



The move beyond effective:

Key themes for local authority governor services from the 2013/2014 school improvement inspections

Tom Fellows, National Governors' Association ©

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'I believe there is already a middle tier in England's education system - and that is the local authority. Your responsibilities are still enshrined in statute and they haven't gone away. The question is, are you taking those responsibilities seriously and are you stepping up to the plate, or have you already thrown in the towel?'

- Sir Michael Wilshaw, Her Majesty's Chief Inspector, addressing the Association of Directors of Children's Services Annual Conference. 11th July 2014.

Contents

Foreword	3
Acknowledgements	4
1. Introduction	5
2. Focused school inspections	8
2.1 How well the local authority knows and communicates with its schools.....	9
2.2 Perceptions of Data	10
2.3 Perceptions of challenge and intervention	10
2.4 Perceptions of Support.....	11
2.5 Perceptions of Training and Clerking	11
3. School improvement inspection reports	12
3.1 Data and monitoring.....	14
3.2 Strategic planning by local authorities	15
3.3 Intervention.....	16
3.4 Support	17
3.5 Training, clerking and recruitment	18
4. Local authority interviews	20
4.1 Services Offered	20
4.2 Challenge to poor Governors	23
4.3 The role of local authorities in academies	25
4.4 Demonstrating Impact	26
5. Learning from Trojan Horse.....	28
6. Conclusion	31
7. Bibliography	32

Foreword

There can be no doubt that as the structural fragmentation of the system of publicly funded schools in England has accelerated since 2010, so the profile of governance has risen. This has been evident in various pronouncements from Her Majesty's Chief Inspector, and the enhanced focus on governance in the Ofsted inspection framework for schools, as well as from the Ministers at the Department for Education (DfE), most notably Lord Nash, the Parliamentary Under Secretary of State with responsibility for governance in schools and academies. The National Co-ordinators of Governor Services (NCOGS) has welcomed many of the revisions to governance regulation and associated guidance and to the Department for Education's Governors' Handbook. Less welcome, and certainly at times confusing and frustrating, has been the continuing and identifiable divergence of detail and emphasis between HMCI and the DfE on where the line is drawn for local authorities in terms of their responsibility for monitoring academies and academy governance.

The introduction of Ofsted's inspection of Local Authority School Improvement (LASI) services in May 2013 has unquestionably sharpened the scrutiny of all local authorities and the extent to which they are effective in consistently monitoring all maintained school performance. Where local authorities are monitoring maintained schools, and identifying poor performance, Ofsted is also concerned with how timely and effective interventions are. Indeed expectations go much further than this; an effective local authority will identify good and outstanding practice, including around governance, and supporting or facilitating its development across the local school system. Alongside the Ofsted framework for school inspection it may also have encouraged some local authorities at least to look again at the profile and resource of governor services, which in some cases has been given low status, or become cut adrift from communications with School Improvement Leads for too long. That said, capacity in some local authorities has remained at a significant level, or even been enhanced, a contributing factor also being a strong demand for local authority governor services from schools and academies.

In the autumn term 2014 NCOGS decided to commission some research in to the experience of Ofsted LASI to date, as they related to governor services, with a view to supporting colleagues in local authorities yet to be inspected. The aim was to capture as much information as possible from these inspections, including what had happened as a result, and then to consider what practical guidance might be offered to local authority governor service staff to help them best prepare for subsequent inspections. It was understood that Ofsted itself was in the process of revising its inspection framework but it was clear that the quality of local authority support and challenge to governing bodies would remain a strand within the framework. Similarly, NCOGS knew that the Department for Education's *Schools Causing Concern* statutory guidance to local authorities was to be republished imminently with a particular enhanced emphasis on local authorities and governance. This appeared in late January 2015, just as this report was being finalised. It included a new short section of 'non statutory guidance relating to governance', at least in part motivated by the 'Trojan Horse' saga which broke publicly in the summer term of 2014.

NCOGS selected the National Governors' Association (NGA) to undertake the research and the result is the two documents I am pleased to share with you. Both NCOGS and NGA share a commitment to the importance of strong and effective governance if our schools are to be as

good as they can be, and seek to support all governors in this task. I would like to put on record NCOGS appreciation of the work undertaken by several NGA staff on this project and, in particular, to Tom Fellows.

I hope that these publications will stimulate discussion and reflection on the part of all local authority officers and others working with governors, and support the review of current practice in service delivery, the aim being that support and challenge to governors is indeed timely, targeted and interventions evidence based. If Local Authorities are able to achieve this, Ofsted LASI inspection outcomes should be positive, but more importantly it will mean that governance at both local authority and school level is in good hands. This is a prime objective for NCOGS because 'Governance Matters'!

Best wishes,



Andy Kent

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The writing of this report was made a lot easier by the excellent work of John Freeman. Freeman produced a number of documents to help LASI teams prepare for an Ofsted inspection. His work should be seen as a valuable tool for local authorities and researchers alike.

I would also like to thank the six local authorities, Ian Keating at the Local Government Association and a representative of Ofsted who all agreed to interviews. The information they provided was invaluable.

Finally, Ellie Howarth, NGA's Research and Information officer and Emma Knights, NGA's Chief Executive, have been a massive help at all stages in the production of this report.

1. Introduction

The purpose of this paper is to take a forensic look into the local authority school improvement (LASI) inspections conducted by Ofsted. In particular, it will focus on governor services and challenge to governors in England, drawing primarily from three sources. These are:

- the Ofsted LASI inspection reports;
- the focused school improvement (FSI) letters, and;
- key interviews conducted with school improvement officials and heads of governor services from across a number of relevant local authorities

It will also look at the 'Trojan Horse' affair, drawing upon the Clarke and Kershaw reports to highlight common themes between other local authorities and Birmingham City Council. This document focuses purely on outlining the findings from the interviews, FSI letters and LASI reports. It picks out the key themes from the inspections that have already taken place and looks to see what Ofsted were looking for when they went into these local authorities. These findings have been fed into a separate guidance document which looks to provide information for local authorities on how they might prepare for an inspection in general. More generally, the aim of the guidance is also to help local authorities to improve their LASI arrangements and governor services. Both of these documents can be found on the NGA and NCOGS website.

In order to be as relevant as possible to the present LASI inspections, the structure of this report is designed to follow the new LASI inspection framework, with the first section concerned with the focused school inspection letters. In this section, the key themes from these letters will be outlined, revealing what information Ofsted inspectors can gather from governors in schools. It will also reveal what comments inspectors made on governor services and challenge to governors. The second section will look at the LASI reports issued to date. Similar to section one, this will also draw out key themes. However, it will also attempt to highlight what Ofsted expects from governor services teams. The third section will complement sections one and two; outlining the findings from a number of interviews conducted with local authority staff. Finally, section four will apply the findings of this report to the Trojan Horse incident in Birmingham. Overall, this report will highlight what Ofsted is looking for from governor services and challenge to governors at each stage of the inspection process.

1.1 Background

Local authorities have had to adapt to a changing educational picture in recent years. Due to the reforms implemented by the 2010 coalition government, LASI standards have become tougher, with the government now demanding greater transparency and accountability from educational providers. In addition to this, responsibility has, and is still being, devolved to individual schools; with local authorities also having to adapt to their new role in relation to the Academies Act 2010. With the introduction of this legislation, all schools that choose to convert to academy status become directly answerable to the Department for Education. This means that local authorities have lost all powers of intervention in these institutions. As of 19

January 2015, the government confirmed that there are 4,404 academies open across the country¹.

Despite this, local authorities still retain an important role in school improvement in England. Indeed, under section 13 of the *Education Act 1996*, they have a statutory responsibility to all children of 'compulsory schools age' to ensure that there are 'high standards' in all of its schools. In addition, under the *Education and Inspections Act 2006*, the local authority retain the statutory duty and responsibility to intervene in maintained schools that are causing concern. The 2010 White Paper, *The Importance of Teaching* and the 2015 *Schools Causing Concern* guidance outline what the government expects from a local authority committed to providing 'educational excellence'. Both documents state that a good school improvement team should:

- 'understand the performance of maintained schools in their area, using data to identify those schools that require improvement and intervention
- take swift and effective action when failure occurs in a maintained school, using Warning Notices and Interim Executive Boards whenever necessary to get leadership and standards back up to at least 'good'
- intervene early where the performance of a maintained school is declining, ensuring that schools secure the support needed to improve to at least 'good'
- encourage good and outstanding maintained schools to take responsibility for their own improvement and to support other schools
- build strong working relationships with education leaders in their area and encourage high calibre school leaders to support and challenge others
- delegate funding to the frontline, so that as much as possible reaches pupils
- enable maintained schools to purchase from a diverse market of excellent providers
- signpost where schools can access appropriate support
- secure strong leadership and governance for maintained schools that are not providing a good enough education, by identifying and supporting successful sponsors
- seek to work constructively with academies and alert the Department for Education when they have concerns about standards or leadership in an academy'

The current benchmark for assessing LASI arrangements is through Ofsted's LASI inspection process. The purpose of the LASI inspection is to ensure that local authorities are fulfilling these legal requirements and also to test whether they are achieving the 'excellence' outlined in the 2010 White Paper.

Not surprisingly, the LASI inspections came into existence shortly after Ofsted began to publish local authority league tables in its annual report. Ofsted first did this in 2011/2012 and the figures highlighted that, in 60 local authorities, the chances of a young person attending a 'good' or 'outstanding' school were below 70%. Similar statistics were also produced the following year, with some local authorities, such as the Isle of Wight and Barnsley, having less than 25% of pupils ages 11-16 in a 'good' or 'outstanding' school. These alarming statistics set the backdrop to the 2012/13 annual report speech by Sir Michael Wilshaw, Her Majesty's Chief Inspector. In this speech, entitled 'the unlucky child', Wilshaw stated that local authorities can and should be making changes to their LASI arrangements. Drawing upon the success of Coventry Council and several London Boroughs, the message was clear:

¹ Department for Education, 'Open academies and academy projects in development' [stable url: <http://tinyurl.com/lubrhg2>]

‘If Coventry can do it, so can others. If heads in coastal areas.... can succeed, so can heads in Blackpool and the Isle of Wight. If heads in rural areas...can make their schools outstanding, so can heads in rural areas elsewhere’²

It is clear from his launch of the 2013/14 Ofsted annual report that, for Wilshaw, problems still persist with local authority school improvement. Publically naming 13 underperforming local authorities, he outlined that ‘more than half of the children in these areas are having their life chances unnecessarily narrowed’³.

In July 2013, Ofsted conducted its first LASI inspection under Section 136(1) (b) of the *Education and Inspections Act 2006*. Since then, eleven local authorities have been investigated and thirteen reports have been commissioned. Seven of the inspected local authorities were deemed to be ‘ineffective’.

In addition to LASI inspections, Ofsted has also conducted seventeen focused school inspections (FSIs). During these FSIs, Ofsted inspectors went into a selection of schools within a specific area. These inspections were triggered when school performance data across the local authority raised cause for concern with Ofsted. During the inspection, Ofsted inspectors asked pertinent questions of headteachers and governors to try to understand the effectiveness of the relevant local authority’s school improvement provision, issuing a letter to the Director of Children’s Services outlining their findings. Interestingly, although both the LASI inspections and the focused school inspections broadly looked into the same areas, only two local authorities that had received a focused school inspections went on to have a LASI inspection.

This study comes at a time when, more than ever, local authority arrangements for school improvement are coming under increased scrutiny. It is Wilshaw’s view that local authorities are ‘drinking in the last chance saloon’ in terms of their responsibilities for the arrangements for school improvement⁴. Indeed, a large proportion of ‘ineffective’ LASI inspection reports, accompanied by a number of poor focused inspection letters, has highlighted that some local authorities are not fulfilling their role as effectively as they could. In addition, with the ‘Trojan Horse’ inquiry finding serious faults with Birmingham City Council and, in particular, governor services and challenge to governors, it is clear that there is still much to be done to improve the LASI arrangements in a number of local authorities.

² Michael Wilshaw, ‘The Unlucky Child’, *Annual Report Speech*, 11 December 2013, [stable url: <http://tinyurl.com/pe3zcr3>], p. 9.

³ Michael Wilshaw, ‘speech to launch Ofsted’s 2013/14 annual reports for schools and FE and skills’, 10 December 2014, [stable url: <http://tinyurl.com/lbn47mu>].

⁴ Michael Wilshaw, ‘Speech to the Association of Directors of Children’s Services Annual Conference’, stable url: <http://tinyurl.com/p926vzb>.

2. Focused school inspections

Overview

The focused school inspections examined in this report consisted of a number of standard (section 5 and section 8) inspections in maintained schools in the area. The primary purpose of these inspections was to assess the schools performance in line with the *Education Act 2005* and the school inspections Framework and Handbook. However, on top of this, separate evidence was collected from individual meetings between the lead inspector and the headteacher, the chair of governors, and a representative from the local authority in each of the schools. In these meetings inspectors asked the following questions:

- *How well does the local authority know your school your performance and the standards your pupils achieve?*
- *What measures are in place to support and challenge your school and how do these meet the needs of your school?*
- *What is the impact of the local authority support and challenge over time to help your school improve?*

In addition, Ofsted also undertook a number of random telephone interviews with headteachers from 'good' or 'outstanding' schools in order to understand the level of backing and guidance they received from the local authorities to facilitate school to school support.

Unlike the LASI reports, the focused school inspection letters were solely based upon feedback that the Ofsted inspectors received from governors and headteachers. This allowed them to gain an understanding of the 'use, quality and impact' of educational effectiveness. It also gave them an indication of the local authority's arrangements for school improvement by finding out, from school leadership and governors, the level of support they received from the local authority. Unlike the LASI inspection, there was no effectiveness rating, and the letters only briefly outlined the strengths and weaknesses of the local authority school improvement services. However, despite being cursory in scope and detail, these letters do provide a useful tool for exploring what Ofsted is looking for from LASI teams and, in particular, challenge and support to governors.

The first local authority focused inspection took place in Derby City in January 2013. Since then, there have been sixteen others. Below are the local authorities that have had FSIs alongside the percentages of primary and secondary schools in their area that were Ofsted 'good' or 'better' in the Ofsted 2012/13 Annual Report:

- Bristol (primary 83%/secondary 73%)
- Coventry (primary 64%/secondary 88%)
- Cumbria (primary 83%/secondary 63%)
- Derby (primary 69%/secondary 73%)
- East Riding of Yorkshire (primary 67%/secondary 38%)
- Medway (primary 59%/secondary 89%)
- North East Lincolnshire (primary 68%/secondary 41%)
- North Somerset (primary 73%/secondary 88%)

- Norfolk (primary 63%/secondary 62%)
- Northumberland (primary 87%/secondary 66%)
- Portsmouth (primary 67%/ secondary 53%)
- Salford (primary 75%/secondary 47%)
- Staffordshire (primary 71%/secondary 68%)
- Suffolk (primary 66%/secondary 73%)
- Tameside (primary 72%/secondary 46%)
- Thurrock (primary 59%/secondary 92%)
- Wolverhampton (primary 56%/secondary 72%)

As the figures show, some local authorities that were subject to FSIs had problems with either or both secondary and primary schools. However, others, such as North Somerset, had a proportionately higher level of good or better schools than other local authorities not inspected. When looking at the *2012/13 Annual Report* there is little correlation between FSIs and those local authorities that were at the bottom of the performance tables for 'good' or 'better' schools.

In many cases, although the overall support from the local authority was criticised, governor services and challenge to governors received praise and were considered as strengths by the inspectors. As well as offering a glimpse into these local authorities' governor service provisions, the letters also revealed the types of information that Ofsted would seek to understand from governors. This included how well the local authority knew its schools; how well the governing bodies knew and agreed with the strategic direction of the local authority; and the range of support received from the local authority.

This section will outline a number of themes that were common across all seventeen letters. The purpose of this is to highlight what information Ofsted inspectors were interested to hear from governors about the support offered by the local authority.

2.1 How well the local authority knows and communicates with its schools

One of the biggest problems noted in the reports was that a number of governors felt that the local authority did not know their schools very well. This was a particular problem in Wolverhampton. Here, the report stated that 'many headteachers and governors were unclear about how well the local authority [knew] their school'. In particular, the inspector noted that the local authority gave governors 'very little feedback...about their effectiveness as a governing body'. Similarly, in Staffordshire, it was noted that 'most headteachers and governing bodies surveyed ... believed that the local authority [did] not know its schools as well as it used to'. In addition, the Staffordshire report noted there was great variation in the number of governors that thought the local authority knew its schools well. Problems like this also emerged in Medway, Northumberland and North East Lincolnshire. In particular, Medway was criticised because, although it knew its primary schools well, 'secondary...governors ... [did] not generally feel that their schools [were] well known to local authority officers and advisers'.

Interestingly, in local authorities that were deemed not to know their schools well, there were also problems with communication between the local authority and school governors. For instance, in Wolverhampton, governors did not understand how the school improvement

service would ‘impact on them and their schools’. In Staffordshire it was also noted that ‘governors [were] unclear’ about the local authority’s arrangements for brokering school to school support. Furthermore, in North East Lincolnshire, governors outlined that they were unsure about the kind of support each school would receive. One of the specific failings of communication between the local authority and governors was around strategy. In Coventry, it was noted that the ‘headteachers and governors [did] not...have a clear grasp of the local authority’s strategy for commissioning or brokering support’. Very similar wording was used in East Riding of Yorkshire, Medway and North Somerset. In these areas, some governors also commented that they were unclear about the local authorities’ improvement strategies.

2.2 Perceptions of Data

Because the focused inspection letters were solely based upon the feedback received from governors and headteachers, Ofsted inspectors could not personally scrutinise the data that the local authority collects on governor services. However, they could get an idea of what governors thought of the data provided by the local authority. For instance, in Bristol, the inspector noted that the data provided to schools by the local authority had ‘helped governing bodies develop the capability to hold their schools accountable for students’ progress’. Similarly, in North Somerset, governors outlined that ‘they were better informed about their school’s performance and felt confident to challenge school leaders’. The same message was repeated in Northumberland, where ‘a number of headteachers and governors...[reported that]...they valued the annual data analysis of pupil’s attainment and progress produced by Northumberland’. In contrast, from talking to governors in Coventry, it was noted that there was ‘limited evidence’ that the local authority had a systematic ‘approach to the monitoring and evaluation of the outcomes for specific groups of pupils’. This was also identified as a problem in Derby. Here, Ofsted reported that ‘there [was] not always a sharp enough focus on the performance of specific groups of pupils, particularly those who [were] most vulnerable’.

2.3 Perceptions of challenge and intervention

In a number of cases, Ofsted inspectors were positive about the local authority’s challenge to governors. In Salford, for instance, it was outlined that ‘support and challenge had been well received and [had] led to rapid and significant improvement’. Ofsted also provided a number of specific examples of effective challenge. For instance, in Norfolk, it was noted that the local authority had used its statutory duties to good effect and, in Tameside, Ofsted reported that the local authority had ‘set up interim strategic groups [in underperforming schools], which [had] led to improved governance’. In a number of reports, the inspectors commented on challenging meetings between the local authority and the governing body. In North Somerset, although the ‘Big Meetings’ organised by the local authority were ‘well received by headteachers and governors’, Ofsted noted that the local authority often failed to ensure that the chair of the governing body regularly attended. Criticism was also levelled against Suffolk. This was because governors raised concerns that the local authority had a ‘censoring tone’ when it conducted meetings with the headteacher and governing body of a particular school. Ofsted also commented negatively on the ‘lack of objectivity’ from school improvement partners in Northumberland, and Thurrock’s somewhat ‘reactive approach to school improvement’.

2.4 Perceptions of Support

On the whole, governor support was reported by the inspectors as well received. When commenting on governor services, the words 'valued', 'praised' or 'positive' appeared in the reports from Bristol, Cumbria, Portsmouth, Derby, North Somerset, Salford and Suffolk. In North East Lincolnshire and Medway, similar positive feedback was also given. In particular, governors in Medway praised the initiative to broker support between 'less experienced governors with more experienced governor colleagues in other schools'. The establishment of school to school support was also noted in the Bristol report. In Salford, the work of the local authority was praised for setting up interim strategic groups. This had led to 'improved governance in those schools which required significant improvement'. Despite this however, Ofsted did note some negative feedback. In the East Riding of Yorkshire and Wolverhampton, a number of governors informed Ofsted that support was weak.

2.5 Perceptions of Training and Clerking

Much like support in general, on the whole, governor training and clerking was deemed to be good through the feedback from governors that Ofsted received. Indeed, in nearly all of the reports training received some form of praise. In particular, Ofsted seemed to want to know if the training allowed governors to carry out their roles and duties effectively and hold senior leadership to account. This was noted in Staffordshire, Tameside and Salford. Governors in three local authorities reported that induction training was effective and, in particular, courses deemed to be positive included finance, performance data, management of the headteacher, safeguarding and safer recruitment. However, not all local authorities had effective training courses. In Wolverhampton, for example, it was noted that:

'Training is not seen as effective. Some governors find it very difficult to access training and say communication is poor'

Interestingly, Ofsted also gauged headteachers' perceptions of governor training. In Thurrock and Derby, it was noted in the reports that headteachers judged that the training 'lacked impact'. As with training, clerking received general praise across the board. Although the comments on clerking were limited, clerking was praised in Northumberland, East Riding of Yorkshire, North East Lincolnshire, Norfolk Tameside and Bristol.

3. School improvement inspection reports

Overview

Under the 2013 LASI inspections Framework and Handbook Ofsted inspected local authorities based upon nine key areas. These were:

- *corporate and strategic leadership*
- *the clarity and transparency of policy and strategy scrutinised*
- *the extent to which the local authority knows its third party providers*
- *the effectiveness of intervention in underperforming schools*
- *the impact of local authority support and challenge over time*
- *the extent to which the local authority offers schools support*
- *the effectiveness of strategies to support effective leadership*
- *the effectiveness of governor services*
- *the effective use of funding to meet specific challenges*

More specifically, Ofsted highlighted three key areas that they would be looking for when assessing a local authority's ability to support and challenge school governors. These were:

- *in schools that are causing concern, the local authority must act promptly to remedy concerns and, where necessary, use its formal powers of intervention*
- *they must ensure that only the highest quality governors are recruited and, where necessary, are deployed in underperforming schools*
- *the local authority should have quality training programmes in place for new governors and ensure that schools have a good chair with the ability to bring about positive change*

Based upon its performance, Ofsted inspectors would judge the local authority school improvement arrangements as being either 'effective' or 'ineffective'.

N.B. In November 2014 Ofsted produced a new framework and handbook for LASI inspections. For an overview of this, see page 18. This section will solely be based on the LASI inspections which were conducted under the old 2013 framework.

As of December 2014, eleven local authorities have been inspected under the *Education and Inspections Act 2006*. Of these eleven, two have been subject to re-inspections. Out of all the reports that have been issued, there have been four 'effective' and nine 'ineffective'. The authorities that have received inspections are:

- Blackpool (ineffective)
- Bournemouth (effective)
- Doncaster (ineffective)
- East Sussex (ineffective)
- The Isle of Wight (first inspection: ineffective, second inspection: effective)
- Middlesbrough (ineffective)
- Norfolk (first inspection: ineffective, second inspection: effective)
- Peterborough (effective)

- Suffolk (ineffective)
- Wakefield (ineffective)
- Walsall (ineffective)

Of these, Norfolk and the Isle of Wight have received two inspections⁵. Although not necessarily providing examples of 'good practice', through the comments and criticisms provided by inspectors, the reports offer a primary insight into what Ofsted is looking for from the LASI arrangements and reveal a complex relationship between the key themes in relation to governor services and challenge to governors.

John Freeman, ex-Director of Children's Services in Dudley, has written extensively on the thirteen LASI inspection reports that have been issued to date⁶. He has 'reverse engineered' the information to form a picture of strengths and weaknesses that can be applied across the board. For him, there are two positive and four negative themes that stand out as prevalent across all of the reports. The positives are:

1. although school improvement strategies from inspected local authorities generally lacked effective protocols and systems, officials and senior staff had ambition and drive
2. despite being slow, there was some evidence that new school improvement initiatives were beginning to work

The negative themes that Freeman identifies are that:

1. the relationships between academies and local authorities were generally 'diverse and inconsistent', with Ofsted often judging these relationships to be unproductive
2. identifying and promoting good practice through school to school networking was generally poor
3. the collection and analysis of data was not as effective as it should have been
4. there were problems with local authorities' arrangements for support and challenge, with informal and formal powers not being used as efficiently as they could have been, nor the strategy for using them well orchestrated

There can be no doubt that weaknesses in strategy, relationships with academies, school to school support, data analysis and overall support and challenge are the prevalent themes that came out across the reports. However, adding to Freeman's analysis, it is also clear that the relationship between these themes is complex, and it is hard to fit them neatly into separate categories. For example, an effective strategic plan needs to be informed by good data collection in order for local authorities to identify and address the key problems with schools in the area. In addition, the methods and criteria for intervention and support need to be not only dictated by school data, but clearly outlined in a strategic plan and communicated to schools. This complex relationship also means that each of the themes identified by Freeman is important to effective governor services and challenge to governors. Indeed, Ofsted makes it perfectly clear that the local authority must have an effective method for collecting and scrutinising data on:

- governing bodies

⁵ Following their first inspection, the Department of Education gave Hampshire County Council control of the Isle of Wight's school improvement arrangements. For the purpose of clarity, when talking about the Isle of Wight's second inspection report, the local authority will be referred to as Hampshire.

⁶ John Freeman. 'The role of the local authority in school quality assurance: Preparing for inspection.' *John Freeman Consulting*. 2 September [Stable url: <http://johnfreemanconsulting.co.uk/wp-content/uploads/2014/11/School-Quality-Assurance.pdf>].

- that governors must understand the strategic plan of the local authority
- that the local authority should work with academy trustees
- that good governors are identified and used in weaker schools
- that there are effective measures to support and challenge governors in their role

In short, the areas identified by Freeman are so intrinsic to successful school improvement that governor services and challenge to governors cannot operate successfully without them being effective. It is therefore necessary to explore these areas in more detail in order to show how they link to governor services and challenge to governors. In addition to this, Ofsted inspectors also commented on the more 'traditional' services offered by governor support including training, clerking and recruitment. All of these can be broadly split into four interlinked areas: data and monitoring, strategic planning, intervention and support.

3.1 Data and monitoring

How much and what type of data local authorities collect on schools emerged as the key issue from the reports. Data should be used, not only to inform the strategic plan of the local authority, but also to identify where intervention is needed most. That local authorities know their schools well is a key priority for inspectors. Ofsted expected local authorities to collect information that is both accurate and up-to-date with the information fed back to schools in a timely manner. In general, Ofsted noted it as a problem when the local authority failed to collect information on the 'attainment and progress of pupils at individual schools...pupil level data...in-year data...[and]...pupil performance'.

Blackpool and the Isle of Wight were also criticised for failing to collect data which could be used to predict future result trends; meaning that improvement officers could not 'make timely decisions on the allocation of resources in response to emerging need'. In contrast, both Norfolk (after its second inspection) and Middlesbrough had 'sophisticated' systems for data collection which were used by both maintained and academies to improve performance. In Norfolk, for instance, 'pupil level data [was] required every six weeks by the local authority from each school identified as underachieving. This regular data collection and analysis [was] used to make accurate decisions about the risk assessments for schools'. Hampshire also provided 'timely' information to schools. This was praised by Ofsted for allowing schools in the area to 'compare their own performance data with that found in similar areas and across the country'.

It is clear, therefore, that Ofsted inspectors were looking for local authorities to collect timely, accurate and up-to-date information which they would then feed back to schools. When applying this to governor services, there can be no doubt that effective data collection and dissemination is also important to supporting governing bodies in schools. In Peterborough, 'a wide range of data and other local authority intelligence [was] used to identify strengths as well as underachievement, and to eliminate potential barriers to raising standards. Most academies purchase local authority services, including data management and adviser support, because they trust the quality of what is offered'. Similarly, in Middlesbrough, 'the authority's data team offer[ed] a sophisticated range of analysis tools to schools to enable them to track the progress of every pupil at the end of each team and each key stage'. In short, by collecting and disseminating timely and accurate data, the local authority was supporting governors in their role. This is in contrast to East Sussex where it was noted that governors were receiving important information on performance in their

school too late in the year for them to use it to make any real impact. As is stated in the *Ofsted Schools Inspection Handbook*, 'school governors [should] be familiar with, and understand, performance data'. In its LASI reports, Ofsted recognised that providing schools with timely, accurate and relevant data was a form of good practice which helped schools and, ultimately, governors to fulfil their role.

It was also deemed necessary for governor services to hold information on governing bodies. In Doncaster, Ofsted criticised the local authority for not keeping 'formal records of the quality of governance in individual schools'. Moreover, in Walsall, it was deemed inadequate for local authorities to only have data on maintained school governors, or governors that utilise its clerking service. Ofsted was also keen to see how a local authority had taken proactive steps to understand governance in all of its schools, including academies. In Norfolk, for instance, the local authority was praised for the annual self-evaluation undertaken by all governing bodies including an analysis of the schools' performance data, finance and quality of teaching which Ofsted noted had made 'some difference to the quality and impact of governance'. In addition, the Ofsted inspector for Doncaster went as far as to 'require' that an external review of governance be conducted in over 20 per cent of schools. Similarly, in Norfolk's second inspection, Ofsted praised the local authority's initiative to conduct risk assessments and external reviews of thirty eight governing bodies. In this sense, as well as feeding performance data to governors, it is clear that Ofsted expects the local authority to collect information proactively and indiscriminately on the quality of governance in schools.

3.2 Strategic planning by local authorities

As already mentioned, Ofsted expects strategic planning to be dictated by quantitative data. This is explicitly stated in Blackpool where the inspector outlined that 'the authority's use of data to plan improvement is weak'. Similarly, in Middlesbrough, local authority leadership was criticised because it did not 'have sufficient understanding of data...to identify the most serious weaknesses and determine the key priorities for improvement'.

As well as failing to use data to inform their strategy, as Freeman outlined, many local authorities lacked an effective method for delivering their ideas. This theme was prevalent in Wakefield, Middlesbrough, Walsall, East Sussex and Suffolk. This quote from the Walsall report highlights the general problems with poor strategy:

'Strategic planning to achieve the local authority's ambition is not robust. It is not clear how the progress of its work to improve schools will be measured. The journey from the current position to the eventual goal is not planned carefully enough'.

In contrast, Ofsted was generally positive about the strategy in Peterborough and Hampshire. In Peterborough, the report outlined that 'councillors and senior officers are ambitious...The right structures, personnel and investment are in place to realise the council's ambitions'. Similarly, in Hampshire, the report noted that 'the plans for school improvement include clear targets for the next three years. There are well developed milestones for checking progress towards these goals on an annual basis'. Ofsted noted that it is no good, as was the case in Blackpool, producing a strategy which 'lacks quantitative targets and qualitative indicators'. Similarly, in Walsall, there was a 'lack of improvement milestones' which

hindered the local authority's 'ability to check that initiatives are on track to deliver local authority targets'. It is clear, therefore, that ambitious strategies have to be realistic and rigorously planned; with robust 'practical measures' in place which are supported by clear targets, milestones and protocols.

In addition to this, the strategy has to be clear and understood by school leaders, including governors. Effective strategic planning and communication of the ideas to governors is, of course, critical to school improvement. Because governing bodies are responsible for setting the strategic direction of a school, in order for the local authority to meet its ambitions and targets, they must ensure that governors understand and endorse these ideas. In this sense, the key targets outlined for the local authority should be well known and recognised by school leaders and governors. This was done effectively in Hampshire where it was noted that the 'strategy is clearly understood by headteachers and governors and is applied consistently' and, in Peterborough, where 'key priorities and overall targets [were] shared and understood by all schools'. In contrast, the first inspections in Norfolk noted that 'the local authority's strategy for improving schools has not engaged all...governors'. In addition, the first Isle of Wight inspection report highlighted that school leaders and governors had been 'insufficiently involved in local authority consultation about strategic and operational educational policy'. This shows that Ofsted recognised that it is no use having an overarching strategic plan if it is not understood or supported by school governors. This is because it is the governing body that is responsible for setting the strategic direction of the school. This is why Ofsted wanted to see that local authorities had a robust improvement strategy that was not only accepted and understood by schools, but developed alongside school leaders, including governors.

3.3 Intervention

School data and an effective strategy should be used to inform what intervention and support a school will receive. As was stated in Hampshire's report:

'Officers make good use of accurate, rigorously moderated annual performance data to categorise schools and to direct support where it is needed most'.

Similarly, in Norfolk, 'the local authority uses individual school performance data, including information about finance, human resources and governance, to form a view of the level of challenge required for schools'. Thus, Ofsted expects local authorities to offer a means-tested and tailored service to schools. This is not to say that it does not expect local authorities to support strong schools. On the contrary, Blackpool was criticised by the inspector for failing to provide challenge or support to schools wanting to become outstanding. However, the general theme is that local authorities should support good or outstanding schools with a 'lighter touch'. It is therefore vital that local authorities take a 'proactive rather than reactive' approach to school improvement, ensuring that support is correctly balanced, but never none existent, in all of its schools.

Ofsted expect to see the impact of successful support and intervention. Although Ofsted may comment on certain initiatives introduced by the local authority, it will state whether this has actually made any difference to performance in schools. In the Hampshire report, Ofsted listed eight key areas in which the local authority had 'reversed the decline in the performance of schools and [was] making a difference to children and young people'. These included:

- improving SATs and GCSE results
- increasing the number of primary schools rated 'good' by Ofsted
- seeing positive changes in 'requires improvement' schools
- helping eight of nine schools out of deficit
- improving teaching and pupil outcomes
- seeing an improvement in attendance rates
- reducing exclusion rates

In a number of local authorities 'school to school' support included informing good or better schools how they can work with weaker schools. Inspectors from across all of the reports noted the need for a system to alert governors to declining standards in schools and, in two reports, 'challenging meetings' were noted as good practice for holding governors to account that were causing concern. In Norfolk, inspectors also positively noted the local authority's initiative to ensure that 'progress of schools causing concern [was] kept under review by district and senior leaders'.

In terms of formal powers of intervention, it is clear that Ofsted believed that some local authorities were not using them 'robustly'. The use of additional governors, formal warning notices, Interim Executive Boards (IEBs) and the suspension of governing bodies from managing the school budget were all flagged by Ofsted. It was noted in a number of cases that local authorities had 'failed to use' their full range of powers of intervention. After its first inspection, Norfolk decided to use its statutory powers significantly more, with its second report noting that the local authority had implemented six IEBs, issued four statutory warning notices and removed the power over the school budget from 21 governing bodies. Nevertheless, it does seem that it is not always necessary to use 'formal powers' if other methods are effective. In Bournemouth, for instance, the local authority issued an informal 'letter of concern' which was viewed positively by Ofsted. This was primarily because it had made an impact.

3.4 Support

Rather surprisingly, there was relatively little on governor support services in the LASI reports. From the evidence they did collect, Ofsted inspectors judged the quality of support based upon the feedback they received from governors and headteachers, as well as the amount of schools that 'bought-in' to the support offered. For instance, in Suffolk, it was clear to Ofsted that governor services were 'highly valued' because of the number of academies and maintained schools that purchased support from the local authority.

Some general points can, however, still be drawn from a cross-examination of the reports. For one, in the Isle of Wight, Ofsted made it clear that it was not good if 'universal support for governance focused solely on statutory duties'. In other words, Ofsted expected a local authority to provide governor services beyond its legal requirements. In addition, Ofsted seemed to want governor support initiatives to be consistently applied across all schools. Even if Ofsted recognised a good initiative, if it was not common to all, they would criticise the authority for not making this 'consistent practice across the local authority'. There also seemed to be an expectation to tailor and coordinate support in some reports; with Norfolk governor services team praised for working alongside the rest of the LASI team to identify and focus support upon weaker schools. Finally, in Walsall, Wakefield and Bournemouth,

Ofsted looked positively on the use of school to school support and getting experienced governors to support weaker governing bodies.

3.5 Training, clerking and recruitment

In both 'effective' and 'ineffective' local authorities, training was generally seen as a positive by Ofsted. In particular, training was highlighted as a strength in Middlesbrough, Walsall, Suffolk, the Isle of Wight, Wakefield, Peterborough and Hampshire. However, Ofsted inspectors did allude to a number of training initiatives that they were keen to see. For instance, in Walsall, the local authority was praised for offering training briefings to chairs and clerks. In contrast, it was noted in the Isle of Wight that training was not effective at helping governing bodies move their schools from 'good' to 'outstanding'. Moreover, in Middlesbrough, Ofsted outlined that training needed to be tailored towards providing a better service to more experienced governors. The reports also suggest that, as well as consulting governors, Ofsted judges the local authority's training by monitoring attendance rates and evaluations. As shown in the Peterborough report, where the attendance was high and the reviews were good, Ofsted generally saw this as a sign that training was effective. In Suffolk and Blackpool, inspectors also commented positively when initiatives were introduced to train additional governors to become National Leaders of Governance (NLGs).

Similarly, effective recruitment was judged by Ofsted by how many governor positions were left in school, regardless of whether the local authority had actually lowered the number of vacancies. For instance, in Walsall, it was outlined that:

'There are many vacancies for governors across a range of schools. A recent recruitment campaign has successfully halved the number of local authority governor vacancies, although too many vacancies remain'.

Finally, in contrast to training and recruitment, there were few comments on clerking in the reports. Ofsted only commented when there was a significant problem, such as in Middlesbrough, where the local authority was over reliant on clerks to collect information on governance.

2014 Update: New LASI inspection process

In November 2014, Ofsted produced an updated version of the LASI handbook and a framework which have been published on its website. Although the content that will be inspected has not changed significantly, this does mean that the local authorities examined in this study were assessed under a framework that is no longer used. Two major changes have been made to the school improvement inspections. Firstly, there are no longer separate 'focused school inspections'. Instead, the focused inspections and the telephone interviews that existed before, as part of a separate inspection, have been incorporated into the LASI framework. Secondly, there will no longer be an 'ineffective' or 'effective' rating from Ofsted. In its place will be a 'narrative judgement' taking into account the fact that each local authority's school improvement services are different. There are three stages to the new inspection:

1. The first stage, taking place in the first week of the inspection, will consist of a number of section 5 and section 8 inspections in maintained schools in the area. This will follow the same structure as the old 'focused school inspections' (see section 2). However, Ofsted will now ask the following questions:

- *How well does the local authority understand the school's strengths and weaknesses, its performance and the standards the pupils achieve?*
- *What measures are in place to support and challenge the school and how well do these meet the needs of the school?*
- *What is the impact of the local authority's support and challenge over time to bring about school improvement?*

2. The second stage, also taking place in the first week, will consist of telephone interviews with schools that were not part of the focused inspections. There are two purposes to this. Firstly, Ofsted will gather information from 'good' or 'outstanding' schools in order to understand the level of backing they receive from the local authority to facilitate school to school support. The second is to contact 'inadequate' or 'requires improvement' schools to understand how well the local authority identified the weaknesses in the schools before they were put into a category of concern, and how much support they received to improve their performance.

The responses that Ofsted receives from phases 1 and 2 will be used to inform how well the local authority knows its schools, what headteacher and governors know about the local authority's arrangements for school improvement, and how effective they think that these are. This evidence will be collected in a separate evidence base to be used in the LASI inspection. This will then be handed to a new set of inspectors, who are responsible for the on-site inspections, so that they can analyse them before they go into the local authority.

3. The third and final stage will take place in week two. It will broadly follow the same pattern as the old inspection framework; assessing the same nine areas.

4. Local authority interviews

Overview

The interviews were conducted via the telephone and involved six of the eleven local authorities that have currently been subject to a LASI inspection. In order to complement the information gathered from the reports, the questions were designed to find out as much as possible about governor services and challenge to governors from a selection of both effective and ineffective local authorities. In particular, the purpose was to find out what services, challenges and support the local authorities offered before the inspection; what data and information the inspectors were interested in during the inspections; and what changes the local authority has made since the inspection to improve its governor support. To reflect this, the questionnaire was split into three sections; with thirty-three set questions in total.

Although most of the interviewees were Heads of Governor Services, some local authorities offered interviews with their Area Directors. Moreover, of the six interviewed, there was a good mixture of 'effective' and 'ineffective' local authorities. This made it possible to gain a good insight into the inspection process from a number of different angles. Some local authorities were able to provide more information than others, with some interviewees unable to answer certain questions. In particular, interviewees who were not directly part of governor services struggled to answer some of the specific questions relating to governance in their schools. However, they were able to provide a useful insight into other areas of the inspection that would not have come out of an interview with the Head of Governor Services.

In line with NGA's research ethics, every effort has been taken to preserve the privacy of the local authorities that have conducted interviews. No local authority or third-party will be named in this section, and any information which may expose a local authority has been omitted.

This chapter will be split into three separate sections. These are 'services offered', 'challenge to governors' and 'dealing with Ofsted'. From these, there will be a number of subsections picking out key themes from the interviews. This will help to identify strengths and weaknesses in a local authority's governor service provisions, what 'effective' and 'ineffective' local authorities did differently, vital areas Ofsted were looking for from the LASI inspections and key obstacles and challenges that the interviewees noted in conducting governor services effectively.

4.1 Services Offered

Overall, there were many similarities between what each local authority offered in terms of support and to governors. Every local authority interviewed offered training and clerking as a

core part of their service. Although there was little difference between the training offered by 'effective' and 'ineffective' local authorities, there were a number of issues surrounding the courses offered to governors. In addition, the interviews raised a number of concerns about resources, as well as demographic and geographical issues with recruiting governors.

All of the local authorities interviewed offered training and clerking through a 'service level agreement'. This means that schools voluntarily 'bought' training and clerking from the local authority. A school looking to set up a service level agreement with the local authority would sign a contract which outlines what they can expect from the local authority and, in return, how the local authority seeks to work with the school. In general, many local authorities that were interviewed did not stick rigidly to the service level agreement. Instead, they also offered schools the option of a 'pay-as-you-go' scheme for training and clerking.

4.1.1 Training

Every local authority offered some form of training, either using its own governor service staff, external companies and/or local or national leaders of governance to conduct training sessions. Three of the local authorities offered a number of 'free-sessions' for governors who bought into its service level agreements per annum, and all offered some form of induction training. Two governor service departments outlined that they tried to get induction training done as fast as possible; with one offering a 'welcome to governance' session within six weeks, and another conducting induction courses termly. The training courses offered ranged extensively with some focusing their training towards the whole governing body, and others focusing more on individual governors. In general, the training courses offered ranged from how the governing body and the headteacher can work together, through to an outline of the strategic versus the operational role. Some local authorities also offered more 'specialist' training; covering specific areas such as finance, pupil premium and external reviews of governance. Despite training sessions being broadly the same for 'ineffective' and 'effective' local authorities, there were a number of key issues that emerged regarding governor training. One local authority outlined that, before the inspection, they had failed to tailor their training. This meant that experienced governors were not being offered advanced courses. In addition, another noted that the training provisions were far too extensive and they were looking to 'trim down' the courses in order to simplify the service and save resources.

4.1.2 Clerking

As standard practice, although not the same across the whole country, all local authorities that were interviewed offered a clerking service for full governing body meetings, with additional packages available to clerk committees, complaints panels and hearings⁷. One of the biggest problems that local authorities found was with appointing clerks. The local authorities that generally had problems were those that recruiting clerks as full time staff for the local authority, with many being put off by the low pay and the administrative emphasis of the job. Others, who either appointed clerks part time, or allowed schools to find their

⁷ It is NGA's view that all school governor committees, as well as the full governing board meeting, should be clerked.

own clerk, did not have these problems. Indeed, one interviewee outlined that she had 21 clerks available on a pro-rata basis and found that people were incentivised to the position because it was an additional bonus to their wage. Some local authorities, however, placed more emphasis on clerking than others. One local authority, for instance, labelled its clerking service as the 'bread and butter' of the package that they offered to schools. Another sacrificed the strategic oversight role to ensure that clerking remained operational, with the Head of Governor Services herself going to schools to clerk some of the governing body meetings. In addition, two local authorities outlined that, before the inspection, they had relied on clerks for information on the effectiveness of the governing body.

4.1.3 Issues with recruiting governors in certain areas

In general, when asked about recruiting governors, nearly every local authority relied upon SGOSS: Governors for Schools and word of mouth. Despite Ofsted's interest in governor vacancies, more innovative recruitment methods were generally not forthcoming. This is because, where initiatives were put in place, the cost generally outweighed the gain. One local authority reported using magazines and the back of buses to advertise for governor vacancies. However, it stated that the advertisements were a waste of money as they did not attract enough attention. In addition, another local authority had worked with external businesses to find governors with specific skills sets. Nevertheless, it outlined that this had not been very successful either and had actually led a neighbouring local authority to gain more quality governors than them. Some local authorities outlined that they had a disadvantage when it came to governor recruitment. One interviewee said that, due to geographical difficulties, it was hard to identify people to become school governors. This has meant that, at times, the local authority has had to appoint its own staff as governors due to severe shortages. In addition, another local authority stated that, due to the industry and business interest in its area, it was difficult to recruit governors with the necessary skills sets. Compared with other local authorities, the interviewee outlined that there were significantly fewer professionals in the private and third sector to fill the roles.

4.1.4 Balancing limited resources with good practice

Another issue for some local authorities was lack of resources. Technically, because it is a paid for service, clerking and training should be 'cost-neutral'. Despite this, on top of what is offered in the service level agreement, governor services still have to find resources to intervene and monitor governance in all of their schools, even those that choose not to buy into the governor service packages.

Generally, from those interviewed, the amount of money that governor services had at their disposal broadly depended upon size. Although some interviewees declined to offer financial details, the budget for governor services varied wildly; with one small local authority reporting that it generated an annual budget of c. £50,000 whilst governor services at another, much larger, local authority reported that it had c. £600,000 at its disposal. A number received core funding from the local authority's budget. It should be noted, however, that a smaller budget did not necessarily leads to an ineffective rating, with one 'effective' local authority having a significantly smaller budget than other 'ineffective' local authorities.

Surprisingly, although some stated that they had needed to work harder and, in some cases, increase the price of their service level agreement in order to produce the same quality of provision, only one local authority outlined that the spending cuts detrimentally impacted upon the services that they offered. This is because the local authority had removed £50,000 from the governor services budget and removed 2.5 members of staff from the governor services team. After the inspection, this local authority had its budget increased again by £20,000. According to the interviewee, this had allowed the local authority to reduce the staffing burden by recruiting additional staff to the governor services team.

4.2 Challenge to poor Governors

Just like in the reports, effective methods for collecting and monitoring data emerged as the key theme in effective challenge to governance. In particular, governor services that had a well-orchestrated process for monitoring data were the most successful. In addition, two other key themes that emerged were confusion about the local authority's role in using statutory powers and holding academies to account.

4.2.1 Data collection and monitoring governance before and after the inspection

Every single 'ineffective' local authority openly acknowledged that, before the inspection, there were problems with their systems for the collection and monitoring of data. In particular, two of the four local authorities reported that they had no 'formal' systems in place to collect information on effective governance. One of these local authorities relied upon the school improvement team as a whole to monitor and identify inadequate school governance. After the school improvement team had produced their annual review of schools (analysing attainment and progress, changes to leadership and management, major staffing changes, attendance rates and patterns of exclusions) the governor services department would use this information to identify where governance was causing concern. In addition, it also relied on 'whistleblowing' clerks, who would unofficially report information back to the governor service team, to feed it information. Another interviewee outlined that, in his local authority, because the school improvement team as a whole did not have a very formal system in place to record failing schools, this had a knock on effect, also making it very difficult for the governor services department to identify schools causing concern. Similarly, he acknowledged that, before the inspection, the local authority also over relied on clerks to provide it with evidence on governing bodies. Finally, a third 'ineffective' local authority noted that, although it had methods in place to collect information on schools in which they were supporting improvement, it had no methods for collecting information on other, usually 'good' or 'outstanding', schools in the area.

In contrast, the two 'effective' local authorities outlined more rigorous methods of monitoring governors before their inspections. In particular, the key difference was that governor services conducted their own monitoring process to compliment the LASI team as a whole. For example, one local authority outlined that it measured governor effectiveness by looking at a year's worth of school paper work, minutes of governor meetings and headteacher reports. This allowed it to decide where leadership and management needed improving. From this data, it would then complete a desk audit. This would indicate whether

it was necessary to take further action and, if so, a report would be written and presented to the chair of governors and the headteacher of the school concerned. Where necessary, this would include an action plan tailored towards providing coaching and support through meetings and training.

After the inspection, the local authorities that identified problems with their review and monitoring of governing bodies made a number of changes. One of the local authorities that admitted to having an 'informal' system before the inspection outlined that it had reissued its working protocols to schools to keep them informed about what to expect. Moreover, it also produced a 'risk matrix' for identifying schools that were financially at risk, looking at budget and spending history to monitor whether a governing board had a firm grasp on the school finances. In addition, all schools were invited to attend review meetings, with schools causing concern also invited to a focus meeting. In this, senior leaders, including governors, were held to account about the progress that the school was making. This could happen termly or half-termly and was documented in the local authority protocols. There was also an increase in team meetings, and greater quality control of the minutes to assess how effectively the governing body was challenging the school leadership. Similarly, following its inspection, the other 'informal' local authority sharpened its data collection methods. Firstly, it began to conduct analyses of all its governing bodies. This included collecting information on training, vacancies, and clerking. Secondly, it also produced a procedural review to look at whether schools were approving policies on time and asking challenging questions.

4.2.2 Intervention: When to use statutory powers

One of the main points that emerged from the interviews was that nearly all of the local authorities felt that the use of statutory powers may 'alienate' schools. This is an important issue, with a recent report by the National Audit Office (NAO) outlining that, since 2010, there have only been 221 warning notices issued and 306 Interim Executive Boards implemented across the country⁸.

Instead of using formal measures, one interviewee stated that the most effective method of intervention was by forging relationships with teachers, middle managers and leadership. This is because, in his opinion, statutory intervention methods could generally hinder the process of school improvement. Instead, schools need advice and support to help them improve. Similarly, another interviewee outlined that, despite appointing two Interim Executive Boards in the year prior to the inspection, no formal warnings had been issued, no governing bodies were suspended from managing the school budget, and no additional governors were appointed in schools. Two local authorities also outlined that they used 'informal' warning letters instead of utilising their statutory powers. According to the interviewee, these follow the same procedure as formal notices. The only difference was that they did not report them to Ofsted. The most utilised statutory powers were the use of Interim Executive Boards. Nevertheless, these were generally not used to replace ineffective governing bodies but to address other issues; primarily around safeguarding. One of the 'effective' local authorities outlined that they were so averse to using statutory powers that,

⁸ National Audit Office, 'Academies and maintained schools: Oversight and intervention' (London: October, 2014), p. 1 [stable url: <http://tinyurl.com/krwvppv>].

despite the fact that ten schools were in deficit, they did not remove the budget from any governing bodies. In his opinion, because the governing body was willing to work with the local authority, it did not feel the need to take formal action.

In spite of this, however, one interviewee outlined that, since the inspection, the local authority has felt the need to become more 'robust' with its statutory powers. For one, it introduced a 'pre-warning letter' to give schools more forewarning if they were flagged up by the local authority. It has also issued two warning letters and put in place two Interim Executive Boards. Although it has not suspended the budget for any governing bodies, the interviewee outlined that the local authority is now appointing more additional governors. Therefore, the local authority felt that, following the feedback received from Ofsted, it needed to sharpen its use of statutory powers.

4.3 The role of local authorities in academies

The Department for Education has an Advisory Group on Governance of which the National Governors' Association, the National Coordinators of Governor Services, Ofsted and other representative bodies for schools are all members. At its most recent meeting in November there was a discussion about the local authority role in school improvement. There was a consensus that over the past few years there have been mixed messages from Ofsted and the DfE, with the former holding local authorities to account, while pronouncements from the department sought to minimise the local authority's role, completely in the case of academies.

As already outlined, local authorities retain a legal responsibility for performance in all schools in their area as defined under the *1996 Education Act*. Although they have no statutory powers to intervene in academies, they do remain as 'strategic commissioners' and, in this respect, should take measures to monitor and assess whether academies are performing to a high standard. Rather than intervene themselves, they should raise any concerns with the Department for Education through the regional school commissioners. In terms of governor support, although maintained schools are a local authority's statutory priority, there are clear benefits to including academies if they seek help or training for their governing board - particular in relation to the local authority's duty to all children.

Despite the clarity of the *1996 Education Act*, however, the majority of interviewees outlined that there was a 'policy disconnect' between what Ofsted and the Department for Education (DfE) were saying at the time on the local authority role in holding academies to account. There also seemed to be some confusion about what local authorities should be doing in academies. One interviewee outlined that Ofsted's view during the inspection was that 'all the schools are your schools you are responsible for all of them'. In contrast, another simply stated that Ofsted was clear that local authorities should only be categorising performance data, offering support and, if concerns are identified, reporting these to the DfE. Nevertheless, one local authority stated that, when Ofsted undertook the inspection, inspectors interviewed a number of academy heads and governors to discuss the work of the local authority. In his eyes, this was proof that Ofsted was holding the local authority to account for academies.

On a more positive note, the majority of interviewees outlined how their governor services were open to both maintained schools and academies. However, one clear problem that was identified was funding support for academies. Some local authorities have remedied this by charging more to academies for the service level agreement; with one local authority charging 22% more to academies than maintained schools. Despite this, there are still issues with funding the monitoring of academy boards that choose not to buy into the local authority's governor services.

4.4 Demonstrating Impact

From the interviews, it was possible to pin down two of the 'key successes' needed to deal with Ofsted. The first was turning the data collected on governance into clear and quantifiable statistics or case studies. In particular it was necessary that this information would highlight the impact that governor services has made upon school governance. The second was to know schools well and be confident that school governors were receiving quality support to carry out their role.

4.4.1 The first key to success: using data to show evidence of impact

When asked what Ofsted was looking for from the inspection, all local authorities agreed that Ofsted was looking to see impact. One interviewee went further, stating that Ofsted was looking for 'impact, and so what?' In other words, inspectors wanted to understand why an initiative had been put in place and, even if successful, what it had achieved in terms of improving schools. Both of the 'effective' local authorities interviewed agreed that showing impact was the key to success. Indeed, one of the 'effective' local authorities outlined that it was successful because it 'bombarded' inspectors with evidence, giving Ofsted an information pack containing all of the local authority's data. The local authority also reported that it challenged Ofsted just as much as Ofsted challenged the local authority. When Ofsted made assertions, the local authority provided more data to quantify or refute these. Similarly, the second 'effective' local authority outlined that it was successful based on two points. Firstly, it was able to articulate, at an individual school level, what the strengths and the weaknesses were in the area. Moreover, where there were weaknesses, the local authority was able to demonstrate how it had an effect on those schools.

In contrast to this, one 'ineffective' local authority identified that a key failure was that they did not have the correct systems in place to present Ofsted with enough quantitative data. The interviewee stated that, although the local authority did collect data on governors in schools, what it did have was unusable. This was because the database it used was not fit for purpose and the information it collected could not be used systematically. Therefore, although the governor services department did collate evidence on attendances and meetings, it was unable to turn this into data that it could give to Ofsted.

It is therefore clear that, as well as collecting data and monitoring governing bodies, this should be formulated in such a way that it can be presented to Ofsted to show how the governor services team has made a positive impact on governance in schools. However, all of the interviewees outlined that Ofsted inspectors did not tell them what they wanted to see.

Instead, it was up to the local authority to put together the information that it thought would show that it was successfully supporting and challenging governing bodies. Nearly all governor services departments offered information on training, governor vacancies and powers of intervention. In particular, one of the 'effective' local authorities presented Ofsted with governor vacancy information, training statistics, how much training governors had received and how much of an impact that this had upon governance.

Where impact could not be shown through quantitative data, a number of local authorities outlined that they presented their findings through case studies. It also offered Ofsted evidence of the 'input' that it provided to governing bodies. Indeed, it offered Ofsted its governor services code of conduct, self-evaluation forms, training booklets, attendance reports, induction booklets (training liaison booklet), the process for appointing local authority governors and the evaluation of new governor training and chairs' development.

As well as providing an evidence 'pack' to Ofsted, the inspectors also required an interview with the Head of Governor Services. The purpose of this was also to assess impact, as well as to fill any gaps and answer any questions raised through the inspection process. Although this meant that each local authority was asked different questions, there were a number of similar themes. For instance, most interviewees outlined that Ofsted asked for:

- information on recruitment
- the impact of the local authority's challenging capacity
- the deployment of governors, and the training of new governors

4.4.2 The second key to success: Knowing school governance well

The second theme that emerged from the inspection was that it was imperative that local authorities knew governing bodies in their area. Two local authorities emphasised that Ofsted asked them questions to assess their knowledge of governance in schools. Interestingly, one local authority reported that, in order to assess how well the local authority knew its schools, inspectors asked key officials to predict the outcome of a number of school inspections that were happening at the same time as the LASI inspection. Although not specifically related to governor services, they asked how different year groups were doing in each school; what the quality of teaching and learning was like; and what types of information local authorities were looking for when they went into schools. In addition, Ofsted inspectors also interviewed a number of governors in schools in order to measure how much, and the quality of, support the local authority offered. A number of local authorities noted that it was vital that Ofsted received positive feedback from these meetings.

5. Learning from Trojan Horse

On 27 November 2013, an anonymous letter was delivered to Birmingham City Council accusing a number of schools in the area of promoting extremism. Although this letter is now considered to be a hoax, an enquiry was launched in which two reports, one by Peter Clarke and another by Ian Kershaw, revealed significant problems with the educational provision in a number of schools. Although they reported that 'extremism' was not present in the schools they investigated, Clarke and Kershaw reported incidents of segregation between boys and girls, intolerant attitudes towards gay, lesbian, bi-sexual and transgender individuals, anti-Semitism and the disproportional promotion of Islamic values in assemblies and the curriculum. Importantly, school governors were heavily implicated in what happened in these Birmingham schools and Birmingham City Council failed to act to address this issue. Worryingly, the Trojan Horse incident does not seem to be an isolated affair; with reports of similar occurrences in areas such as Tower Hamlets and Burnley.

Although Kershaw went into more detail than Clarke about the issues with Birmingham City Councils' LASI arrangements, both authors outlined similar issues. Firstly, both reports outlined that there were a number of problems with the council's strategy and policy for identifying and intervening in schools causing concern, their ability to monitor risks and their methods for dealing with complaints. One of the major failings was that Birmingham City Council's LASI arrangements were not 'joined up'. In other words, although similar trends and themes were being identified across all of the departments, these were not being cross-referenced with each other, nor were individual complaints being pieced together to form a picture of governor effectiveness across the area. Secondly, both Clarke and Kershaw agreed that a 'vocal minority' had disproportionate influence over local authority decision making. Claims by headteachers that they were being harassed and bullied by governors should have raised serious concerns with Birmingham City Council. Instead, due to a failure to know schools well, and for fears of being labelled 'Islamophobic' or 'racist', the council chose to mark these incidences as 'community cohesion' problems and did not to use its statutory powers against the governing body. In addition, both Clarke and Kershaw agreed that Birmingham City Council's systems of intervention were not robust enough and, finally, Kershaw outlined that some governors lacked effective training in important areas (particularly financial management).

This section aims to outline, in more detail, where Birmingham City failed in terms of their services and challenge to governors. The purpose is to identify any correlations between the themes outlined in the Kershaw and Clarke reviews and the rest of this report. By cross-referencing the Trojan Horse reviews with the evidence from the LASI reports, focused inspection letters and interviews, it is clear that poor data collection and analysis, poor challenge and intervention, poor strategic planning and inadequate training emerge as problems shared by Birmingham City Council and other local authorities noted in this report. This section by no means attempts to draw links between the 'Trojan Horse' event and the experiences of other local authorities noted in this report. Instead, it adds another layer of scrutiny to LASI arrangements and highlights common structural and operational issues across the board.

For more information on the Trojan Horse event, the NGA has produced a briefing document which can be accessed at: <http://www.nga.org.uk/Guidance/Research/Trojan-horse-inquiry.aspx>.

5.1 Poor data collection and monitoring

Kershaw noted that data, such as ‘financial information, complaints and soft intelligence from local authority governors’, was not being effectively scrutinised by Birmingham City Council. Indeed, all the council seemed to rely upon was examination results and Ofsted reports. This was compounded by the fact that schools that were deemed ‘outstanding’ were not even being inspected by Ofsted. Furthermore, the LASI team failed to work together; choosing to work in ‘silos’ rather than share information. This meant that data collected by part of the team was not being cross-referenced with other data. As a result, opportunities to spot poor governance were missed. Finally, Kershaw and Clarke both outlined that data was not being collected systematically. This meant that key information that would usually indicate a problem (such as high staff bullying or absentee rates) were not being identified.

As covered in other areas of this report, problems with collecting and scrutinising data are identified in a number of other local authorities. Indeed, the focused school inspection reports (section 2.3) outlined that a number of local authorities failed to have a system in place to monitor and evaluate performance in schools and identify problems. Similar problems were also identified in the LASI inspection reports (Section 3.1) and the interviews (4.2.1).

Kershaw also outlined that there were discrepancies between which schools the council chose to monitor. Indeed, the report noted that the council took a ‘hands-off’ approach to academies and focused disproportionately on schools that Ofsted had put in a ‘category of concern’. This was also outlined in the focused school inspections, the reports and the interviews. In particular, in the LASI inspections and the interviews, it was noted that Ofsted was critical when local authorities did not collect data on schools that did not utilise its clerking services (sections 3.1). Furthermore, many local authorities failed to effectively monitor ‘good’ or ‘outstanding schools’ (Section 3.1).

5.2 Problems with Policy and Strategy

Kershaw stated that ‘there [was] no overarching Birmingham City Council policy or strategy that [described] the kinds of relationship that it [wished] to promote and pursue in the process of supporting or challenging schools’. Kershaw noted that Birmingham City Council did not have any strategic document for ‘improving education and relationships, sharing information or implement strategies’. This meant that there was no integration between different aspects of supporting governance. In addition, there was no clear protocol in place to manage the ‘conflict of interest’ between governors as customers of governor services, and the governor services as a monitoring agency of effective governance. Strategic planning also emerged as a problem in a number of LASI inspection reports (Section 3.2) and focused school improvement letters (Section 2.2). In particular, Ofsted was critical of local authorities that failed to effectively articulate their visions into clear strategies and establish key milestones for improvement.

5.3 Problems with Training governors

In particular, Kershaw noted that governors lacked some basic skills needed to fulfil their role properly. For one, they seemed unsure about correct financial practice; failing to complete the necessary audits and risk assessments when conducting financial transactions. Kershaw noted that this was due to a lack of training offered by Birmingham City Council and also a lack of take-up of the training that was offered. Some governors also failed to conduct themselves properly in their role as governors. Indeed, they lacked ‘transparency’ and ‘objectivity’ in their approach to certain situations and, in some cases, intervened in the operations of the school when they should not have.

Although training generally received praise in the LASI reports (section 3.4) and focused letters (section 2.5), this was not always the case. Indeed, a number of local authorities had low take up of training and some governors and headteachers did not hold the courses in high esteem. In addition, the interviews (4.1.1) highlight that some local authorities have failed to provide tailored training courses to more experienced governors.

5.4 Problems with Intervention

Concerns from the council of being called ‘racist’ or ‘Islamophobic’ meant that Birmingham City Council labelled many of the complaints raised by headteachers or governors as ‘community cohesion’ issues rather than taking them as seriously as it should have. Inappropriate behaviour from governors was tolerated and headteachers received little support from the council when they raised concerns. On the contrary, in order to ensure stability, the council sometimes attempted compromise agreements to mutually terminate the headteachers’ contract instead of addressing the issue at hand. Indeed, the council was reluctant to use statutory powers and only used an Interim Executive Board as the last resort.

Despite the fact that Birmingham City Council had a rather particular reason for not challenging issues, the interviews and LASI reports outlined that a number of other local authorities have also been slow to use Interim Executive Boards and the power to remove the delegated budget (although many have used other methods, such as the appointment of additional governors). Indeed, a number of interviewees outlined they were averse to using Interim Executive Boards because of the tensions that they could create (Section 4.2.2). In addition, the LASI reports also flagged failures of local authorities to use statutory powers ‘robustly’ to respond to issues (Section 3.3).

6. Conclusion

In order to ensure that incidents like Trojan Horse are identified and addressed quickly and appropriately, it is imperative that governor services are seen as an integral part of school improvement. Indeed, the Kershaw and Clarke reviews, the LASI reports and the focused inspection letters have shown that the role of governor services goes beyond clerking, recruiting and training. Indeed, governor services and LASI teams more generally, need to be more aware that a vital part of their role is to address weak governance in schools. From looking at the reports, interviews and focused inspection letters, in order to have 'effective' governor services and challenge to governors, each local authority must, as a minimum, be competent in four key areas:

- (1) Local authorities should have a clear strategic plan in place that outlines the local authority's aims and objectives. There should be clear systems in place for the LASI team to work independently and as part of a team. Therefore, governor service staff should be able to both challenge school improvement officers and work alongside them to deliver quality support and challenge to governors. In addition, the strategy should include key milestones to be completed within a certain timeframe and local authority staff should have the right delivery plans and resources available to see this through.
- (2) Local authorities should have a comprehensive and timely method for collecting data on school performance and third-party educational providers, ensuring that this is up-to-date, relevant and detailed. Although this information should be used to generally identify schools causing concern, it should also be provided to governors to help them hold their schools to account. LASI teams and governor services need to understand that they have a duty to monitor all schools in the area beyond its clerking service or monitoring external data. Moreover, although they cannot intervene in academies, it is important that the Department for Education is notified of any problems that are identified. Overall, local authorities need to have correct systems in place to monitor schools' governance properly, investigate complaints impartially and ensure that they follow a clear and structured protocol.
- (3) The local authority should have effective procedures to intervene in schools that are not meeting the expectations of Ofsted, the Department for Education and the local authority, as outlined in the strategic plan. Ofsted is particularly concerned with how effectively the local authority not only supports struggling schools, but intervenes where necessary by using its statutory powers (or other similar forms of intervention). As Trojan Horse has highlighted, correct use of statutory powers, especially the use of Interim Executive Boards, is a critical part of holding governing boards to account. Intervention should not come as a surprise to schools as it should be clear to them when the local authority will begin formal proceedings. Ultimately, statutory powers should be used robustly, consistently, strategically and, above all, free from fear.
- (4) Finally, both elected members and governor services need to ensure that the available resources are deployed effectively to fulfil these tasks and that governors, of all schools, are aware of what services and challenge they can expect from their local authority.

For a more detailed explanation on what is expected of local authorities and, in particular, governor services, see the guidance paper *Beyond Effective* which was written in conjunction with this research. This can be found on the NGA and NCOGS website.

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We are not aligned to any political party, but we do work closely with, and lobby, government and the major educational bodies to ensure that the views of governors and trustees are fully represented in the national arena.

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