The 21st Century School: Implications and Challenges for Governing Bodies

A report from the Ministerial Working Group on School Governance

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Summary

1. This review has looked at the strengths and weaknesses of the current school governance arrangements. It concluded that governing bodies have done a good job in supporting improvements in school standards since 1997.

2. School governors are one of the largest group of volunteers and one of the best examples of civic engagement in the country. School governors perform a uniquely valuable job in helping to ensure that our children learn in a safe, stimulating and highly professional environment. They provide a vital link between the school and the local community and their collective experience provides a wider perspective for the management of the school.

3. Whilst the majority of governing bodies have done a good job, some have not delivered as much as they might and there is a need to raise the standards of school governance by refocusing them on their strategic role. Governing bodies will need to be equipped to operate at this strategic level and to meet the challenges of these new responsibilities.

4. Following the publication of *The Children's Plan*, the Secretary of State asked Jim Knight, Minister of State for Schools and Learners, to set up and chair a working group of stakeholders to review the current school governance arrangements and develop proposals to give every school a highly skilled, more effective and better-trained governing body.

5. This report summarises the Working Group's considerations and details their findings. The Group operated by broad consensus but it should be noted that during the Group's deliberations not every member of the Group agreed with all of the findings or recommendations.

6. The Working Group considered that there needs to be clarification of the roles of the leadership team and the governing body to ensure that, in their role as strategic leaders, governors do not stray into day to day management issues that are properly the role of the leadership team. All governing bodies should be supported by trained clerks to advise and guide them in the exercise of their functions.

7. Governors will need to acquire skills to carry out their responsibilities. To further equip and enable them the Working Group agreed that there should be mandatory training for chairs of governing bodies. Many local authorities, diocesan boards and others provide excellent training for governors and there was scope to share that good practice to improve induction training for all governors. Governing bodies and individual governors should also review their effectiveness and carry out self evaluation of their own skills and evaluate the skill set possessed by the governing body as a whole so that any skills gaps can be met. Governors should also receive defined information to enable them to challenge and hold the school leadership team to account.

8.   The Working Group felt that there needed to be greater flexibility around the membership of governing bodies for them to be more effective. It proposes a relaxation of the governor proportions in the "stakeholder model" to allow more flexibility so that governing bodies can have the right skill mix whilst retaining a strong focus on the parent voice, stakeholder engagement and the wider community. However, in relaxing the proportions in the stakeholder model there should be no relaxation of the requirement for foundation governors to be in the majority in voluntary aided schools and no group should be disenfranchised.

9.   During the course of this review the Department brought forward its proposals for the 21st century school in the *Your child, your schools, our future: building a 21st century schools system* White Paper.

10. The 21st century school as detailed in the White Paper will be outward focussed; looking to serve all the children and the community in its area rather than concentrating purely on its own pupils, and it will increasingly look towards working in partnerships and collaborations with other schools and other services. The governing body of the 21st century school must take this into account when providing the essential challenge and support to hold the school to account.

11. The Working Group considered the proposals but agreed that it was appropriate for Group members' organisations to comment separately to the Department on the proposals. The Working Group's findings and recommendations are complementary to the proposals concerning school governance contained in the White Paper.

Key Findings
- The majority of governing bodies do a good job;

- Governing bodies need to be clear about their purpose and follow a defined set of principles for good governance of schools;

- There needs to be more clarity concerning the strategic management role of the governing body and the day to day management role of head teachers to ensure that neither party crosses over into each other's role;

- The principle of stakeholder representation on governing bodies is essential but needs to be balanced against a requirement that all governing bodies have the necessary skills to carry out their tasks;

- Improvements to the training for governing body chairs, new governors and governing body clerks needs to be made to clarify the points above.

Chapter 1: Introduction

1.1   The Children's Plan, published on 12 December 2007, set out the Department's vision for children and children's services. It set out the crucial role governing bodies play in challenging and supporting schools to set a strong vision and provide the best service they can for children and parents in their communities. Included within the Plan's commitments were two relating to governing bodies:

- smaller governing bodies tend to be more effective and highly skilled. We believe smaller governing bodies can be consistent with the stakeholder model and so we will make governing bodies more effective, beginning by consulting on reducing the size of governing bodies;

- we will review our training programme for governors to ensure it supports new ways of working in a smaller, strategically focused governing body. As part of this we will be working with the NCSL[1] and other partners to develop new training for new chairs of governors.

1.2   This focus on school governance completes the picture in respect of the school workforce: building on the Department's investment in leaders, teachers and support staff.

1.3   In light of The Children's Plan commitments a major review to strengthen school governance was launched on 8 May 2008. Jim Knight initially, and then Vernon Coaker, chaired the Ministerial Working Group on School Governance, made up of key stakeholders, expert in the field of governance, who were asked to advise Minsters and develop proposals to give every school a highly skilled, more effective and better-trained governing body. The members of the working group are listed at Annex A.

1.4   The Working Group's agreed terms of reference were to:

- consider the effectiveness of the current governance arrangements in relation to the Children's Plan objectives and consider the future role and purpose of school governors;

- establish principles for a streamlined stakeholder model of governance that can deliver public accountability through good and robust governance in the diverse range of schools in the maintained school system;

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1   Now the National College for Leadership of Schools and Children's Services

- examine how to develop the stakeholder governance model to act as a spur to delivering better outcomes for children, where schools are merging and federating; and

- ensure school governance arrangements complement the development of stronger pupil voice, parents' councils and new engagement of other stakeholders.

1.5   This report summarises the Working Group's considerations and details their findings. The Group operated by consensus but it should be noted that during the Group's deliberations not every member of the Group agreed with all of the findings or recommendations.

Chapter 2: School governance: where are we now?

2.1   There are in excess of 300,000 school governors in England. Along with charity trustees, school governors are one of the largest group of volunteers and one of the best examples of civic engagement in the country. School governors perform a uniquely valuable job in helping to ensure our children learn in a safe, stimulating and highly professional environment.

2.2   Over the course of the last 25 years, governors have taken on more and more responsibility, their role increasing in importance as schools have gained more and more independence from local authorities.

2.3   Governing bodies are an integral part of school leadership, setting the ethos of the school, driving continuous improvement, supporting, challenging and holding to account the head teacher and other members of the school leadership team by negotiating stretching targets for improvements in standards, and monitoring progress towards them.

2.4   There has been much progress made in driving up standards: in 1997, there were 1610 secondary schools in England where fewer than 30 per cent of pupils left with five or more good GCSEs including English and Maths; by 2009 this number had reduced to less than 250 secondary schools.

2.5   The most recent OFSTED judgement shows that whilst governance is good or better in 70 per cent of schools, it is still unacceptably weak in at least 2 per cent of schools and only satisfactory in 28 per cent[2]. Good governance and leadership at school level is key to better outcomes for children and young people.

2.6   Whilst there has been limited research conducted specifically on school governors, a number of common themes emerged from the studies we looked at that give us confidence in the wider relevance of their findings.

What does that evidence tell us about school governance currently?

- The majority of schools carry out their governing duties at a good level or better with a further third being satisfactory;

- Where governing bodies are effective they take a strategic role in guiding and supporting the school's work and challenging further improvement;

- There is a relationship between good governance, and the quality of leadership and management, as well as the quality of teaching and pupils' achievements;

2   Figures taken from OFSTED inspections for 2008/09 academic year.

- Governors can find it difficult to challenge the head teacher and the leadership team and prefer to work collaboratively with them;

- Recent surveys of head teachers revealed much variation in the perceived effectiveness of governing bodies – approximately one in five were described as 'very effective' but a similar proportion as 'ineffective';

- Governing bodies were found to divide informally into two groups: the core group of members who took on the most work, and a less active periphery;

- There are over 300,000 school governors in England with 11 per cent of posts vacant, with vacancies particularly evident in inner city areas;

- Schools had particular difficulty in recruiting governors with the necessary skills (such as negotiation, influencing, conflict resolution and challenge) for the position with 14 per cent of head teachers feeling that their governing body was ineffective because they lacked the necessary skills and knowledge;

- Common barriers to participation in school governance included: lack of time and other commitment; lack of publicity around the role and awareness of the opportunities for involvement; and lack of confidence and alienation from the education system. Additionally, some governing bodies appeared reluctant to take on potential governors who were not previously known to them.

2.7 In addition to the research evidence, some further concerns about the operation of governing bodies were drawn to the attention of the Working Group. These included:

- the governing body has overall responsibility for the conduct of the school and they should provide support and challenge to the head and senior leadership team, not just the head teacher;

- too often, governing bodies are seen as being concerned about the head only. They needed to be viewed by all parties, including staff, as the governing body of the school rather than the governing body of the head teacher;

- providing strategic leadership appeared to be more difficult in small primary schools where governors often became involved in operational matters. It was noted that clustering and collaboration or federation could enable economies of scale to be achieved through, for example, one governing body and the sharing of certain posts such as business managers, leaving governors to focus on strategic issues;

- the role of the clerk to the governing body was akin to that of a clerk to a court and they were much more than mere note takers. Effective clerks to governing bodies were essential to give governors guidance on their duties, however, too many governing bodies used the school secretary or head's PA as clerk. This could create difficulties and compromise the individual's position if they had to challenge the head over a course of action that was being proposed;

- vacancies on governing bodies were often left unfilled to the detriment of the effective operation of the governing body. *Governing the School of the Future* welcomed the fact that LA governors were increasingly being appointed because of the contribution that the individual could make rather than on the basis of political affiliation but many LA governor vacancies remained unfilled for too long. Additionally, some governing bodies appeared reluctant to appoint highly suitable candidates as community governors simply on the basis that they were not previously known to the governing body.

The duties and responsibilities of governors

2.8 The Government is very appreciative of governors who continue to give their time and energy to the voluntary work of serving on school governing bodies. Many governors have expressed concern over the increasing workload on governing bodies. It is true that the duties of school governors are demanding and the last twenty years has seen the progressive delegation of funding and responsibilities from local education authorities to individual schools and many of those responsibilities rest with governing bodies as they are the accountable body for their schools.

2.9 Governors have the following statutory duties relating to:

- the constitution, functions and membership of governing bodies (sections 19, 20, 23 and 34 of the Education Act 2002);

- the conduct of the school and to promote high standards of educational achievement: promoting the wellbeing of pupils at the school and promoting community cohesion (section 21 of the Education Act 2002 as amended by section 38 of the Education & Inspections Act 2006);

- the control of school premises (section 40 of and Schedule 13 to the School Standards and Framework Act 1998);

- the determination of school session times (section 32 of the Education Act 2002);

- the right to a delegated school budget and expenditure for community use (sections 50, 51 and 51A of the School Standards & Framework Act 1998);

- the provision of religious education (section 69 of and Schedule 19 to the School Standards and Framework Act 1998);

- the employment and dismissal of staff (sections 35-37 of the Education Act 2002, and additional provisions for staffing at foundation or voluntary schools with religious character – sections 58 and 60 of the School Standards & Framework Act 1998 as amended by section 37 of the Education & Inspections Act 2006);

- the primary legislation also places requirements on governing bodies concerning their relationship with stakeholders, for example, by providing parents with an annual report (maintained nursery schools only), having a process in place for dealing with complaints (section 30 and 29 respectively of the Education Act 2002) and having regard to the views expressed by parents of registered pupils (section 21(5) of the Education Act 2002 as amended by section 38 of the Education & Inspections Act 2006);

- the provision of a broad and balanced curriculum (sections 78 & 79 of the Education Act 2002) and to exercise their functions so as to implement the National Curriculum, including any tests (section 88 of Education Act 2002);

- the behaviour, discipline and welfare of pupils (section 88 of the Education & Inspections Act 2006 and section 175 of the Education Act 2002), including home-school agreements (section 110 of the School Standards & Framework Act 1998);

- admissions (Part 3 of the School Standards and Framework Act 1998, as variously amended), and further functions in the case of governing bodies who are the admissions authority for the school (Part III, Chapter 1 of the School Standards & Framework Act 1998 (as variously amended);

- consultation with pupils (sections 176 of the Education Act 2002);

- the preparation of a post-Ofsted inspection action plan (section 39 Education Act 2005;

- religious worship (sections 70 School Standards & Framework Act 1998, as amended);

- charging (section 457 of the Education Act 1996);

- the setting of targets for pupil attainment (section 19 of the Education Act 1997);

- foundation governors of a VA school with a religious character must preserve and develop this character and ensure compliance with the trust deed (The School Governance (Constitution) (England) Regulations 2007).

2.10 Complementing and supporting these core responsibilities and requirements, governing bodies also have powers relating to:

- innovation in schools (section 1 of the Education Act 2002, with sections 2-5 of the same setting out administrative arrangements);

- the formation of companies (sections 11-13 of the Education Act 2002);

- governing body collaboration or federation, including collaboration with Further Education Institutions (sections 24-26 of the Education Act 2002, section 116 of the Education and Inspections Act 2006);

- the provision of community facilities (section 27 of the Education Act 2002);

- publishing proposals to make prescribed alterations to the school (including to change category). Voluntary and foundation school governing bodies have additional powers to publish proposals to close the school (Part 2 of the Education and Inspections Act 2006).

2.11 These lists of duties and powers of governing bodies are not exhaustive but indicate the key areas of governing body functions. This may seem like a daunting set of responsibilities but governing bodies should not get involved in the day to day management of their schools. That, rightly, is the province of the head teacher and senior leadership team and governing bodies have wide powers of delegation to governing body committees, individual governors and the head teacher.

2.12 The governing body decision planner, available on GovernorNet at http://www.governornet.co.uk/publishArticle.cfm?contentid=1120&topicA reaId=1&pageStart=1&sortOrder=title&searchWhere=all&searchString=D ecision%20Planner, lists 85 functions of the governing body and shows to what level decisions can be delegated. It is worth bearing in mind that only the decisions listed below require a full governing body decision. All other decisions can be delegated to various levels.

2.13 Decisions which cannot be delegated:

- Head teacher and deputy head teacher appointments (The School Staffing (England) Regulations 2009 require the governing body to set up a selection panel of at least three governors. The selection panel makes recommendations concerning the appointments which have to be ratified by the full governing body);

- To consider a report about forming a federation or joining an existing federation and to consider whether to leave a federation;

- Functions under the School Governance (Constitution) (England) Regulations 2007 and the School Governance (Procedures) (England) Regulations 2003, as amended:

    - To draw up an instrument of government and any amendments thereafter;

    - To appoint (and remove) the chair and vice-chair of a permanent or a temporary governing body;

    - To appoint and dismiss the clerk to the governors;

    - To hold a full governing body meeting at least three times in a school year or a meeting of the temporary governing body as often as may be required;

    - To appoint and remove community or sponsor governors;

    - To consider whether or not to exercise delegation of functions to individuals or committees.

- To regulate governing body procedures (where they are not set out in law);

- To suspend a governor;

- Decisions to change the name of the school;

- Decisions to confirm serving notice of discontinuance of the school.

2.14 The Governing Body Decision Planner identifies decisions to offer additional activities, the form these should take and to cease providing extended school provision. Such decisions can be delegated but there is an expectation that they would be undertaken by the full governing body. It also identifies instituting a health and safety policy as a decision that should be taken by the full governing body. This is because of the governing body's duties as an employer in foundation and voluntary aided schools.

2.15 Although not a governing body duty or a power, all governors are required to complete the Register of Business Interests to comply with the School Finance (England) Regulations 2008.

Chapter 3: The Government's Vision of the 21st Century School System – impacts on school governance

3.1   During the life of the Working Group the Government set out its proposals for a 21st century school system in the consultations on the 21st century school, and the School Report Card and subsequently in the White Paper *Your child, your schools, our future: building a 21st century schools system*. These proposals have profound implications for school governance. A 21st century school will be fundamentally different to the school created by the introduction of Local Management of Schools. Instead of focussing only on its own pupils, the 21st century school will need to work collaboratively with other schools and Children's Services for the benefit of all children in the surrounding area. The following paragraphs set out the key White Paper proposals that impact on school governance.

3.2   The vision of the 21st century school implies much greater collaboration and partnership – both between schools and between schools and other providers.

3.3   Governing bodies will need to consider new models of leadership including statutory governance federations, partnerships, collaborations and trust arrangements.

3.4   21st century schools will need governing bodies that focus on the school's purpose to deliver high standards and outcomes for its own children and parents, but also focus on the school's place in, and interaction with, the wider community.

3.5   School governance needs to evolve to embrace the challenges of the 21st century schools system, building on collaborations developed as part of the changes to arrangements for 14 – 19 year olds. Schools will need to work in partnership and collaborate. Governing bodies must therefore broaden their focus from their own schools to deliver outcomes for the wider community, and be open to the possibilities offered by collaboration and federation.

3.6   In order to widen the perspective of school governors as they embrace this expanded role, the 21st century schools White Paper proposes that the Government will legislate to specify that governing bodies' fundamental duties are to children and young people and to the wider community. Governing bodies should:

   a. first, promote the education, development and wider wellbeing of the children on their school's roll;

b. second, promote the education, development and wider wellbeing of all children in their area; and

c. third, support the needs of the wider local community.

3.7 The increased focus on partnership and collaboration will be required to support:

- **school improvement** – spreading the impact of the best teachers, leaders and governors across a group of schools;

- **delivering a wider offer** – a broader curriculum, a wider range of extended services, better support for early intervention for children with additional needs, and sharing of specialist teachers;

- **better use of existing resources** – for example in appointments across a number of school sites of professionals with certain skill sets e.g. curriculum leaders, HR professionals, and bursars or school business managers. School leadership team members, which could include any of the above, could also be appointed across school sites. Further information on school business managers can be found at http://www.nationalcollege.org.uk/discover-the-benefits-of-school-business-managers.pdf

3.8 To this end the White Paper sets out the Government's belief that governors should be actively involved in promoting partnerships with other schools, providers and services to their school leaders to ensure that the needs of children on their roll are met. It explains that governing bodies should be required to consider entering into a partnership of some kind – whether that is a federation, shared leadership or some other pairing at specific points in the life of the school such as before making a new appointment of a head teacher, or when a school is placed into special measures, given a notice to improve, or given a warning notice by the local authority. The National College is implementing the leadership, models and partnerships programme (LAMP) which will support local authorities, schools and governing bodies in the development of collaborative leadership models and new leadership structures.

3.9 The proposed School Report Card will offer a tool with which governing bodies can exercise more focussed management of the school. To complement this, DCSF proposes to make available a recommended common data set. This will be additional to the RAISEon-line system information which is now available to governors. Further discussions will be carried out to ensure that the right information is available so that governing bodies have the necessary data to hold the head to account.

3.10 To further assist governing bodies in their accountability role the White Paper proposes that all school improvement partners (SIPs) will be required to provide information and advice to the governing body about the performance of the school, especially where there are concerns. The governing body will be given a stronger say in who their SIP should be and will have the power to ask the SIP for a report on school progress when the governors have cause for concern. The National College has been asked to develop quality assurance of SIPs and to hold a national register showing which SIPs are best suited to working with particular types of schools.

3.11 The White Paper reminds governors of underperforming schools that they can ask for an expert external assessment of their school by inviting Ofsted to inspect the school. They might wish to exercise this power when, for example, a report from the SIP expresses concern about certain aspects of performance or after a new head has implemented a set of reforms and the governors are looking for reassurance.

3.12 Delivering the new curriculum entitlements and the full offer of extended services suggests sharing staff and shared planning. Not everything will – or should – be possible at the level of the individual institution. Collaborations and federations will play an increasingly important role in the organisation of schools – and, by implication, suggest that in time we will not need every single school having its own governing body, bursar, or HR professional. DCSF will examine ways in which any barriers to federation – organisational or funding – can be removed.

3.13 The particular difficulties of voluntary aided schools with a religious character entering into statutory federation arrangements with other types of schools were noted and accepted by the DCSF and it was agreed that no change would be to the detriment of their voluntary aided status or religious character.

Views of the Working Group
3.14 There was broad consensus within the Working Group for the principle that governing bodies should support not just the children in their own school but children and young people in other schools in the community. The Group recognised, however, that creating the ethos of delivering for the whole local community of children would require a major cultural change, from a culture of competition to a culture of cooperation, for many schools.

3.15 The Working Group generally welcomed the overall vision for the 21st Century School. It was recognised, however, that Working Group members' organisations would respond to the White Paper in the normal course of events and that it would not be appropriate for members to give approval to specific proposals in their capacity as Working Group members.

Chapter 4: Working Group Deliberations

4.1 The Working Group and the DCSF considered the recent research evidence to inform the governance review's thinking. We considered papers on:

- Principles for Good Governance in Schools;

- Rationale for the Review;

- Smaller and more effective Governing Bodies;

- Raising the Status of School Governors, and Governing Bodies;

- Ways of working for Governing Bodies;

- Effective Governance – Lessons from other sectors; and

- Evidence on school governor effectiveness.

4.2 As well as evidence from the schools sector the Working Group also considered governance more widely and were given presentations by groups from each of the public sector, the corporate sector and the voluntary sector. These groups reflected the key selection criteria of bodies representing children, parents and staff, with further representatives from industry:

- Moore Adamson Partnership LLP (Parent councils);

- Institute of Education (Pupils);

- Investors in People (Staff);

- The Complete Works (Voluntary sector);

- The Innovation Unit (Innovation in Governance);

- Institute of Public Policy Research (North) (Health Service Governance); and

- Investec (Corporate Governance).

4.3 The key points of these presentations are summarised at Annex B. The headlines are set out below:

- There should be a clear division of responsibilities at the head of the organisation, which will ensure a balance of power and authority, such that no one individual has unfettered powers of decision;

- A professional clerk or company secretary is a good idea. One clerk could serve a number of different schools;

- We need a culture of genuine and robust discussion and challenge. The difference between good governance and bad governance is how people make it work;

- It may be unrealistic that we should have 22,000 governing bodies for 22,000 schools. Schools should collaborate: trusts, diplomas and federations demand collaboration;

- Schools have a duty to give parents a say in the strategic direction of the school and the type of environment they want for their children;

- School councils normally work well but are not the be all and end all – pupil voice is much wider and all aspects need to be considered;

- Engagement with stakeholders needs to be embedded in the culture of the organisation rather than driven by a single person.

4.4   The Working Group also considered the report and recommendations from the Business in the Community Report on School Governance, prepared for the National Council for Educational Excellence, which highlights the case for more clarity about the purpose, composition and operation of governing bodies and took its recommendations into account in its deliberations.

Implications

4.5   All schools will need governing bodies that:

- set the ethos for the school;

- have the incisiveness to help schools deliver continuous improvement;

- have a mandate to challenge poor performance; and

- the flexibility and focus to help schools to make faster progress across the range of indicators.

4.6   They must also:

- be able to self improve;

- take a pro-active role in shaping both educational and community provision;

- respond to the challenges of the future, at the same time as driving improvement in the present.

4.7   Governors will need to be clear about their primary role and effectively trained to do it.

4.8   They will need to provide strategic leadership and hold the head teacher and senior leadership team to account for the performance of the whole school, delegating operational tasks.

4.9   Effective governing bodies will need to be involved in high level long-term planning and the strategic management of the school. They must complement and assist the development of a strong pupil voice, parent councils, and the new engagement of other stakeholders. They will need to encourage and nurture new partnership arrangements, and most importantly, they will need to be capable of giving head teachers and schools the strategic direction and level of challenge necessary to drive school improvement further.

4.10   Leadership succession planning is a crucial task of governing bodies as the quality of school leadership is critical to the future success and long term stability of schools and their ability to meet the challenges of the 21st century school.

4.11   Governing bodies' responsibilities will no longer be defined exclusively in terms of their own school and the pupils on their roll; they will need to adapt their organisational structures and working practices to create a 21st century school that is outward looking, visionary and intolerant of failure. Efforts must be focused on transforming underperforming schools into good schools and turning the many good schools into great schools.

4.12   The Working Group considered the role of the chair of the governing body and drew an analogy with the role of a company or trust non-executive directors or trustees. It was agreed that the training of chairs should be improved and made mandatory. The Group discussed the issue of paying chairs but many Group members supported the voluntary principle and no firm conclusion was reached. Some felt that burdens on chairs would increase if they were paid as other governors might be less likely to take on tasks as they were unpaid.

4.13   The Working Group also considered the position of the head teacher on the governing body and whether the head has a conflict of interest. Some proposed that heads had a right to attend and speak at governing body meetings but questioned whether they should have voting rights. They would have preferred to see heads as a non-voting member who did not participate in decision making. Others disagreed and felt that it was important that heads were able to vote.

4.14   Similar consideration was given to staff governors. Some members noted the difficulty of the position of staff governors and questioned whether they were able to hold the head and senior leadership team to account when these people were their line managers. Others felt that it was essential that staff governors could present a staff view and have voting rights as well as a voice on the governing body.

4.15 Consideration of the position of clerks to governing bodies is detailed at paragraph 2.7. It was agreed that the status of clerks should be raised and that all clerks should undergo mandatory training.

4.16 The Working Group discussed whether there should be a limit on the number of terms of office a governor could serve on an individual governing body, noting that foundation governors in Roman Catholic schools in some dioceses had to have a year's break after serving two terms. The Group reached no conclusion on this question.

4.17 The Working Group considered the importance of new governors being trained in their function and that of the governing body. There was a very strong feeling among the Group that good quality induction training ought to be taken up by all new governors. The majority of the Group considered that uptake of such induction training ought to be compulsory, primarily so as to assure the competence of new governors, but also with a side benefit of emphasising the importance of the work of governing bodies. However, some members of the Group were opposed to this on the basis that mandatory training would deter some potential governors.

4.18 Discussions with several Working Group members outside the formal Group meetings revealed a feeling that all governing bodies should have a formal code of conduct for governors. It was noted that several local authorities have produced such codes which are available on the internet. The Department is to make further investigations into this issue.

Chapter 5: From where we are now to where we need to be – conclusions and recommendations of the working group

There are key principles of good school governance…

5.1 At its first meeting the Working Group considered draft key principles of good governance which set out the purpose and role of governing bodies and describe the ways that governing bodies should go about their work. Group members agreed the final principles set out in the box below.

Principles for Good Governance in Schools

School governing bodies need to be clear about their purpose and equipped with the knowledge and skills to ensure:

- clear strategic direction;

- the establishment, protection and promotion of the school's ethos and values;

- high standards of education and well-being for all children;

- probity and value for public money;

- effective scrutiny of plans, policy and performance;

- robust challenge and support in holding the head teacher to account;

- that decisions are taken based on good quality relevant information and advice;

- the effective discharge of their responsibilities towards the pupils and school workforce;

- effective mechanisms to engage with and take into account the needs of pupils, parents and other stakeholders within the community;

- the development of effective partnerships with other schools and community services, as well as employers, to enhance the school's capacity to deliver the best possible service;

- accountability to parents, other key stakeholders and the community including through the Children's Trusts, for decisions taken about the school;

- high standards of governance through the evaluation and continual improvement of their collective capabilities; and

- that all dealings are consistent with the values of public service and the Nolan Committee's 'Standards of Public Life'.

There are issues with the way some governing bodies work currently that should be addressed at school-level…

5.2 Governing bodies should focus on strategic decision making and leave operational matters to the school leadership team and other members of the school workforce – too often governing bodies have tended to focus on details, to the detriment of the consideration of key strategic issues affecting the school. It is the governing body's role to set up a strategic framework for the school, setting its aims and objectives, setting policies and targets for achieving those objectives, reviewing progress and reviewing the strategic framework in the light of that progress.

5.3 Governing bodies should have clearly defined terms of reference and should behave in accordance with the principles of good governance set out above.

5.4 There should be more effective engagement with a broader range of stakeholders, to shape the services provided by the school as described in the 21st century schools White Paper.

And issues that should be addressed nationally…

5.5 Governor recruitment should be open and transparent – so that members can have confidence that their fellow members will have the necessary skills and experience to carry out their duties effectively.

5.6 The constitution regulations should be relaxed by giving more flexibility to the percentages of governors from the stakeholder groups. In doing so, all stakeholder groups would still be represented on governing bodies and no group would be disenfranchised. This would give governing bodies sufficient flexibility to get the right skills mix, while retaining a strong stakeholder voice. However, there should be no reduction in the required percentage of parent governors nor in the majority of foundation governors in voluntary aided or qualifying foundation schools, or the percentage of foundation governors in voluntary controlled schools.

5.7 The status, skills and independence of clerks to governing bodies should be raised, so that they can provide a more professional service to governing bodies.

5.8 Training should be mandatory for all new chairs of governing bodies and mentoring by experienced successful chairs should be available.

5.9 All members of governing bodies should have access to high quality training and induction.

5.10 Governing bodies should be encouraged to evaluate their performance and encourage a climate of continuous self improvement.

Leading to a clear expectation of how governing bodies should function effectively…

5.11 An effective governing body operates at a strategic level, acting as critical friend and ensuring accountability. It:

- leaves day-to-day management to the head teacher;

- establishes the school's ethos, aims and objectives and the School Improvement (Development) Plan setting out the short, medium and long term goals for the school, taking into account the needs of the school and the wider community, considering extended services, collaboration and federation to achieve their goals, tackle underperformance and meet the demands of the 21st century school;

- agrees the school budget and allocates resources taking into account the aims and objectives set out in the School Development Plan;

- reviews staffing structures to support delivery of the School Development Plan and provides leadership development and succession planning;

- delegates tasks where appropriate and reviews each committee's terms of reference annually;

- annually reviews its own composition and skills so that gaps can be identified, new governors recruited or training arranged and carries out leadership development and succession planning for staff on an ongoing basis;

- sets objectives for the head teacher to reflect school and personal priorities;

- receives a report from the head teacher at each meeting on the management of the school;

- receives, considers and challenges information provided by the school leadership team at each meeting to monitor pupil progress, improvement and wellbeing, using the new School Report Card (which will give information on well being and wider outcomes, attainment, pupil progress, narrowing gaps and parents/pupil satisfaction), the RaiseOnline report, SIP reports, any LA school improvement visit report and budget report;

- reviews and agrees the SEF on an ongoing basis and accounts to parents via the school profile; and

- looks outward to the needs of the whole community and other neighbouring schools, forms effective partnership arrangements with other providers of children's services locally and ensures stakeholder engagement to deliver the Every Child Matters outcomes.

5.12 To achieve these aims, the Group endorses the White Paper proposals for:

- Relaxation of the governor proportions in the stakeholder model, without disenfranchising any category of governor, to allow more flexibility so governing bodies have the right skills mix and a strong stakeholder voice;

- Skills audits of governing body membership to identify skills gaps, training and development needs and target recruitment;

- Improved governor training and mandatory training for chairs of governing bodies; and

- All governing bodies to have a trained clerk.

5.13 Additionally, the following points were put forward in the Group's discussions:

- Changes to the current terms of reference regulations to clarify the respective roles of the head teacher and the governing body;

- Induction training, and a toolkit for governing body members on new ways of working, including the regular use of succession planning and skills audits to ensure governing bodies have sufficient skills to adhere to the principles of good governance;

- A new national training programme for chairs of governors, developed in close cooperation with a range of partners;

- Inclusion of a section on the School Self Evaluation Form evaluating the operation of the governing body and its effectiveness and further consideration of how the School Report Card could assist in this process;

- School Governor's One Stop Shop (SGOSS) to work with Business In The Community (BiTC) and local authorities to match governor vacancies to employers;

- The creation of governor pools, where people with specific skills can volunteer, be trained and be available for schools needing governors with those specific skills to draw on; and

- More scrutiny of the proposed governance arrangements and strategies for self improvement of governors when assessing new school arrangements e.g. trust formation.

5.14 The Group urges the DCSF to reflect over a longer time frame on how the views of the local community can be taken into account in governing body decision making.

5.15 The Working Group discussed setting an expectation that governing bodies should not exceed 14 members. However, the consensus was that governing bodies already had appropriate flexibility to choose†the right number of members for their local circumstances. It was felt that there needed to be a balance between the skill set and size of the governing body.

Conclusion

5.16 The Group welcomed the opportunity to debate the crucial role that governing bodies play, and will in the future play, in our school system and to develop proposals to ensure the right strategies, accountability and governance arrangements are in place to drive improvement and help pupils achieve their full potential. The Group would expect that implementation of these recommendations, allied with the proposals contained in the 21st Century Schools White Paper, would lead to:

- Governing bodies that operate more effectively – and make better use of governors' time; and

- Governing bodies that are better placed to embrace and respond to the agenda being set through the work on 21st century schools.

Annex A: Membership of School Governance Working Group

Jim Knight MP	Minister of State for Schools and Learners (Chair) until June 2009
Vernon Coaker MP	Minister of State for Schools and Learners (Chair) from June 2009
Caroline Abrahams	Local Government Association (until March 2009)
Stephen Adamson	National Governors' Association (June 2008 – March 2009)
Judith Bennett	National Governors' Association
Mike Billington	Trust School Governor
Joan Binder	Foundation and Aided Schools National Association
David Butler	National Confederation of Parent Teacher Associations
Clare Collins	National Governors' Association (from April 2009)
Gill Edelman	Former Chair: Governance Hub, National Council of Voluntary Organisations
Christine Fischer	Catholic Education Service
Alex Goldberg	Board of Deputies of British Jews (until September 2008)
Simon Goulden	Agency for Jewish Education (from April 2009)
Dr Rob Gwynne	Church of England (from April 2009)
Kathryn James	National Association of Head Teachers
Chris Keates	NASUWT the teachers union
Patrick Leeson	Association of Directors of Children's Services
Brian Lightman	Association of School and College Leaders
Ros McMullen	Academies and Colleges Association

Dr Mohamed Mukadam   Association of Muslim Schools

Helen Richardson   National Coordinators of Governor Services

Kate Scrase   Parent Promoters Foundation

Canon David Whittington   Church of England (until September 2008)

Bob Wigley   Business in the Community

Observers

Sian Carr   National College for Leadership of Schools and Children's Services

Adrian Gray   OFSTED

Annex B: Key Points from Presentations to the Working Group

Governance in the private, public and voluntary sectors
Richard Vardy, Head of Corporate Social Investment at Investec PLC, has over 40 years experience in the City. He is a governor in schools in his local community in the East End of London and he talked to the group about the Code on Corporate Governance and how this might relate to schools.

Key points from his presentation:

- The Cadbury and Greenbury reports resulted in the 1998 Combined Code: Principles of Good Governance and Code of Best Practice, much of which could be transferable to schools;

- Every listed company should be headed by an effective board that should lead and control the company;

- There should be a clear division of responsibilities at the head of the company, which will ensure a balance of power and authority, such that no one individual has unfettered powers of decision;

- The board should include a balance of executive and non-executive directors so that no individual or small group of individuals can dominate the board's decision taking. An optimum size is 12 – 14. Directors should constructively challenge the executive and monitor performance, finances and risk;

- The board should be supplied in a timely manner with information in a form and of a quality appropriate to enable it to discharge its duties;

- There should be a formal and transparent procedure for the appointment of new directors to the board;

- There should be regular refreshing of board members. They should stand down for a year after a specified term of office. Ineffective or non-attending governors should be removed;

- At least one member of the board should have strong financial skills;

- A strong relationship with stakeholders should be based on a mutual understanding of objectives. An annual general meeting can be a good forum for engaging with stakeholders;

- The best boards have strong leadership, recognise diversity, self-evaluate and have the strong skills that business can bring but remain voluntary;

- The Company Secretary is the servant of the board but should have the seniority to give advice to the board and to be heard by the board.

Rick Bond from The Complete Works provides consultancy, research and training services for cultural organisations and venues, specialising in how organisations function and looking at the role of trustees in managing improvements. He shared his experiences on Governance in the Voluntary Sector.

Key points from his presentation:

- Need timely information and a strong understanding of roles and responsibilities by Trustees and the management team. Easy for trustees to lose sight of their role if they get too involved in organisational tasks;

- Need to resolve issues of representation and how to give stakeholders a voice. Advisory bodies can fulfil this role and also provide a pool of future trustees. Some organisations set up shadow boards where potential trustees serve a probationary period;

- A professional clerk or company secretary is a good idea. One clerk could serve a number of different schools;

- There should be a limited term of office for governors. Long serving trustees can be an obstacle to progress. Short exchanges of governors with another school could be useful to share expertise and good practice. Exit interviews with outgoing governors to be carried out by chairs;

- Induction support and mentoring from an existing trustee is important;

- A facilitated annual retreat for the management team and trustees is useful to see the bigger picture. This helps trustees who consider they represent a particular group to be more corporate;

- As part of appraisal, trustees should report on what events they have attended during the year;

- Staff and governors sign a document setting out what each will do to support the other;

- Charity law generally prevents paid executives from being a trustee[3].

Sue Stirling, Director of the Institute of Public Policy Research North shared with the Group her knowledge of governance arrangements in the Health Service.

Key points from her presentation:

- Heath service ahead of the game in governance. Trusts established in 1980s and the Health Service has invested heavily in clinical governance;

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3   A charity trustee may only be paid for serving as a trustee where this is clearly in the interests of the charity and provides a significant and clear advantage over all other options. A charity would need a specific authority which may be found in its governing document, or be provided by the Charity Commission, or, more rarely, the Courts. Further information is available in leaflet CC11 available from the Charity Commission http://www.charity-commission.gov.uk/

- A centrally run system of appointment boards for non-executive board members looks for strategic skills and a clear skills base;

- No governor should spend more than 2½ days a month on governance work;

- Chairs are paid £20,000 a year non-executive directors are paid £5,000 a year;

- A board's performance is often determined by outside pressures such as targets and standards;

- There should be a duty of quality, a duty of partnership and a duty of public involvement;

- Governors should look ahead and outward rather than concentrate on internal processes. A particular issue is designing a system that works and making tough choices;

- Need a culture of open dissent and challenge. The difference between good governance and bad governance is how people make it work;

- Importance of self-assessment and evaluation.

Innovative Themes in Governance

Mike Gibbons was the founding director of the DfES Innovation Unit and is now its first chief executive after it moved out of the Department in 2006. As an ex-head teacher of schools in England and Brussels, Mike drew on all this experience to lead the discussion on Innovative Themes in Governance.

Key points from his presentation:

- We expect governors to represent the community but also expect them to have an understanding of strategic issues;

- If we fix governance, we will fix the system. Should be as radical as possible to make governing bodies that are fit for the future not to represent the best of the past;

- Need a clear understanding of whether governing bodies should be representative or whether they should be strategic. Other advisory bodies could provide representation and advice but should not be decision makers;

- Unrealistic that we should have 24,000 governing bodies for 24,000 schools. Schools should collaborate. They should share school bursars and financial expertise across a group of schools. Some schools share staff and collaborate on particular features. Trusts, 14 – 19 and federations demand collaboration;

- Should look radically at whether governance of schools should be free standing or across wider children's services. Cannot separate schools from other children's services. Bromley by Bow in East London offers an example of integrated cross service governance;

- Crucial moment when there is a new chair of governors or a new head teacher. Training should be targeted at this point;

- Smaller governing bodies implies greater professionalism. The present system is overloaded. Needs long-term action. Senior management should not manipulate governing bodies they need honesty to hold each other to account.

Stakeholder Engagement

Caroline Millar – Parent Councils and Parental involvement

Caroline Millar is a consultant with a particular interest in community engagement. Caroline has engaged with NHS trusts, utility companies, consumer bodies and government departments in improving customer satisfaction and mechanisms for involving users and customers in decision-making. She has served as a parent governor in a primary school in Hackney where she initiated the setting up a of Parents' Forum. As a PCT Non-Executive Director she was closely involved in City and Hackney's consultations with its highly diverse community on changes to the provision of continuing care and more recently on its planned changes to primary care premises and services.

Key points from her presentation:

- Governing bodies need to focus on the outcomes and outputs not the processes. They need take action and be accountable to the owners, including parents, for the decisions they make;

- Governing bodies need to reflect the communities they serve but a parent governor should not be expected to represent the views of all parents;

- For schools to be at the heart of the community they need to look outward and include wider public services;

- Schools have a duty to give parents a say in the strategic direction of the school and the type of environment they want for their children;

- Parents will become fed up of being asked their views unless they feel they are being listened to and acted upon. When schools do not follow parent's advice they need to explain why;

- Schools need to be careful about dismissing the 'usual suspects' – these parents have a wealth of experience and if used properly can be very useful;

- Developing strong partnerships between parents and schools is vital to improve the education and life chances of all children. It is also increasingly an aspect of school life that OFSTED inspectors are looking at;

- Schools need to find new ways to engage with parents – the traditional method of handing out letters to pupils does not work. Parents want to be talked to but schools need to focus on relevant issues, going out to parents to find out what is on their agenda;

- A short guide that looks at what works and what does not work when it comes to building home school partnerships has been produced based on research from pupils, parents and school staff;

- Parent governors have skills – being a parent, but there needs to be more clarity around why a parent is on the governing body. If we cannot find a good reason, we need to ask the questions 'Do we really need them there?'

Professor Geoff Whitty – Student Councils and Pupil Voice

Geoff Whitty, Director of the Institute of Education, published research into school councils in September 2007. The research "Real Decision Making? School councils in action" recommended that school councils should be made statutory in secondary schools, and revealed that 95 per cent of schools have a school council. In response, the Government issued the Working Together guidance to schools and local authorities. This promotes the participation of children and young people in decision-making in school, local authority and related settings, and advises on the principles and practice that support such involvement. He has directed ESRC-funded research projects on the impact of education policies, such as the assisted places scheme, city technology colleges and changes in initial teacher education. He is Chair of the British Council's Education and Training Advisory Committee.

Key points from his presentation:

- There are a number of drivers of the provision for pupil voice in schools – children's rights, active citizenship, school improvement and personalisation;

- His recently published research, 'Real Decision Making? – School councils in action' is having an influence on policy and the Government recently published 'Working Together' guidance for schools and local authorities in response;

- 99 per cent of schools currently claim to have pupil voice activity, 95 per cent have a school council. The top reason for introducing pupil voice is to develop pupil's skills;
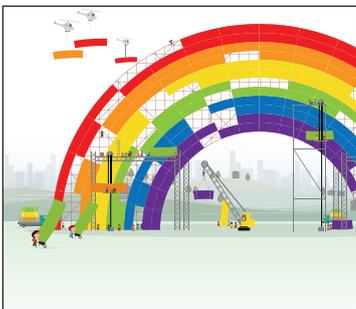
- 62 per cent of teachers were in favour of making school councils statutory and 35 per cent were in favour of pupils sitting on governing bodies. 100 per cent of unions were against making school councils statutory;

- Case studies found nine success factors in making pupil voice work in schools;

- It is important to remember school councils are not the panacea – pupil voice is much wider and all aspects need to be considered;

- Welsh policy developments on school councils and pupil voice and driven at Ministerial level, might be of interest to the review. In Wales it is compulsory for secondary schools to have pupils sitting on the governing body;

- Pupil access to the governing body and leadership team differentiated effective student councils. Schools need to establish structures and reporting arrangements that pupils feel comfortable with, allowing governing bodies access to the information they need to make more effective decisions about the school.

Vincent Dolan – Effective Workforce Engagement

Vincent Dolan is Investors in People Assessor with 25 years experience of Human Resource Management and Management Consultancy. He has worked as a consultant directly with Government departments and as an Investors in People specialist through Capital Quality.

Key points from his presentation:

- Best practice examples included high visibility of the Board and leadership team, involving the workforce in planning and providing them with a sense of ownership;

- Engagement with stakeholders needs to be embedded in the culture of the organisation rather than driven by a single person;

- It is important to have clearly defined roles and reasons for workforce engagement. Governing body need to make sure they are approachable and use mechanisms to engage with teacher/support staff that they feel comfortable with;

- The issues around time and resources must be considered – careful management is needed to engage the right sort of people in governance and it must be made accessible to them taking into account working hours, childcare etc.

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