of State Nick Gibb MP. 21 Mar 2012.

⁴⁸ Parliamentary written answer Schools mesothelioma. Annette Brooke MP/ Minister of State Nick Gibb MP 12 Jun 2012 .

⁴⁹ Minutes DfE Asbestos Steering Group 14 Jun 2012. AiS note of DfE Asbestos Steering Group 14 Jun 2012.

⁵⁰ DfE open academies 1 Dec 12 <http://www.education.gov.uk/schools/leadership/typesofschools/academies/open/b00208569/open-academies>

⁵¹ DfE open free schools 21 Nov 2012 <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/b0066077/open-free-schools>

37. The lack of asbestos risk insurance cover has far reaching implications for the government's policy of managing asbestos in schools rather than removing it. If the issues are not resolved then the government cannot expect governors to take on the legal responsibility for managing asbestos if they are unable to obtain insurance cover.

38. They cannot expect people to be governors of academies or free schools if they could be liable for settling any future claim.

39. And they cannot expect pupils to attend schools that contain asbestos if the schools are not insured against any future claim they may make.

40. In addition the governors of academies and free schools cannot be allowed to enter blindly into an agreement that could have far reaching implications for their financial viability. The governors have to be aware of the risks from asbestos and informed of the implications if they do not have full public liability asbestos risk insurance.

41. AiS has asked DfE to provide answers on how any future asbestos related claims will be met, but, as at 17 December 2012, no satisfactory answers have been forthcoming. AiS has also asked that governors are informed of the situation, however as yet DfE has issued no guidance on the matter.

RECOMMENDATIONS

- Asbestos awareness training is made mandatory for school governors.
- The Chair of Governors annually signs the asbestos register and management plan as their responsibility.
- Academy transfer agreements detail the asbestos the buildings contain. If areas have not been accessed then the agreement must clearly summarise the asbestos that the building could potentially contain. In addition the financial implications for future maintenance or refurbishment must be made clear.
- DfE issues clear, unambiguous guidance to schools outside local authority control that details how future asbestos related claims will be met from former pupils and non-employees.

January 2013

Written evidence submitted by the Wellcome Trust

KEY POINTS

The Wellcome Trust maintains a strong interest in governance which arises from our belief that excellence in science education—as indeed in any aspect of schooling—is not possible without strong governance.

Governing Bodies play an essential role in setting the strategic direction for the school and holding its leadership to account, but too often the role is seen more as a support body that simply agrees the head teacher's decisions. The governing body and school leadership should decide on their joint vision for the school and the measures that are needed to monitor its delivery.

Governing Bodies will become increasingly important to improving state education, as the system moves strongly away from Local Authorities towards academies which are answerable directly to the Secretary of State. Such autonomy increases the responsibilities placed on governors, but it also offers governors the possibility that they can exercise some real influence over their school's future rather than rubberstamping decisions that are made elsewhere.

Governing bodies sometimes find it difficult to understand how their strategic role should work in practice, and we believe a flexible recommended code of governance (see appendix) would help.

For STEM education, we would urge Governing Bodies to pay particular attention within their schools to:

- the need for high quality practical work;
- provision of timely and appropriate careers advice to students; and
- the professional development of staff.

Governors need to have clear and readily understood high-level data about the performance of the school, accessed independently of the school management. This should include both quantitative data such as examination performance and less readily quantified but important information such as pupils' self-confidence.

Both the supply of, and the demand for, high quality training for governors need to be improved if School Governing Bodies are to be effective.

INTRODUCTION

1. The Wellcome Trust is committed to supporting science education. We work to ensure all young people develop the science skills and knowledge necessary to live and work in an ever more technological age. We

believe it is important to equip young people with the understanding necessary to make informed decisions about the impacts of scientific and technological developments on their lives, as well as engaging and inspiring some of them to continue studying science. This includes developing the next generation of scientists, and helping others move into careers that draw upon science skills.

2. The Trust has an extensive education programme, mainly directed towards science education. However, we recognise that excellence in science education—as indeed in any aspect of schooling—is not possible without strong governance. This point was made in the February 2010 report of the Science and Learning Expert Group⁵² chaired by the Trust’s Director Sir Mark Walport.

3. As a result of these concerns, and following consultation among stakeholders, the Trust initiated at the beginning of 2012 a programme of activity around improving school governance. The programme is focussed particularly on a code of governance, the provision of information and the training of governors and is in collaboration with the National Governors’ Association, Teach First, the National College for School Leadership, Ofsted and DfE. This response draws on our experience in this programme and our beliefs about what constitutes good school governance.

THE PURPOSE AND RESPONSIBILITIES OF GOVERNING BODIES

4. *Governing bodies play an essential role in setting the strategic direction for the school and holding its leadership to account.* Schools are beset by so many regulations and reporting requirements that it can be difficult to see the wood for the trees. The Governing Body (GB) should work with the school leadership to create a strategic plan for the school, and should then monitor its implementation through the School Development Plan. The GB should have a clear long-term strategic vision for the school and should hold the leadership to account for its delivery. This is what the non- executive directors of a corporation or the trustees of a charity do, and school governors should work in the same general way.

5. The best GBs already work like this, with a monitored, strategic and long term approach to school development, but many do not. From our work with school governors, we have learned that in some GBs the role is seen more as a support body that rubber-stamps the head teacher’s decisions instead of one that challenges and holds the school leadership to account. Support is an essential part of the role of GBs, but so too is challenge and it can be hard for a GB that has focused on the former to increase the level of challenge it employs. A key factor is the relationship between the chair of governors and the head teacher, which needs to be close and trusting enough for effective working, but not such that criticism is difficult.

6. We welcome work that DfE ministers have recently initiated to improve the strategic effectiveness of GBs, especially the move to encourage GBs to become more skills- based rather than representative. To carry out their role effectively, GBs need to be able to monitor with confidence key issues such as finance, property and human resources, and the presence among the governors of relevant expertise in such fields is essential.

7. We believe that GBs will become increasingly important to improving state education, as the system moves strongly away from Local Authorities towards academies which are answerable directly to the Secretary of State. Such autonomy increases the responsibilities placed on governors, but it also offers governors the possibility that they can exercise some real influence over their school’s future rather than rubberstamping decisions that are made elsewhere. This should be a selling point in the drive to recruit more high quality governors to schools that need them.

8. Despite the need for proper distance between the GB and the executive, we believe it is important that governors know and understand the particular circumstances of their own school. With the growth of academy chains, it is important that governance arrangements in such chains do not create remoteness between the GB and the individual schools.

STRATEGIC ROLE OF THE GOVERNING BODY

9. Our work with governors suggests that many find it difficult to understand how their strategic role should be carried out in practice. It can be particularly difficult for governors to understand where the line lies between their strategic responsibilities and the management responsibilities of the head teacher and senior management. Governors—particularly parent governors—may not appreciate that stepping over this line is improper and can make the head teacher’s job harder.

10. With such concerns in mind, the Trust has produced, and is now in the process of piloting in 21 schools, a ‘Recommended Code of Governance’ included as an appendix to this response. The starting point for this Code was the Statement of Recommended Practice⁵³ used by charities, and the UK Corporate Governance Code,⁵⁴ and it has been developed through a series of workshops with teachers and governors and in collaboration with the National Governors Association, the All-Party Parliamentary Group on Governance, the

⁵² *Science and Mathematics Education for the 21st Century*, Report of the Science and Learning Expert Group, Department for Business, Innovation and Skills, February 2010.

⁵³ Statement of Recommended Practice, the Charity Commission http://www.charitycommission.gov.uk/charity_requirements_guidance/accounting_and_reporting/preparing_charity_accounts

⁵⁴ The UK Corporate Governance Code (Financial Reporting Council, June 2010). It provides a recommended governance Code for FTSE 350 companies. www.frc.org.uk/Our-Work/Codes-Standards/Corporate-governance.aspx

National College for School Leadership, Ofsted and DfE. The Recommended Code is intended as a flexible tool to guide GBs and school leadership through the process of developing and monitoring the strategic plan for their school.

11. We believe it is essential that the governing body and school leadership decide on their joint vision for the school and the measures that are needed to monitor its delivery. The GB is an important part of the accountability framework for schools' performance, but it is not the only part, and other elements may bear down more heavily on the school leadership. In particular, league tables, external testing and inspection by Ofsted strongly influence the day-to-day priorities of school leadership. But examination results are not the only thing that learners and their parents want to get from school. Parents are also concerned that their children are confident, employable, inspired by their teachers and by the extra-curricular activities available to them. There is a whole range of outcomes that define a "good" school, and only some of these are to do with test results.

12. As part of the strategic planning exercise, GBs need to agree the key outcomes for the school, and how they will be measured and monitored. GBs need to accept that outcomes such as inspired teaching and pupils' self-confidence are not as easily measured as, say, GCSE results, and that the most important outcomes are not always the most easily measured.

13. We would hope that improving the functioning of GBs will improve science and mathematics education in various ways including those outlined below.

Looking beyond league table performance measures: some specific aspects relating to science and mathematics

14. One of the most important elements of good teaching is experimental investigation, but the current system of examining at GCSE and A level does little to encourage this kind of work because it drives teachers to focus on preparing for written exams. A GB with science achievement high among its priorities will want to satisfy itself that high quality practical work takes place in science. Similarly the focus on examination results could lead schools to undervalue informal science experiences such as visits to museums or industry^{55,56} which can improve student engagement and enrich and contextualise learning.

Careers Advice

15. Schools do not now have a dedicated budget for the provision of careers advice and guidance and may struggle to prioritise the delivery of high quality services. A GB should hold school leaders to account for the provision of high quality careers advice for students, including conveying the diversity of career opportunities and progression routes for students studying science, technology engineering and mathematics (STEM). Preliminary data from a survey of 14–18 year olds that the Wellcome Trust commissioned from Ipsos MORI found that most said they know little or nothing about careers in science and that the majority felt that they had not received useful careers advice from their careers advisors.⁵⁷ A report from the National Audit Office⁵⁸ listed careers information and guidance as one of five critical success factors in improving take-up and achievement in science.

Securing the professional development of teachers

16. Subject-specific professional development is important in both primary and secondary schools, because inspired teaching depends on both deep subject knowledge and strong teaching skills. Many school leaders are reluctant to prioritise professional development for their teachers because of the expense and disruption it can cause in school, but this is sacrificing long-term gain to short-term expediency. GBs need to hold school leaders to account for the professional development of their staff, who are the school's key asset. In the case of science teaching, professional development is particularly important because of the rapid pace of change of science, and the numbers of teachers who are required to teach science outside their specialist area, which is why the Wellcome Trust collaborated with the Government to found a network of Science Learning Centres to provide continuing professional development for science teachers and technicians.

INFORMATION FOR GOVERNORS

15. Although there are now abundant data available to schools on all aspects of their performance, governors may find such data hard to interpret. In addition, the supply of these data is normally controlled by the school management, with the risk that the information the governors most need may never reach them. For example, the RAISEOnline database used by Ofsted and DfE provides abundant quantitative data relating to examination performance, but its complexity puts it beyond the direct use of many governors. We believe there is a pressing

⁵⁵ Analysing the UK Science Education Community: The contribution of informal providers. Stanford and Oregon State Universities, November 2012

⁵⁶ Review of Informal Science Learning. GHK Consulting in association with Brand Driver and Red Kite Advice and Consulting, November 2012.

⁵⁷ The Wellcome Trust Monitor, Wave 2, to be published early in 2013.

⁵⁸ National Audit Office (November 2010). Educating the Next Generation of Scientists <http://www.nao.org.uk/idoc.aspx?docId=95a6046d-8162-438c-b074-c9975db8a90e&version=-1>

need for an information source designed specifically for governors to meet their need for high-level summary information to give a quick overview of the school's performance against its strategic priorities. Governors need to be able to access this data independently of the head teacher.

16. The Wellcome Trust is a strong advocate of open data and we recognise that exposing government data for public use can be beneficial. We understand that Ofsted is proposing to produce short summary datasets for each school, designed to give governors, parents and the public access to high level information, and this is to be welcomed. In parallel with this, and in collaboration with the Fischer Family Trust and the National Governors' Association, the Wellcome Trust plans to produce and pilot school "data dashboards" designed by governors, for governors, to augment the datasets that it appears Ofsted will provide.

17. Such work is moving in the right direction, but it will focus on readily quantifiable outcomes, particularly results in public examinations. Such data leaves unanswered many of the less readily quantifiable questions to which governors will seek answers, such as how the school is improving pupils' self-confidence and whether pupils are inspired by their teachers. Wellcome intends to carry out further work with governors in the New Year to explore the extent to which these more qualitative, but nonetheless important, outcomes can be monitored through information made directly available to governors.

GOVERNORS' TRAINING

18. Most governors are non-specialists in the field of education, which like many technical fields uses language which can be baffling to outsiders. Training can help governors, particularly newly-appointed ones, come to grips with the field, and there are other areas, such as the interpretation of school performance data, in which governors would benefit from training. Yet we hear from the governors we work with that the quality of training available to them is variable, and often poor. Governors are often busy people with full-time jobs, and they should not be expected to give up a day's paid work to train unless they get a rewarding experience.

19. The supply of high-quality governor training would improve if there were a stronger demand for it, and we believe that GBs should not only set aside a training budget for their members, but review each year how much training each member of the GB has received. The Wellcome Trust is at an early stage of discussions with the National Science Learning Centre and others about developing training courses for governors with a particular focus on achievement in science and mathematics.

January 2013

Written evidence submitted by the Freedom and Autonomy for Schools—National Association (FASNA)

1. The implications of recent policy developments for governing bodies and their roles

It is clear from the changing educational landscape with a "mixed economy" of more autonomous schools, the strategic imperative to focus on raising standards which become more rigorous and the new Ofsted framework, that governance is considered an integral part of the overall school leadership and effective governance is under close scrutiny.

Within the academy structure the role and responsibilities of the governing body changes. The default model of local volunteer "stakeholder" representation with a "one school" localised outlook has to become a non-executive more professional, strategic body with a multi school framework and national and international outlook.

Many governing bodies are cautious about converting to academy status. Our experience is that particularly in the primary sector governors are wary of committing to a change of status anticipating:

- Greater operational responsibilities (which isn't the case).
- Anxiety about the legal process of conversion (though there is a grant for this).
- Their capacity to deal with financial matters (being reluctant to consider sharing a business manager).
- Some LA opposition and some well-founded urban mythology about union opposition.

In particular many view with alarm the identification of the LGPS deficit on the balance sheet.

The refrain is "I need to be convinced that such a change will benefit the children". The concept of a strategic decision to position the school for future development and progression and a commitment from current governors to support the school in undertaking the change successfully, is lacking. Strategic decisions often fail to look far enough ahead, fail to look objectively at what other schools are doing in the area, and fail to consider whether the governing body is fit for purpose. It needs to be said also that some Headteachers have a similar perspective.

2. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

The impact of the changes is to focus the role of governing bodies on how they can demonstrate effectiveness in challenging and supporting the school and how they can evidence the impact of their decisions and actions. The Ofsted framework has four key areas for inspection and explicit criteria identifying how the effectiveness of governing bodies will be judged. This is helpful. What is less helpful is the raft of “other duties” which under the guise of “guidance” or “statutory duty” have been added to the “responsibility” of the governing body.

In particular the list of “statutory duties” which Ofsted mentions but does not identify needs to be revisited and reviewed or updated. Governors need to have one reference list of their responsibilities. How they undertake these responsibilities is for each governing body to determine in discussion with the leadership of the school.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment;

Our preferred term is “professional development”.

FASNA has a concern about the nature of some of the “training” currently available to governing bodies. A whole range of providers is entering the market place particularly targeting new academy converters. Some of this “training” and “guidance” that we have seen particularly that emanating from professional firms (including “legal firms”) which are commercial in approach is inaccurate, misleading or daunting in the interpretation of governing body roles and responsibilities. There is a lack of overall quality control for “training” and much of it is unfocused, not practical enough and even confusing.

As a basis governing bodies need to have a very clear articulation of the role and responsibilities, need to have practical guidance as to how they can undertake the responsibilities effectively without laying down a “one size fits all” blue print and need to have case study material to give them ideas about innovative and effective working.

4. The structure and membership of governing bodies, including the balance between representation and skills;

Many governors and headteachers are reluctant to relinquish the default model of stakeholder representation. It is unclear whether they view the current emphasis on “skills” and “professionalism” as a threat, potentially taking away some freedom of action and changing the atmosphere of the school, or an unwelcome intrusion of a more business focused approach which they feel unable or unwilling to adopt.

5. The effectiveness and accountability of governing bodies;

Our view is that the clarity in the Ofsted Handbook is helpful in giving governors a focus for effectiveness and accountability. We have indicated above where further clarification about the “statutory responsibilities” would be helpful.

A major consideration is how to enable governors to be more effective in their challenge of the school, more effective in understand the accountability role and more open to innovation. It is our view that how a governing body works is a matter for that body to decide in consultation with the school leadership team.

It is our view that the term “skills” should have an accepted interpretation. We are working with SGOSS to identify the skills and experiences which are transferable from business to governance.

We are also working on a Professional Development Induction Programme for new governors from the business sector to enable them to understand the current educational landscape, the opportunities of academy status and the role of effective governance within the new structures.

6. Whether new arrangements are required for the remuneration of governors;

FASNA has long argued that remuneration at least for the chair of governors should be available. This would be linked to a “code of expectations” which could identify the key responsibilities and skills required in a chair. While it is possible for individual governing bodies to agree some form of remuneration for the chair it is by no means common.

It is our view that the appointment of a chair of governors is fundamental to enabling the governing body to function effectively and professionally in the new structures. Governing bodies should be encouraged to look outside their immediate membership for the remunerated appointment with a proper process of selection. This would help to ensure that a person with the key skills and abilities required of the chair including interpersonal skills could be appointed.

7. The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

The evidence from the Academy Conversion seminars we are running strongly suggests that the differences in governance models between a single converter academy and the types of Multi Academy Trust is not understood. In particular, delegates have not realised the fundamental differences between a Local Governing Body (often the model in a sponsor academy chain) and a Board of Directors (the model for a single converter).

We support the move towards a “market” for services previously considered to be solely the province of the LA. This puts a greater emphasis on the professionalism and ability of governing bodies to make appropriate decisions when sourcing a service. In turn this focuses attention on the concept of “local academy chains” where groups of local schools form an academy trust with an agreed vision, common values, strong partnership working arrangements and robust structures for financial reporting and procurement. This can empower schools to develop, prepare pupils for a life in the 21st century and respond to the needs of the community.

While we have had some positive responses to this scenario from delegates to our academy seminars it is often seen as the local secondary school “taking over” primaries or a strong primary wanting to strengthen their local position to the detriment of others. This attitude contributes to the inertia, anxiety and reluctance seen in primary schools which consider that the “status quo” is a viable option for the future.

8. Whether changes should be made to current models of governance.

We support the recent review of school governance regulations but regret that a compulsory consideration of them was not included. Governing bodies which are resistant to change will not pro-actively consider the new constitution possibilities.

January 2013

Written evidence submitted by Patricia Daniels

I have been a school governor for just over 24 years. I have served on all types of school except infant only, and including on an IEB. I spent 14 years as the head of governor services for Medway Council, providing support, advice and training to governors. I also served on national working parties for COGS (Co-ordinators of Governor Services). Now semi-retired, I am a junior school governor and a clerk for a local governing body. I write this in a personal capacity.

I would suggest the following to improve governance:

- A clear role for governors, and for governance within Academy chains, with possibly some different arrangements of responsible officers to do the hands on. Within that, a clear expectation from Ofsted, not influenced by the individual inspector.
- Compulsory basic training within six months of taking up the role, with updating every year.
- A rethink on the emphasis on chairs.
- Removal of political influence, with some local accountability for all schools.
- Recognition of volunteering.
- Proper national funding for schools that is transparent and can be seen to be fair.

1. The current purpose, role and responsibilities of school governing bodies suffers from a lack of clarity and mixed messages. A truly visionary governing body, leading a school onwards and upwards, is a very powerful tool. To then give the body hands on tasks such as hearing exclusion cases, or physically double checking the single central record of staff, makes them part of the back office. This same dichotomy leads to disagreement over the size of governing body needed. Seven may be the current DfE preferred size, but if a governing body has to field two sets of three governors to hear complaints or staffing issues—not including any staff governors—it struggles without some arrangement with the schools nearby. Even some Ofsted inspectors are beginning to suggest that governors should be looking at data for named children, and passing professional judgements.

2. An IEB works because it is focused on a precise task, within a clear timeline. Normal governing bodies have to include their own sustainability, growing the governors of the future. Indeed, school governance is a powerful learning tool within business for the health of the nation’s business leaders. Where else, as a lower or middle manager, do you get the opportunity to work with multi-million pound budgets and hundreds of staff?

3. The current emphasis on chairs is likely to make it more difficult to fill the chair position. Current chairs have suggested that it can easily take a day a week, if not more for a school with problems. Only someone with time to spare can fulfil that type of commitment.

4. The growth of academy chains has totally altered the concept of locally accountable governance. Parent and community governors are both the local face of governance, and in many cases the nursery for future strong governance. A faceless chain, from a distance, has lost that. I exclude from that the excellent local chains that do exist, where the local strong governance is nurturing communities for schools.

The current expansion of Academies has unfortunately followed some of the outcomes of Grant Maintained schools, when an entire large department of the DfE was required to duplicate the role then undertaken by Local Authorities.

5. Most governors would not want remuneration. However, recognition as volunteers, even though they do not fit the current straightjacket of volunteering for two hours every week, would be beneficial and open up recruitment.

6. The difficulties of managing finances when the funding formulae are complex and changing cannot be underestimated. The inequalities are great, not just between areas, but between schools. Why should a child be worth 50 % more in a secondary school than a primary school? It does not need a bank manager or accountant on the governing body to know that reasonably stable funding means planning ahead can happen; important in a profession where it is difficult to manage and comply with timetables for reducing staffing.

January 2013

Written evidence submitted by Mrs Caroline Hanman

THE PURPOSE, ROLES AND RESPONSIBILITIES OF SCHOOL GOVERNING BODIES, WITHIN THE WIDER CONTEXT OF SCHOOL GOVERNANCE AND LEADERSHIP

PURPOSE

- To ensure Public Accountability.

ROLES

- Quality assurance (data analysis).
- Strategic (planning, monitoring, and evaluation).
- Scrutiny (Finance, Risk, Equality, Opportunity, Outcomes).
- Challenge for change.
- Responsiveness and visibility.

RESPONSIBILITIES

- Statutory and procedural regulations.
- Corporate/business function of educational establishments.
- Economic viability and sustainability.
- Employment responsibilities.

1. *The implications of recent policy developments for governing bodies and their roles*

- Corporate approach (academy status, federation working, business model etc).
- Greater emphasis on GB corporate functions calls for greater skills mix within GB.
- Recognition of need for professional clerking (including out of hours).
- Increased access to independent advice.
- Mantra of challenge, challenge, challenge (move from support ideal towards challenge).

2. *Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment*

Recruitment and challenge

- Closed shop perception of GB's (ie retired, teaching and/or religious background).
- Traditional governor stereotypes hard to challenge with public.
- Trading governor services would appeal only to those already interested in applying.

Development

- HR training during working day rather than out of hours (could this change?).
- On line courses preclude opportunity to meet governors from other schools and share ideas.

Quality of training

- Disadvantage of being run by governors/former governors (not skills based) possibly attached to LA/diocese.
- Need for more engagement with local businesses to share training/promote open governance.
- Courses often too short to be meaningful/allow fruitful discussion/governor participation.

- Too much paperwork/not enough engagement.

3. *The structure and membership of governing bodies, including the balance between representation and skills*

Structure

- Challenge more likely with larger GB's (less personal/more strategic though processing).
- Decision making ability of GB's depends on quality of Chairing (not necessarily size of GB).
- Abuse of power/position less likely in large GB's when decisions are less likely to be rubber stamped.

MEMBERSHIP

(possible model—suggest minimum size and membership composition as follows)

- Executive members (remunerated positions) to include:
 - X1 HT;
 - X2 elected Teaching and non teaching staff;
 - X1 School Finance Officer/Bursar (IMO this is an essential role within a school which would put schools on a more professional business footing/enable HT's to teach) (smaller schools could co employ if necessary).
- None executive members to include:
 - X5 Representative Parent Governors—though not necessarily with children at the school:
 - IMO this should form the largest governor group and RPG elections should take place at the school to ensure parents feel they have RPG's on the GB.
 - X3 Community governors (to replace what were formerly known as community, LA, and Foundation governors).
 - X1 alumni governor (would have former links with the school or be a former teacher/teacher elsewhere)

Representation and Skills

- RPG's and teaching/non teaching staff should continue to be *elected* by stakeholders to the GB.
- Community governors should be objectively *appointed* to the GB on the basis and relevance of their professional skills.
 - Equality of opportunity should apply to the governor appointment process.
 - A point score matrix should be used to determine the relative value of the skills base.
- Eligibility to stand as governor in more than one capacity to be restricted:
 - It is essential that there is not an imbalance of stakeholder representation on the GB (ie to avoid governance by cronyism)
 - People eligible to stand for election to the GB by stakeholders (RPG or staff) should always do so.
 - In the event of not being elected/an election not being available people should be encouraged to offer their skills to another local school until such time as election to the GB at the school of their choice might be possible
- Elected governors cannot be removed by GB (only appointed governors can be removed)
 - Avoiding cronyism governance.

4. *The Effectiveness and Accountability of governing bodies*

Effectiveness

- Under the current system GB's are only as self regulating as they want to be.
- IME GB's that are run by cronies are ineffective and ultimately unaccountable.
- GB's that are more professionally run are more effective and widely respected.
- Weak GB's (who believe schools can do no wrong and merely pay lip service to school complaint processes) are ineffective in identifying issues within schools and preventing them from escalating thereby having a detrimental effect on school standards, pupil numbers and staff morale.
- The resultant fall in pupil numbers (when parents feel they have no choice other than to remove children from a school) is not picked up until it is too late and irreversible damage has been done to a child's education and ultimate life chances (even when brought to the attention of other agencies such as Ofsted or the LA).
- Accurate figures on children changing schools (and the parental reasons for this) should be published by the DfE and GB's should be publicly held to account for any steady and prolonged decline(s) in pupil numbers at a school (as well as for exam results).

Accountability

- In practice there is nowhere for individuals to raise concerns about standards of governance:
 - The DfE complaint investigation process is too slow (I have so far been waiting 14 months).
 - Ofsted claim that complaints (from individual parents/parent governors) are not qualifying complaints.
- IMO GB's are largely unaccountable if they choose not to be:
 - The current system for complaints about schools is not fit for purpose.
 - It should be possible to raise concerns about GB's/schools through an independent outside agency with no links to the school—and complaints should be speedily resolved.
 - DfE evidence exists to demonstrate that many parents are fearful of recriminations if they complain.
 - Such recriminations towards children are potential safeguarding issues ((ie institutionalised abuse of a child by a GB in the exercise of its powers) and should be recognised.
- IMO individuals (ie parents/parent governors) who raise concerns about schools are very vulnerable:
 - Parents may have no knowledge of untruthful statements that are made about them and outside officials are far more likely to believe the word of a school official over that of a parent.
 - If accusations are made people should be told of them and given the right to defend themselves at the time in question (this is a potential area of abuse of power in schools/GB's)

5. Whether new arrangements are required for the remuneration of governors

Remuneration

- People *should not* receive remuneration for being a school governor:
 - However I have no objections to governors offering their specialist professional skills (ie accountancy) to a GB on an ad hoc consultancy basis.
 - Were this to happen then any conflict of interest would have to be declared by the governor in question and they would have to leave the room if a vote on any related governance matter(s) arising was necessary.
- Professional clerking (appropriately remunerated) is essential if GB's are to become more professional/businesslike.
- Schools need to look towards employing professionally qualified finance staff (and away from HT's) to manage school budgets/account systems.

6. The relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions

Relationships

- Should be built on mutual trust and respect:
 - Skills sharing should be encouraged—financial recompense also encouraged/exchanged.
- Governors should retain a strategic role whilst school staff should concentrate on their management and professional role(s).
- All stakeholder groups (including parents and pupils) should be treated with respect and dignity by GB's and schools.
- The role of the LA and diocese should be reduced at strategic level:
 - When necessary and/or appropriate support to a school could be increased at *managerial level* from these organisations.
- LA's should retain an arm's length advisory role:
 - They should be **unable** to appoint LA governors to a GB other than in a trouble shooting capacity/IEB situation.
 - LA's should look towards setting up a complaints policy *of their own* to enable people to raise concerns regarding LA governors.
 - Governor services and training packages should be more arms length than appears to be the case at present.
- The diocese (particularly when they have a minority stakeholder interest on the GB) should also recognise the need for an arm's length approach to GB matters:
 - Advisory role is always helpful but they should refrain from becoming involved in a GB at a strategic level.
 - Their active engagement in any schools should therefore primarily be with staff at a managerial and/or professional level to promote the religious identity of the school where applicable.

- School leaders should be allowed to run the school without interference in day to day affairs:
 - HT's and members of the SMT are professionally trained/paid to do a job and the GB should recognise this and take a step back.
- It is equally important for GB's not to become overly involved with teaching union representatives as this could:
 - Cloud their judgment as to how to raise standards and in terms of what is in the best interest of the pupils at the school.
 - Potentially prejudice any working relationship that might subsequently ensue as a direct result of management and/or GB decisions.

7. Whether changes should be made to current models of governance.

Changes

- The drive for accountability in schools needs to be the driving force in any mechanism for change.
- An independent body is set up to examine complaints from individuals regarding GB's to ensure that complaints are taken seriously:
 - Complainants should have a right to a fair hearing.
 - Governors from other schools should be invited to sit on a complaint/grievance GB hearing panel if there is any concern about prior prejudice.
- Parents should have the right to put forward no confidence votes in GB's regardless of whatever judgments Ofsted might have formed:
 - It is unacceptable for GB's to be able to bully parents/governors who raise legitimate concerns.
 - It is also complexly unacceptable for GB's to deliberately fail in their statutory duties and therefore disadvantage any child simply because their parents complained.
- IMO (parts of) GB's should overall become more skills focused and less of a closed shop:
 - Representative Parent Governors should continue to be elected by parents and should have a majority of seats on a GB.
 - Teaching staff should also continue to be elected to the GB.
 - A new Alumni governor position should be created and targeted towards retired teachers/people with former links to education/the school.
 - Community governors should be the new generic name given to other types of governors (Foundation, Community).
 - LA governors should only be appointed on a short term trouble shooting basis:
 - The LA should retain the power to decide how many governors it appoints but should be able to provide confirmation of the individual governors qualifications and skills and be able to justify the ways in which the individual skills of a LA appointed governor would benefit a school and raise standards.
- The limited usefulness of Ofsted inspections in identifying issues of concern to parents when making judgements about standards of governance and leadership should be acknowledged and addressed by the DfE as a matter of priority.

January 2013

Written evidence submitted by Lemington Riverside Primary School

1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

We regard our role to be that of a "critical friend". In addition we take our statutory responsibilities eg for the safeguarding of children, very seriously. We set the budget, decide on the number of staff, decide on the level of pay for teachers, help to decide the priorities of the school, ensure the national curriculum is taught, ensure targets are set for pupil achievement, compare the performance of our school to similar schools, receive information about the quality of teaching, have a published strategy for parental complaints, ensure health and safety issues are addressed, set the times for school sessions, help develop school policies and procedure, ask challenging questions, consider the repair and maintenance of school buildings and appoint committees of governors to look at specific issues such as finance, staffing curriculum and standards.

These roles are listed in our Governing Body Handbook which is reviewed annually and distributed to all governors.

2. The implications of recent policy developments for governing bodies and their roles

No response.

3. Recruiting and developing governors, including the quality of current training provision and any challenges facing recruitment

We have problems in recruiting parent governors because of family commitments, time and confidence and the need to work outside the home. The quality of training provided by the local authority is very good both for new governors and to keep more established governors up to date.

4. The structure and membership of governing bodies, including the balance between representation and skills

We aim to have a wide and balanced range of skills. We have recently lost our very well qualified Chair of Finance because of relocation resulting from a change of career and he will be difficult to replace. We regularly assess the skills base of the governors and try to maintain the balance as described.

5. The effectiveness and accountability of governing bodies

We pride ourselves on being both effective and accountable. We were among the first schools in the city to achieve FMSiS and have continued to use the principles of FMSiS since its demise. We have recently made our annual SFVS submission (two months ahead of schedule). We achieved Governor Mark in 2011, again we were among a small cohort of schools and only the second school in the city to achieve this. Our most recent Ofsted inspection (November 2011) rated the governing body as “outstanding”. We hold an annual self evaluation session and are always looking at ways to improve what we do.

6. Whether new arrangements are required for the remuneration of governors

We have a Policy on Paying Governors’ Allowances for child care arrangements, telephone calls and postage (actual costs) and travel. This is reviewed every three years and is included in the Governing Body Handbook.

7. The relationship between governing bodies and other partners including local authorities, school leaders and unions

We have a very good relationship with the local authority which, through Governor Services, provides very accessible advice and support. We have an excellent relationship of mutual respect and support with school leaders and all staff. We have very little contact with unions but what we have had has been carried out on a professional basis.

8. Whether changes should be made to current models of governance

We have discussed the new School Governance Constitution Regulations 2012 and decided that at the moment we do not need to reconstitute our governing body but we have agreed that we will reconsider this should the need arise.

January 2013

Written evidence submitted by Alan Short

“HAVE BEEN LISTENING TO THE EDUCATION COMMITTEE’S REVIEW OF SCHOOL GOVERNORS

I have been a governor of a local Primary School for seven years and chair for five. I am now assisting the County in helping schools who have been marked down in their latest Ofsted Inspections by speaking at meetings of governors involved and also assisting a specific school chair of governors that are in special measures.

The school where I am chair has gone from Good to Satisfactory and back to Good at the last three inspections whilst I have been involved. Some of the change in the assessment has been due to changes in the focus of the inspection framework and I think the current one is on the right track. The achievement and attainment of our pupils has improved in recent years and we have a plan to build on that and a strategy to move from good to outstanding.

Firstly, I think the abandoning of the statutory requirement to have a School Improvement Partners (SIP) has been a move in the wrong direction. We were a weak governing body but have improved. During that period the support of the SIP to me and the head’s performance review committee has been invaluable. We are now paying for the service but have had problems finding someone to undertake the task. Fortunately this has been resolved; we have also had difficulty in recruiting governors and undertaking training. I feel that some established form of limited paid time off would have been an advantage for us. I am effectively retired so for me there is no problem but looking to my succession plan I can see that the more able governors would have difficulty in meeting the necessary commitment required of an effective chair and do a full time job.

I do not think paying chairs would be the answer. For a start who would appoint such a person? At least local Councillors have to be elected by a wide constituency.

Another key factor in my view is the commitment of the head and senior management team to recognise the role of the governors and to see value in involving them in the development of the school. There has to be a fine line between the day to day teaching of the pupils which should be under the control of the head and the role of the governors in holding the head and the school to account. But a diverse set of governors will bring a set of skills that will enhance the development of the school. I always feel happy when during a discussion on an issue or proposal I see the head making a few notes on ideas input by the governors.

The head has done a lot to enhance the role of the governors as he recognises that the school improvement will be judged in part by the quality of the governing body. However, he has now reach the stage where he knows that if he comes forward with an ill thought out scheme, it will be unpicked by the governors and that if a problem is raised he needs to identify causes and come up with a plan to rectify the problem and measures to demonstrate improvement.

The issue of payment is in my view a blind alley. We need to encourage people to come forward as governors and not denigrate the role or say it should become a semi-professional activity restricted to accountants and lawyers, or ex teachers. Some form of paid time off is required, especially for training, restoration of SIPs as an essential requirement and support through local initiatives, including federation or mentoring should be encouraged.

March 2013

Written evidence submitted by Martin Hillier

INTRODUCTION

I am a father of three children and have been a parent governor at a primary school in Kent for just over a year. The school has been rated as outstanding most recently by Ofsted. I am a qualified chartered accountant and have worked as a consultant in one of the big four global accountancy consultancy practices and currently work in the group finance function of British Telecommunications plc.

OBSERVATIONS

I have attended a number governor training courses to date. Whilst interesting, these are only ever going to provide a basic general knowledge of any area. Also, given the part time nature of the governor role, a lot of what is originally learnt is lost before it is used. In summary, a volunteer governor is unlikely to ever become an expert.

I have not seen the governors really challenge the head teacher on any matter to date. This may because the school is doing well and the head teacher has always been right. However, I believe it is more to do with the nature of the volunteer school governor not being an expert (compared to the head, who is) and that most governors do not want to be seen as confrontational by the group.

Governors spend far too much time doing admin which should be undertaken by the school, instead of sense checking the significant decisions of the head teacher. For example, our governing body spends far too much time on numerous policies which they are not qualified to make decisions on (eg child protection).

In summary, my view is that the governing body spend too much time box ticking and relatively little time adding value.

IMPROVEMENTS

Professional governors

Governing bodies would benefit from a professional governor. This person should be independent from the school and the head and be an expert (eg a retired head from another school) who understands the regulatory environment and terminology. The person should be paid and performance managed. This person should be well trained, and may have to obtain a professional governor qualification. This person could do the same role for many schools, facilitating the sharing of good practice and ideas. This person should be in a good position to challenge the head where appropriate and ensure other governors' views are sought and properly considered.

Well defined narrow role of governing body

The governing body should have a narrow focus on significant matters only.

They should not get bogged down in school admin, which should be undertaken by the school. They also are not experts and so should limit their decisions to ensuring appropriate experts are used by the school where appropriate.

The role of a volunteer governor should be akin to that of a non-exec director of a company. All box ticking exercises should be undertaken by the school.

Specialist governors

Individual governors may be given a narrow role within the governing body on which to focus. Governors seem to be jack of all trades and masters of none. A narrow focus for individual governors may enable them to specialise on one area and become relatively expert in that area, and actually add some value.

March 2013

Written evidence submitted by Kay Moxon

I have been a governor at a local primary school (Slade School, Tonbridge, Kent) for nine years. I volunteered because I wanted to “give back to the community” and was sick of hearing about people complaining about the quality of state education without being willing to get involved. The School has recently being judged “outstanding” by Ofsted and the quality of governance was also judged “outstanding.” I am a Cambridge economics graduate and a teacher at a nearby public school (Tonbridge School) and have been able to foster links between the two schools. I would have thought that I was just the kind of person that the government would like to take up school governance.

Unfortunately, after nine years as a governor (several of those as Vice Chair) I have now felt the need to tender my resignation. As the Local Education Authority has gradually been “pulled back” it seems that ever greater demands and responsibilities are being placed on governing bodies (and my school isn’t even an academy!) The time that the role necessitates in order to be undertaken correctly has grown ever larger and I feel are beyond me as someone with an independent career and a family. I do wonder whom Sir Michael Wilshaw expects to have the time and expertise to become the “professional governors” that he seems to demand.

Moreover, as for the suggestion of paying “professional governors”, isn’t he aware of the research by Michael Sandel (“What Money Can’t Buy”) that “monetising” activities that were hitherto regarded as “voluntary” actually reduces engagement? If paid professionals are to be given the job of monitoring and guiding schools then it strikes me that they are doing no more than replacing the professionals (for example School Improvement Partners) that used to do this under the auspices of the LEA. It seems bizarre to be forcing schools to become more “independent” through the academies programme whilst at the same time criticising the lack of oversight.

Finally, I do question the logic of attempting to encourage more suitable people to undertake school governance by criticising those who currently give up their free time to do it!

March 2013

Written evidence submitted by Simon Bale, Chair of Governors, St Mary Redcliffe and Temple School, Bristol

My day began with “Today” on Radio 4 and the crazy words of Sir Michael Wilshaw, head of OFSTED, arguing for paid school governors, across the board (see, eg BBC news). Even though I later heard him clarify that what he meant was for two or three professional governors for each governing body, I can’t help but tear my hair out at the stance that he, and later Michael Gove, have taken to criticise the hard work, and effective work of so many people who give up their time for free often because they know they have the skills and experience to offer schools. Listening to Sir Michael and Mr Gove, it is easy to think that they are suggesting that governors are a hindrance rather than a value to schools.

It couldn’t be more different. And it couldn’t be more disastrous to appoint paid governors. For one thing, it would with immediate effect create a two tier system of control. Pay anyone and immediately they have more power than those who are not paid. It is fascinating that the notion of Big Society seems to have fallen down the back of David Cameron’s filing cabinet. I encourage Mr Gove to return to the idea raised by his leader, and to reflect upon just what that idea implied: people to get involved, for free, in the running and development of their own locality. And—even though I can’t find it right now—I am pretty sure that at some points along the way, school governors have been lauded as just that kind of person: the kind who gets involved, altruistically, and in doing so, bring gifts and skills with them.

Now, with the speech today of Sir Michael, we hear that in his view, school governors often just do it in order to promote themselves, and for their own self-aggrandisement. Apparently, “In the worst cases, governors can be rather like the jury that was dismissed from a high-profile trial last week: ill-informed and not able to make good decisions,” he says. And also, that there is “too much time spent looking at the quality of school lunches and not enough on maths and English.” Now, I know that I am but one lowly governor, and one small cog in a huge national wheel of educational fortune, but my experience of school governance in Bristol is not like his. Having been a school governor for almost ten years, and in significant leadership roles for more than

five of them, I do think I am in a position to comment, and my comment would be that Sir Michael is hopelessly prejudiced and in making his prejudice known has done more damage to good governance than he realises. Our discussions at governing body meetings are about strategic direction, about the values and practice of the school and about ensuring the senior leadership team is supported and challenged as appropriate in delivering the school's own development plan.

Good school governors (ie the vast majority of school governors) do not just seek the glory. They do not just turn up to be recognised as do-gooders. They are fully-aware of the responsibilities they hold, and the influence they can have over the lives of the students in their schools. Where the governor-teacher relationship works well (ie in most places), a governor would never consider their understanding of education to be better than the head teacher, and neither would they seek to control the school in the way Sir Michael seems to imply. "Ill-informed" governors, like all ill-informed people, make bad decisions, but the expertise I regularly witness in the governing bodies of Bristol schools is an entirely different picture to the one being described by the OFSTED head. And I therefore wonder where he gets his evidence from, and also his conclusion that simply through imposed professionalisation we will have better schools.

The governors I work with in Bristol bring skills from commerce, public sector, education and many other aspects of modern society. They, we, work for our schools because we believe that education for the sake of the children is what matters. The job of being an effective school governor is certainly challenging, and is made more so by the regular, and increasingly unpredictable changes of direction imposed on us from Whitehall. As one governor responding to the OFSTED head's speech remarked, "I don't need money, I need more time to do it better."

Having served as a paid governor on an Interim Executive Board (IEB) for a failing school, my job was to work with the head and senior leadership team of the school. My financial remuneration (welcomed as it was by my bank balance) was in no way my motivation for doing it. In all areas of public life, my desire is to serve and to support. I bring personal and professional skills and gifts to that role. Paying me for them won't change a thing. If Sir Michael wants to change anything, he should focus on celebrating the work governors already do.

March 2013

Written evidence submitted by Louise Barker, Volunteer Governor

I would like to give some feedback from the position of governor in my child's primary school as input to the Education Select Committee.

We are very lucky to have a committed group of people forming the governing body for our school. All of whom are professionals; some taking a career break whilst they have young families and others fitting it in alongside their job. We also have one retired person acting as Chair of governors currently.

Over the last 10 years since my children have been in education the role of governance has changed enormously. The expectations and responsibility of a governor nowadays compares to many decently paid jobs I would say. I do not think governors should be paid personally as I think they do it now for the benefit of the children in that school and paying them would potentially result in them having different drivers. I do feel though, that they should be recognised as extremely committed volunteers and whilst I fully expect to be accountable I think that many good people are simply scared off from being a governor due to both the time commitments involved (especially if they are also doing a full time job and being a parent as many are), and the responsibility involved. For others they hear and read about schools with bad governance and question their own ability to do a good job, so there are lots of good, capable people out there who never become governors in the first place.

I feel that our governing body—who are working extremely hard and are questioning and challenging the Head Teacher all the time—are still getting bad press because we expect more of the staff in school and they think that we are being unreasonable. At the end of the day they are being paid for what they do whilst we are not! We are mindful of the fact though that the teachers have a huge responsibility too and that their job is not easy. Too many excellent teachers are leaving the profession because they are not able to handle the pressure or because they are not prepared to do what it takes nowadays.

If we are all to work in the "Big Society" then there has to be more collaboration between those making the demands and those doing the work. For me that starts with government who make changes that cause havoc in schools across the country and create much more work for teachers and those who made the decision have absolutely no idea of the effect. It's time people started to stand up and respond back—hence this e mail.

We constantly remind ourselves that it is not about processes and procedures or bureaucracy—it is about the education of our children both academically, spiritually and in life generally, and that is really all that should really matter to any of us.

March 2013

Written evidence submitted by Sue Woodroffe, Principal, The British School of Brussels

In response to Question 166 about the vagaries of governing body structures internationally, focusing on the Netherlands, Michael Jeans, a trustee of the British School of Brussels (BSB), made a reference to his role as a member of our Board.

The BSB is a British, HMC International School, educating over 1250 students from the ages of 1–18 on a beautiful, modern and well-resourced campus east of Brussels. In our 44th year, the founder of our school, Sir Dick Pantlin, is also one of the founders of what is now known as COBIS (the Council of British International Schools.) The BSB broadly follows the English national curriculum although there are many adaptations to ensure that our learning is forward- looking and internationally relevant given that we have students from up to 70 nationalities in the school at any one time. Furthermore, our community is largely transient, with the average stay being 3 years and only 10% of students in any year group remaining at the school for the whole of their educational lives. We offer both the IB Diploma as well as A Levels to our Post-16 students and these two pre-university qualifications are equally popular and successful, with almost 90% of our students getting to their first choice universities worldwide annually.

However, in light of the committee’s research on governing bodies, we also have a very thorough and transparent governance structure which has been accredited among leading international schools in the world by the Council of International Schools (CIS) Accreditation team as recently as last October when they conducted their 5-year visit, measuring BSB against their exacting standards.

Therefore, the BSB Board of Governors wants to counter any suggestion in the evidence and transcript of your committee’s report that BSB’s governance structure is not of the highest order. In summary:

1. The Board of Governors sits beneath a Board of Trustees who meet annually to scrutinise its work.
2. The Board of Governors meets four times per year, one of these meetings being a strategic planning day.
3. The Board is made up of a range of people with local and international business and educational experience, as well as those who are elected representatives from the parent and staff bodies. The School’s Leadership Team also sits on this main Board.
4. The Board of Governors has seven active sub groups that sit under its delegated authority to work in more detail on issues pertaining to school development. These committees meet a minimum of three times per year and cover the following areas:
 - Curriculum & Learning
 - Finance
 - Premises
 - ICT
 - Human Resources & Compensation
 - Marketing
 - Governance

These sub groups are made up of members of the main Board with specialisms or interests in that area, plus the School Principal and then other members from the wider Brussels community, including staff and parent representatives who do not sit on the main Board and who have a particular expertise in that area.

5. The Governance sub group monitors the membership of these groups according to a clear, recommended framework which can be seen in the Board of Governors’ Handbook (attached to this document.) In this way, gaps in areas of expertise are immediately filled by contact with people whom we seek to recruit from the parent body or wider Brussels community. To achieve this, career roles, histories and CVs are checked, applications or expressions of interest received and interviews are held with the Chair of each group to check for suitability.

6. Terms of office for all roles at all levels of governance are for three years, with the possibility of re-election. A briefing session is held with all new members of the Board and/or sub groups every September to ensure that the remit of the role is clear and confidentiality and child protection documentation can be confirmed.

7. In addition to the evidence in the attached Board of Governors’ Handbook, BSB has also been credited at the highest level by CIS for its standard of governance, benchmarked among the best schools in the world. CIS standards (and indeed BSB’s rating against these) is also attached and may provide the committee with an interesting set of governance standards for the record.

I hope you will understand from the attached appendices—the CIS standards and the BSB Board of Governors’ Handbook—that it is my duty to put the record straight about the best practice governance evident at BSB. We are proud of our success as a school and this is built upon the excellent foundations in governance.

CIS STANDARDS ON GOVERNANCE & LEADERSHIP

Inc. BSB's ratings assessed at the 5-year visit in October 2012

Overall Standards marked on scale 1(low)—4 (high)

Individual indicators making up each Standard measures as follows:

WA—Widely Aligned

PA—Partially Aligned

NA—Not Aligned

Please see below a copy of the CIS Standards on Governance with BSB's grading included, as measured in October 2012.

Section C

GOVERNANCE AND LEADERSHIP

<i>STANDARD C1</i>	<i>SSC Rating on scale 1 to 4</i>
The governing body shall be so constituted, with regard to membership and organization, as to provide the school with sound direction, continuity of leadership, and effective support in the current and long term life of the school.	Write here: 4
Indicators for Standard C1	Rating (Please mark)
	WA PA NA
C1a The governing body shapes and upholds the mission, articulates a compelling vision, and ensures that its decisions support and further the mission.	X
C1b The governing body promotes strong ethical values and compliance through appropriate and effective oversight.	X
C1c The governing body effectively measures the school's success in putting its mission and objectives into practice, and it promotes corrective action if results show this is needed.	X
C1d The governing body invigorates itself through planned membership, thoughtful recruitment, and inclusiveness.	X
C1e The governing body provides appropriate orientation and on-going training for its members in the understanding and performance of their duties and in understanding policies and their implications.	X
C1f The governing body is so constituted that it can fulfill essential governance duties and provide continuity for the school in the event of sudden change in ownership, governance, and/or administration. Optional school-generated Indicator (write in): Optional school-generated Indicator (write in):	X

Celebrations

The School has a very committed governing body, with wide representation of external experts, staff and parents. The structure lends itself to strong and visionary discussion at whole board meetings and more detailed planning at the various sub groups which operate in Finance, Human Resources, Curriculum & Learning, Marketing, Premises, ICT strategy and Governance. New governors and sub groups members are inducted every Autumn and a planning day which can include Governor training takes place every Nov/Dec.

Details of proposals to improve non or poor alignment if any:

None

Five-Year Visitors' Comments:

The Board has Sub-Committees as indicated above, and takes these seriously, using those meetings to inform the strategy for the BoG. The Board has tri-annual meetings, as well as the annual professional development day.

The Board has several members who represent the different interests of the school community, and seeks nominations for vacancies from those who can contribute positively to its mission. People with relevant skills and backgrounds are invited to join the sub-groups.

The Board is to be commended for its long-term vision and vigilant dedication to continual improvements at BSB.

Five-Year Visitors' Recommendations (if any)

None at this time

STANDARD C2	SSC Rating on scale 1 to 4
There shall be a co-operative and effective working relationship between the governing body and the head of school so as to establish and sustain high morale, quality relationships, and a positive climate for teaching, learning, and student well-being throughout the school.	Write here: 4
Indicators for Standard C2	Rating (Please mark) WA PA NA
C2a There is a clear and effective understanding by the governing body and the head of school of their respective functions, and these understandings are set out in written form.	X
C2b There is a partnership between the governing body and head of school which recognises that the effectiveness of the parties is interdependent.	X
C2c The governing body and the head of school enjoy a positive, open, and mutually supportive relationship. Optional school-generated Indicator (write in): Optional school-generated Indicator (write in):	X

Celebrations

At all times, members of the Board and subgroups respect the Principal as the CEO, running the operation of the School. Excellent relationships exist between the members of the school. The Board plays a role of a critical friend; scrutinizing all areas and offering support as a foundation.

Details of proposals to improve non or poor alignment if any:

None

Five-Year Visitors' Comments:

There is an excellent relationship between the Board and the Principal. The Principal feels extremely well supported and respected by the Board.

Five-Year Visitors' Recommendations (if any)

None at this time

STANDARD C3	SSC Rating on scale 1 to 4
The head of school, while accountable to a higher authority, shall be the responsible leader to ensure that teaching, learning, and student well-being are supported and that the school's mission is achieved.	Write here: 4
Indicators for Standard B3	Rating (Please mark) WA PA NA
C3a The governing body has developed a clear, written job description for the head of school.	X
C3b The head of school provides leadership for the total school programme.	X
C3c The head of school sets educational priorities and outlines funding implications for submission to the governing body.	X
C3d The head of school has final responsibility for the recruitment, selection, assignment, orientation, deployment and appraisal of all the administrators, teachers and support staff.	X
C3e The governing body ensures that all issues pertaining to the day-to-day operations of the school are addressed through the head of school.	X
C3f The head of school effectively delegates responsibility through a leadership structure that is designed to fulfil the school's mission and objectives. Optional school-generated Indicator (write in): Optional school-generated Indicator (write in):	X

Celebrations

The role of the Head of the School is clearly recognised and acknowledged by all stakeholders.

Details of proposals to improve non or poor alignment if any:

None

Five-Year Visitors' Comments:

Whilst agreeing with the school's celebratory comment about the role of the Principal (she is very obviously the leader of the school in everyone's eyes and competently fulfils all the criteria of this Standard) and recognising that the Board of Governors and Trustees (BoG, BoT) is generally clear in the members' roles and responsibilities, the Visitors consider that the difference between being a Board member (Strategy and Vision) and being involved in the day-to-day running of the school (Principal's key role) must be regularly reviewed to remind all Board members of the differences.

Five-Year Visitors' Recommendations (if any)

None at this time.

STANDARD C4		SSC Rating on scale 1 to 4		
The governing body shall have clearly formulated written policies and practices which are applied to bring consistency and clarity to school operations.		Write here:		
		4		
Indicators for Standard C4		Rating (Please mark)		
		WA	PA	NA
C4a	The governing body has a comprehensive, up-to- date, and effective policy manual for both school and governance operations.	X		
C4b	The governing body allots sufficient time to the most important concerns and issues, and continuously engages in strategic thinking about the school's direction.	X		
C4c	In decision-making, governing body members always put the interests of the whole school above all else, avoiding favoritism towards any individual or group.	X		
C4d	An ethos of transparency is promoted by the governing body to ensure that appropriate members of the school's constituency have access to accurate information about decisions and matters which impact them.	X		
C4e	Governing body policies and practices include a regular and systematic appraisal of its governance organization and effectiveness.	X		
C4f	Governing body policies and practices include a clearly defined appraisal process for the head of school, to be conducted regularly with his/her full knowledge and to include written outcomes and provisions for discussion and appeal.	X		
Optional school-generated Indicator (write in):				
Optional school-generated Indicator (write in):				

Celebrations

The Board Handbook includes clear procedures and accountabilities. It is very comprehensive and updated annually. The Clerk to the Board oversees the School policy handbook both in hard copy and online. The Chair of the Board conducts the Principal's appraisal annually using 360 degree feedback.

Details of proposals to improve non or poor alignment if any:

None

Five-Year Visitors' Comments:

Meetings held by the Visitors with various constituents of the school, including the Board itself, confirm the school's own evaluation of this Standard.

Five-Year Visitors' Recommendations (if any)

None at this time

STANDARD C5**SSC Rating on scale
1 to 4****The school shall have educational and financial plans for the near and long term that ensure school viability, are supportive of the mission and are explained to the school community.****Write here:
4****Indicators for Standard C5****Rating (Please mark)**

		WA	PA	NA
C5a	There is evidence that the short and longer-term finances of the school are sufficient to ensure it can fulfil its educational and other obligations for the foreseeable future.	X		
C5b	The school has educational and financial plans for the short, medium and long term which are tied to the school's mission.	X		
C5c	Financial considerations and required expertise are incorporated into the governing body's vision and plans for the school.	X		
C5d	The school's educational and financial plans are appropriately communicated to the school community.	X		
	Optional school-generated Indicator (write in):			
	Optional school-generated Indicator (write in):			

Celebrations

The Board produces a school wide Five-Year strategic vision document which all development plans and action plans are founded. This ensures clarity and coherence for all plans.

Details of proposals to improve non or poor alignment if any:

None

Five-Year Visitors' Comments:

The budgeting process is clearly defined and transparent. The school is well provisioned in all areas. The financial reports are relevantly communicated to members of the school's community. The sound financial management, with a strong emphasis on sustainability, is successfully led by the Board of Trustees, Business Manager and Principal.

Five-Year Visitors' Recommendations (if any)

None at this time

MAY 2013

Written evidence submitted by Stanley Solomons

To Education Select Committee: I have been a governor for several years at St.Thomas primary school, Huddersfield which until three years ago comprised two schools, Bradley infant and nursery and Bradley junior which were merged.

Instead of considering paid governors, legislation should be brought in requiring mandatory training for new governors, not the present please yourself system. Regarding the makeup of governing bodies I am not too happy that headteachers are or can be members of the governing body. In our case it has caused no problems but situations could arise which might prohibit criticism of a Head if he or she were at the governors meeting.

Likewise I doubt the wisdom of having teacher governors for the same reason as above, ie could prohibit discussion about quality of teaching. Again, that has not proved a problem in my school which I feel is making good progress, but it could arise.

To clarify my earlier email re teacher governors. In fact governing bodies have staff governors elected by the staff and could be any members of staff.

In some or many cases they could be teachers including Heads and Assistant Heads.

June 2013