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National College  
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Schools and academies

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# Good governance

Proposals from the 2012 Fellowship Commission

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# Foreword

Each year, the National College organises a Fellowship Programme for outstanding primary, special and secondary head teachers. The programme allows them to examine cutting-edge theory and practice in leadership and management. It provides access to leading academics and policymakers, as well as opportunities to see excellent practice.

It equips strategic leaders who have proved themselves through the national leaders of education (NLE) process as capable of improving both other schools and their locality. The national leaders of education are heads of successful schools who work with one or more schools in challenging circumstances to help them improve.

The programme also gives participants a chance to learn from the best of the public and private sectors, so that they can improve their own system-wide leadership. During the course of the programme, school leaders spend time at leading business and management schools. Some had the chance to see how education works in Singapore. They also take part in a week-long residential event where they have the opportunity to help formulate policy proposals and present them to senior policymakers. This year participants were asked to look at policies that could transform school governance to ensure that there are no under-performing schools.

This report and its recommendations captures the views of Fellowship Programme participants. In publishing the report, the National College is offering a voice to participants and the following sections reflect their professional opinions and experiences. The Fellowship Commission Week was delivered by Head Teachers and Industry (HTI), an independent non-profit leadership development organisation with strong industry links.

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# Executive summary

National leaders of education (NLEs) are outstanding school leaders who use their knowledge and experience of teaching to provide additional leadership capacity to schools in challenging circumstances. Many NLEs will have previously worked to support schools in challenging circumstances and all have worked beyond their own school. The government is expanding the number of NLEs as part of its school reform programme.

Each year, some NLEs apply and are selected to join a Fellowship Programme to develop their leadership experience and skills. As part of the 2012 Fellowship, participants were asked to develop policies that they believed could improve the effectiveness of school governance, so that there are no underperforming schools.

This report is the work of those of us who took part in that programme. It draws both on our own experience and on discussions we had during the Programme with a wide range of national and international policymakers, teachers, school leaders and academics.

## **These proposals are about transforming school governance**

We have drawn on evidence from the public, private and voluntary sectors highlighting the importance of good governance both for strategic leadership and accountability.

## **These are practical proposals drawing on years of excellent leadership experience**

The practical nature of the key proposals reflects our desire as school leaders to ensure that governors focus on the right functions, so that they can play the most effective possible role in schools like those that we lead. We have developed our proposals to make the most of the freedoms and flexibilities enabled by the government.

## **Most of these proposals require no new money; they are about using existing resources more efficiently**

We recognise that money is tight. We want to ensure that resources are as effectively deployed as possible. Good governance must be efficient governance, but does not require significant new resources.

## **What lies behind our proposals**

We want to encourage schools to have smaller, more tightly focused governing bodies that concentrate on core functions, so that all schools perform well.

To achieve these goals, we have put forward key proposals based around our four key themes of having the right information, incentives, interventions and innovations linked to governing bodies focused on five core functions.

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## 1. The five core functions

The five core functions we identified were (a) to ensure clarity of vision, ethos and strategic direction; (b) to hold the Executive accountable for standards against benchmarks (c) to ensure solvency and probity (d) to ensure leadership complies with statutory regulations; and (e) to engage stakeholders. We believe that this also means smaller, more focused governance backed by the right information, incentives, interventions and innovations.

## 2. The right information

We propose four key improvements. First, a national data dashboard to highlight key information to enable governors to focus on where improvements are most needed. Second, a communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy converters. Third, the 256-page governor manual should be replaced by online high quality support and training. Finally, new governors could be interviewed using a competency matrix.

## 3. The right incentives

We need to attract younger and ethnically diverse governors. A new business-backed Govern First programme would raise the profile for governance. People who become governors should see its wider moral purpose, beyond their own school, and have access to high quality accredited training. There should be a review of potential corporate tax breaks for governors.

## 4. The right interventions

With Ofsted changing its approach to inspections, it should be clearer about the importance of good governance. Ofsted should focus its governance judgements on our five core functions. Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement. Where schools are placed in special measures, Ofsted should recommend Interim Executive Boards (IEBs) to support improvement. The instigation of an IEB should take place within six weeks. IEB membership should include a small focused core team led by a paid chair with NLE support money used to support this payment. Good and outstanding leaders, including chairs of governors, should be commissioned to lead IEBs to help turn schools around. The IEB should be built around the five core functions, with the purpose of training a new governing body over an agreed timeline.

## 5. The right innovations

New clusters, federations and chains require new forms of governance. Effective governing bodies should consider governing more than one school, to drive improvement and to benefit from economies of scale. Converter academies should actively contribute to system leadership including through innovative and shared governance. Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed and to support vulnerable and underperforming schools.

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# Introduction

## The process

We (Fellowship Programme participants) had two day-long workshops and an intensive four-day session to develop proposals drawing on our own experience as leading heads supported by expert advice. Our objective was to develop policies that could ensure the transformation of school governance, within the context of higher expectations of schools, greater autonomy within the state sector, increased governance flexibility and the growth of federations, clusters and chains.

We spoke to leading educational experts and stakeholders [see Appendix 1]. To get an understanding of the pressures involved in making policy work, we heard from the schools minister and the policy adviser to the Secretary of State. We heard from successful governors and school leaders, as well as from the National College and Ofsted. We also drew on a range of written material, including Ofsted evidence, the Walker Report on Corporate Governance and reflected on the Government's ambitions in this area. We particularly drew on our own experiences as NLEs working with governing bodies in outstanding schools and adapting to the changes in governance associated with NLE status, academies and federations.

Having considered evidence on what would make a difference, we discussed a range of ideas and developed them into four core proposals which we presented to Dr Liz Sidwell, the Schools Commissioner; Penny Jones, Deputy Director, Independent Education and School Governance at the Department for Education (DfE), and Steve Munby and Toby Salt of the National College.

## Credibility and integrity

Crucial to the value of these proposals is the extent to which they draw on our own experience as successful school leaders. We know how important it is to ensure that governing bodies are focused on their core functions. Many of us have been trying new forms of governance in response to our wider system leadership. The practical nature of the key proposals reflects our belief that the system can be improved by schools themselves. They do not require legislation, but they do require greater awareness of what is already happening and what is possible.

The process of talking to leading academics, practitioners and policymakers allowed us to draw up proposals that recognised the various pressures involved in implementing new policies like these. But we believe that the real strength of our proposals rests in the integrity of ideas that come from years of frontline experience. We are confident they will help ensure a step-change in school governance.

## What happens next?

When the programme met in March 2012, we were told that the Department was undergoing a review of governance. The National College had also introduced national leaders in governance. Ofsted was planning its new inspection framework from September 2012. We were particularly pleased to be able to present the proposals to those officials from the Department and the College who are central to changing governance policy.

We believe that if these proposals are adopted, they will lead to real improvements in the quality of governors, both new and serving, the development of improved system leadership and a real reduction in the number of underperforming schools, including those currently rated satisfactory (or required to improve in future) by Ofsted.

We are feeding these proposals into the Department's review of governance and sharing them with Ofsted and the National College. We hope that policymakers will give them their full consideration.

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# The background

We started with the challenge that we had been set:

## **How can school governance be transformed to ensure that there are no under-performing schools?**

Our deliberations gave us an insight into the practical and political pressures that would arise if our proposals were to be implemented.

## **School governance in England**

There are 300,000 governors in English maintained schools and academies. Since 1988, school governing bodies have had increased responsibilities, with a more important role as schools have gained increasing autonomy.<sup>1</sup> Theirs is a voluntary role, and they are drawn from parents, staff, business and the wider community. As a corporate body, governors have significant responsibilities in law for the strategic direction of schools, and specific legal responsibilities for aspects of the school's safe running, curriculum, leadership appointments and financial health.

## **The government's approach**

In 2010, the coalition government set out its vision for schools in its white paper *The Importance of Teaching*. On governance, it said that:<sup>2</sup>

School governors are the unsung heroes of our education system. They are one of the biggest volunteer forces in the country, working in their spare time to promote school improvement and to support head teachers and teachers in their work. To date, governors have not received the recognition, support or attention that they deserve. We will put that right.

The white paper went on to say that:

The time and expertise of governors needs to be better respected and deployed. Sometimes governing bodies lack the information or training to challenge effectively and support the head teacher and senior leadership of a school to improve. We will...clarify governing body accountabilities and responsibilities to focus more strongly on strategic direction, and encourage schools to appoint trained clerks who can offer expert advice and guidance to support them. We will make it easier for governors to set high expectations and ask challenging questions, by giving governors easier access to data about how their school compares to others, and the National College will offer high-quality training for chairs of governors.

The white paper also stated that:

Many of the most successful schools have smaller governing bodies with individuals drawn from a wide range of people rooted in the community, such as parents, businesses, local government and the voluntary sector. Smaller governing bodies with the right skills are able to be more decisive, supporting the head teacher and championing high standards. We will legislate in the forthcoming Education Bill so that all schools can establish smaller governing bodies with appointments primarily focused on skills.

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1 DFE website

2 DFE (2010), *The Importance of Teaching*, p71

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The 2011 Education Act delivered this ambition for flexible governance. From September 2012, maintained schools can adopt a new approach. Governing bodies will still have to include the head teacher, but will have less prescription over the number of parent governors, and whether they are elected or appointed; they will only have to include a single local authority governor. Foundation and church schools retain foundation governors.<sup>3</sup> Lord Hill, the schools minister, told us that he had wanted even greater flexibility, but the House of Lords wished to retain a degree of local representation.<sup>4</sup>

## What Ofsted says

In her 2010/11 Annual Report, Miriam Rosen, the previous chief inspector said that<sup>5</sup>

[I]nspections identified considerable variations in the quality of governance across different types of school. Governance was judged good or outstanding in 58 per cent of schools inspected this year overall, but this varied between 53 per cent in pupil referral units and 55 per cent in primary schools, to 64 per cent in secondary schools and 71 per cent in special schools. Although in the majority of schools the governing body acts as a critical friend, inspection findings show that where governance is less effective a lack of transparency and accurate information restricts the ability of the governing body to monitor the work of the school systematically.

A report by Ofsted in 2001 noted that schools in special measures often have governing bodies not fulfilling their responsibilities. They were supportive and gave enormous amounts of time, but were not offering any real challenge.<sup>6</sup> A more recent Ofsted report on how schools could learn from the best suggested that effective governing bodies had these key characteristics:<sup>7</sup>

- Positive relationships between governors and school leaders are based on trust, openness and transparency. Information about what is going well and why, and what is not going well and why, is shared. Governors consistently ask for more information, explanation or clarification. This makes a strong contribution to robust planning for improvement.
- Governance supports honest, perceptive self-evaluation by the school, recognising problems and supporting the steps needed to address them.
- Absolute clarity about the different roles and responsibilities of the headteacher and governors underpins the most effective governance.
- Effective governing bodies are driven by a core of key governors such as the chair and chairs of committees. They see themselves as part of a team and build strong relationships with the headteacher, senior leaders and other governors.
- School leaders and governors behave with integrity and are mutually supportive; school leaders recognise that governors provide them with a different perspective that contributes to strengthening leadership; the questions they ask challenge assumptions and support effective decision-making.
- Governors are able to take and support hard decisions in the interests of pupils; to back the headteacher when they need to change staff, or to change the headteacher when absolutely necessary.

3 Education Act 2011, clauses 38-39

4 Oral evidence by Lord Hill to the Commission, March 2012

5 Ofsted, 2011, *The Annual Report of Her Majesty's Chief Inspector 2010/11*, p66

6 Oral evidence by Thomas Winskill, Principal Officer Ofsted, to the Commission, March 2012

7 Ofsted, 2011, *School Governance: Learning from the Best*, cited in Ofsted (2011), *The Annual Report of Her Majesty's Chief Inspector 2010/11*, p66

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More recently, the new chief inspector, Sir Michael Wilshaw has expressed his views on the importance of school governance:<sup>8</sup>

“I think we need to spend a lot more time on governance arrangements. When schools do poorly or badly, it is not just the issue of the school leader, the head, and the school leadership team; it is the way the governors have held the leadership to account. I have already said that our new inspection arrangements will focus more on governance and the effectiveness of governance than ever and there will be a subsection under leadership and management to say important things about governance. My view is that when a school is doing poorly we need to think about paid governance. I am on record as saying that, and my view is if a school goes into a requirement to improve category on the first occasion, the Secretary of State should intervene and think about paid governance there. That is my general view about governance.”

## The growth of academies

At the same time, the coalition made it easier for existing schools to become academies, with greater freedom over their governance, and to establish new schools with academy-style governance, including free schools, university technical colleges and studio schools. In March 2012, there were 1,635 academies and 24 free schools, with significantly more expected in future years. Nearly 1,300 academies were former maintained schools that had converted in the last two years.<sup>9</sup> When they did so, they had the opportunity to change their governance, but there is little evidence that many choose to do so. It is also the case that when a school is under-performing, too little attention has been paid to governance.

However, those representing academy leaders argue that the new freedoms place greater emphasis on effective, accountable and more independent governance. In academies, rather than being volunteers, usually parents, with a single school perspective, governors should become non-executive directors of autonomous, not-for-profit public companies in a multi-school framework and perspective. In this environment, governors needed a clearer understanding of the difference between executive and non-executive responsibilities. This also required a more professional appointment of chairs, a questioning of the size of governing bodies and more professional training.<sup>10</sup>

## A changing schools landscape

As NLEs, we are part of a changed schools landscape. With increasing school autonomy, there is greater accountability – high autonomy with high accountability, as Sam Freedman put it.<sup>11</sup> Local authorities are seeing their role reduce, but there has been a significant growth in the number of federations, clusters and academy chains, where groups of schools often have a single strategic governing body. Six hundred academies are now in chains, nine of which have ten or more schools.<sup>12</sup> Robert Hill, author of a new report for the National College on effective academy chains, told us that academy chain governance was mostly two-tier, with clear schemes of delegation and overlapping membership. They had small boards, with high calibre people and good training. There was a focus on performance, using a standard data dashboard. But they also faced challenges adapting to scale.<sup>13</sup> We also heard a variety of examples of such governance both from our witnesses and from some of our own number. Most had the common feature of a strong core team of governors, either at a trust level across several schools, or with a strong core team within a single governing body.

8 Uncorrected transcript of oral evidence by Sir Michael Wilshaw to the Education Select Committee, 29 February 2012 at <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/uc1819-i/uc181901.htm>

9 <http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0069811/open-academies-and-academy-projects-in-development>

10 Oral evidence by Tom Clark, chief executive of FASNA, to the Commission, March 2012

11 Oral evidence by Sam Freedman to the Commission, March 2012

12 Robert Hill et al, National College for School Leadership, 2012, *The Growth of Academy Chains: implications for leaders and leadership*

13 Oral evidence by Robert Hill to the Commission, March 2012

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A former schools minister, Lord Knight, recently argued in the *Times Educational Supplement* that all schools should be part of clusters with shared governance<sup>14</sup>

“...rather than trying to have 25,000 governing bodies, we would be aiming at having just 1,500-2,500; each with high levels of skills for supporting and challenging school leaders. Most governing bodies pay for their clerks. With this reduction in the number of governing bodies, we should also move to paid chairs of governors. This would mean proper recruitment on the basis of skills and experience. The rest of the governing body should also be appointed for the balance of skills needed.”

Lord Hill favours a model where schools themselves decided on the best form of governance, while seeing the merits of many of Lord Knight’s arguments. Government does not wish to direct schools (except those failing) on the best way to organise their governance.<sup>15</sup>

## Tackling underperformance

Under the 2006 Education and Inspections Act, a local authority or the Secretary of State may appoint an Interim Executive Board (IEB) to replace a board of governors as a temporary measure in a school that is failing. By having a focused small group of typically around six people with the right skills, the IEB can act decisively. One former IEB chair said that he saw its responsibility as providing external challenge through great leadership, and a strong short-term technocratic solution.<sup>16</sup> Some of our members have had experience of IEBs and found that it could take a long time to establish them – up to two years in some cases – and were concerned that they were not used where academies were failing.

The National College has launched a new programme of national leaders of governance, to enable highly effective chairs to use their skills and experience to support other chairs. The first national leaders of governance were designated in late March 2012, and may be partnered with NLEs. The programme was opened to those with at least three years’ recent experience as a chair in a good or outstanding leadership team who could commit between 10 and 20 days a year to the role.<sup>17</sup>

“I have never seen a distressed organisation that could not be traced back to ineffective governance.”

Larry Scanlan, President and Chief Operating Officer of the Hunter Group

## Governance in other sectors

We also looked at how other sectors are governed, and at recommendations for how they should be governed. In his review of corporate governance in banking and the finance industries, David Walker said<sup>18</sup>:

“Good corporate governance overall depends critically on the abilities and experience of individuals and the effectiveness of their collaboration in the enterprise and, despite the need for hard rules in some areas, will not be assured by box-ticking conformity with specific prescription.”

We heard a similar message from those working in the charitable and voluntary sectors. Helen Baker, chair of Advance Housing and Support, a housing association, said that good governance was about focus, collaboration and continuous learning. “If you have core purposes, you are not going to go off and chase political and other agendas,” she told us. She explained that boards should have five high level objectives which go right through an organisation, against which everybody delivers. Good risk management required a strong flow of information so that governors could focus their efforts strategically.<sup>19</sup>

14 Knight J, Do gooder governors must do better, *Times Educational Supplement*, 24 February 2012

15 Oral evidence by Lord Hill to the Commission, March 2012

16 Oral evidence by Patrick Scott to the Commission, March 2012

17 Oral evidence from Paul Bennett to the Commission, February 2012

18 HM Treasury, 2009, *A review of corporate governance in UK banks and other financial industry entities*

19 Oral evidence by Helen Baker to the Commission, March 2012

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## Governors today

While there are around 300,000 governors in schools today, there is also a skills shortage. Eleven per cent of governors' posts are vacant.<sup>20</sup> Researchers at the University of Bath, based on information on 2,200 chairs of school governing bodies, say 97 per cent are white and British. A third is aged over 60 while just 8 per cent are under 40.<sup>21</sup> A pupil governor from Broughton Hall High School in Liverpool suggested that school governance would be better if university students were recruited to the role.<sup>22</sup>

Governing bodies are always run by older people. You don't see say university students as governors. Being student governors we know we will be governors in the future but we don't think you can be if you are in your twenties. It would be really good if we could get young people onto governing bodies, we don't mean student governors we mean young people from around the school area. You could get undergraduates or people who have just finished university. But how would they know about it?

There is also significant evidence that governors are recruited for their representative role – as elected parents or staff, for example – rather than for particular skills, as would be the case in other fields. Some academies have sought to focus on skilled recruitment, perhaps reflecting their sponsorship, but they still appear to be in a minority.

The challenge of recruiting the right governors with the right skills seemed to us to be the paramount goal. Gareth Wynne, chair of governors at Smallberry Green Primary School in Hounslow, had five key ideas which struck us as crucial. First, raise the bar, so that governors are recruited for their skills, with clearer accountability to stakeholders. Second, cut the size, so that all governors add value, perhaps finding new ways to ensure parental representation. Third, contextualise the support so that it is governor specific. Fourth, exploit the skills of individual governors and use small problem-solving teams. And fifth, find ways to incentivise governors, including through tax breaks.

## Mapping the way forward

On the basis of the evidence we heard, we set out what we believe should be the five core functions of governance, and make a series of recommendations in four key areas.

20 Oral evidence by Lord Hill to the Commission, March 2012

21 Cited on the *Guardian* website, October 2011 at <http://www.guardian.co.uk/education/mortarboard/2011/oct/19/school-governors-old-and-white>

22 Oral evidence by Hannah Spencer to the Commission, March 2012

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# Our proposals

## The five core functions

As outstanding school leaders, we know the importance of strong strategic leadership. Many of those we spoke to – including the Charity Commission – stressed the importance of having absolute clarity about the core purposes of governance, and the time that should be spent on the different functions.

Governors have a mix of strategic and statutory responsibilities. Yet, too often there is an imbalance between their strategic responsibility for holding the executive to account and their statutory responsibilities to ensure that appropriate policies are in place on matters such as safeguarding and health and safety.

We want to see a rebalancing of effort so that governors, who are often busy people giving their time freely, work as effectively as possible. So we identified what we believe are the five core functions for every governing body. We believe they should be inspected against these functions and that their primary focus should be on the first two, as these are most related to ensuring that high standards are achieved by students.

### 1. Ensure clarity of vision, ethos and strategic direction

Governors should ensure clarity of vision. They should challenge the school's vision until it is clear, and then check proposed policies against it. Governors should understand the difference between their strategic role and the operational responsibilities of the executive. By having such clarity of vision, ethos and direction, and assessing progress towards associated goals, they can do so. An important part of this function is the appointment of strong school leaders who can deliver.

### 2. Hold executive accountable for standards against benchmarks

Schools have more data than ever. With a clear data dashboard (see our policy recommendations) governors should focus particularly on "exceptions" – areas where goals are falling short – and be able rigorously to interrogate the school leadership on them.

### 3. Ensure solvency and probity

Governors have a legal responsibility to ensure the overall financial health of their school, a role that is stronger in academies. But this should mean ensuring rigorous audit and risk management, rather than deciding on day-to-day spending.

### 4. Ensure leadership complies with statutory regulations

Governors have legal duties in this regard, but their role should be to ensure that the executive complies with regulation rather than themselves producing detailed policies.

### 5. Engage stakeholders

Exercising these first four functions requires an expertise and experience that many current governors do not have. But we recognise that it is vital that parents and community stakeholders have their voices heard. This can be through a strong parents' council, which could act as the voice of parents rather than as a parent's voice, or by having a wider governing body with a strong core governors' board. This approach can be more efficient and more effective than 20 governors trying to attempt all the issues.

## This means smaller, more focused governance

We recognise that the evidence is mixed on the size of governing bodies. Nevertheless, we are persuaded that schools should be encouraged to have a small core team of governors who rigorously focus on the five core functions.

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There are several possible models, and we think that rather than prescribing a single model, the potential benefits of each should be made clear to heads and governors as they consider how to respond to new governance flexibilities or to changing to academy status. Each brings together people with the right skills to focus on the five core functions.

Possible models include:

- An inner core model, where a small core of five or six governors acts as an executive board rigorously focused on the core functions, with the wider governing body ensuring representation and engagement with parents, staff and community.
- A board/council model, where the governing body is made up of a small number of governors recruited for or trained with the right skills to work strategically on the five core functions, but wider representation is provided by a strong parents' council.
- A federal model, where a core board acts across several schools focusing on the key functions, but individual governing bodies (or councils, as in the Cabot Federation and the Girls' Day School Trust) reflect the voices of each of the constituent schools.

We believe that it is for schools and academies to decide the right model for them, but it is crucial that governors are encouraged to be more focused and to consider the potential benefits of sharper governance models. They should focus on the core functions and review and evaluate performance against core standards.

These five functions lead us to make policy proposals across four key themes. We grouped these as the right information, the right incentives, the right interventions and the right innovations.

## The right information

Too often governors lack the information they need to hold the executive accountable for standards. There may be an awareness of key exam data, such as the level 4 or five GCSE benchmarks, but there is too often not enough additional information to allow governors to drill beneath the headlines, identifying, for example the strengths and weaknesses of different subject departments or how well students are making progress given their backgrounds.

**A national data dashboard should highlight key information from the performance tables and Raise Online to enable governors to focus on where improvements are most needed.**

We welcome the additional information that the Government is placing in the public domain, and our schools all make good use of the data provided by Raise Online and by organisations such as the Fischer Family Trust to provide us with challenging but realistic targets. However, as not all governing bodies have access to the data they need, we believe it would be very helpful to have a centrally produced dashboard which provides equality of data across the country. This would be a tool that we could provide to our governors and against which they should hold us accountable.

The dashboard would be different for primary, secondary and special schools, but would focus on the key performance data. While we share the Government's goal of being non-prescriptive, we believe that it would be a real help to have something easily downloadable from the Department or Ofsted websites, and for official encouragement to be given for its use. This would allow governors to make challenging comparisons with other similar schools, and to see trends and where schools are not performing well.

Governors in special schools have been particularly poorly served by existing data, making their job of understanding attainment and progression for pupils with complex needs harder, so any new dashboard should meet their needs.

**A communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy conversions.**

Had we not been engaged in the Commission work, we suspect that few of us would have been aware of the greater freedoms to governance available from next September. When schools convert to academy status, there is little strong encouragement given to them to look afresh at their governance. Indeed,

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there is a strong expectation that the existing governors will simply become the new academy board. This is a huge missed opportunity. We believe there should be a strong communications campaign to both chairs of governors and headteachers to make them aware of the different options available to them, and encouraging them to discuss potential new ways of working.

### **The 256-page governor manual should be replaced by online high quality support and training.**

The current governor manual is an unread document that may fulfil statutory purpose but fails to inspire governors to focus on what should be their key role. A government that prides itself on scrapping needless paperwork should replace it with a simple easily navigable online alternative, providing genuine support and training. There is a rich stream of examples of accessible, professional online training modules provided by the National College.

### **Job descriptions, competencies framework and core functions**

At the same time, we would like to see job descriptions for potential governors with a competency matrix linked to the core functions, describing what they could bring to the role and interviews used where appropriate so that their skills match the needs of the governing body.

## **The right incentives**

The age demographic of our governing bodies does not match that of our nation. Being a governor is not seen as either attractive or a natural option to young people, even though their experiences are often more relevant to the development of the school than those of people who were in school thirty years before. We want to see a more balanced representation on our governing bodies, we want to see more young governors and more governors from different socio-economic backgrounds. We are also concerned that too few Black and Minority Ethnic (BME) people are becoming governors, not least in schools with significant BME intakes.

### **We propose a new Govern First drive to attract new governors**

So we propose a new approach to governor recruitment, one that fits well with our belief that governors with the right skills should be recruited. Many of us have seen the benefits of Teach First attracting the best graduates to teaching. We think a similar high profile, high quality project is needed for governance. Hence our proposed Govern First campaign (which mirrors a proposal by Teach First). We recognise that money is tight, so we believe it should operate as a charity with business backing from firms keen to contribute corporate social responsibility (CSR) support to education. It would focus on attracting young people and BME people to become governors where strong governance matters most. The programme would make governance a highly valued volunteering opportunity with a higher bar and a higher profile. In particular, it could focus on tapping the skills of 18-25 year-old undergraduates and graduates. A Govern First campaign in universities would highlight the opportunity and benefits of governing in local schools, using effective younger governors as case studies. This practice is already widespread with political interns – we need to capture this example and roll it out to university groups and alumni.

### **Governors should have access to accredited training**

People who become governors should be encouraged to see its wider moral purpose, beyond their own school, and should have access to high quality accredited training. Govern First could provide some training, but there should also be opportunities to accredit the leadership skills that are developed in governance so that their value can be seen by potential employers. The National College and Teaching Schools are well placed to deliver this either online or locally to provide quality assured provision at all levels. The National College is developing training for chairs of governors which should be available as a licensed provision from September 2012.

### **There should be a review of the potential for corporate and other tax breaks for governors.**

One option would be to introduce a flat rate reduction in corporate tax liability, of say £500 a year, for every school governor that a business has on its books. While this would need discussion with HM Revenue & Customs, it would send important signals. Alternatively, a higher personal allowance for governors could be offered, increasing it from £9,205 a year, though we recognise that this may add complexity to the system. Nevertheless, higher rate tax payers who donate money to charities receive Gift Aid tax relief, so this is not unprecedented.

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## The right interventions

Governance is particularly important where schools are not good enough. With Ofsted changing its approach to inspections, we have said that the inspectorate should be clearer about the importance of good governance. This should be extended to the judgements that Ofsted gives on schools requiring improvement and those in special measures.

### **Ofsted should focus its governance inspection judgements on our five core functions.**

Meanwhile, we were concerned that the strong messages about clear focus from the Chief Inspector were not yet being reflected in Ofsted's messages. It is crucial that in its new framework from this autumn Ofsted focuses its governance inspection judgements on our five core functions.

### **Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement.**

Ofsted should make clear in its inspection report, where a school is deemed to require improvement because it has not been making good progress, that the governors should invite an independent external person or body – such as a Teaching School Alliance, an NLE or a national leaders of governance, or the chair of governors of an outstanding converter academy – to undertake this review. The subsequent monitoring inspection would then comment on how well the governing body had responded to any recommendations.

### **Where schools are placed in special measures, greater use should be made of Interim Executive Boards (IEBs).**

As NLEs, with substantial experience of intervention, we know that IEBs are an effective vehicle for ensuring that failing schools focus on what really needs to improve. We have also experienced delays in establishing such boards, partly because of the controversy involved in 'sacking' existing governors. But we know that the pupils in such schools cannot wait so long. Ofsted should explicitly recommend IEBs when placing schools in special measures. Good and outstanding leaders should be commissioned to help turn the school around immediately. In all but exceptional circumstances, an IEB should be instigated within six weeks of the inspection report. IEB membership should include a small focused core team led by a paid chair, with NLE support money used to make this payment. The IEB should be built around the five core functions, with a clear plan to train and hand over to a new governing body within an agreed timeline.

## The right innovations

### **Effective governing bodies should consider governing more than one school, both to promote improvement and to enable economies of scale with smaller primaries.**

More and more schools and academies are forming clusters, federations and chains. This often requires new forms of governance, and such organisations certainly benefit from getting their governance right. As part of the communications campaign we have proposed, such innovative approaches should be shared and governors expected to consider alternative approaches, particularly where federations, clusters or chains are involved.

Such innovative governance can help bind weaker to stronger schools, to their mutual benefit. This can be particularly important where school-to-school improvements are being introduced, including by NLEs. But they can also be useful in achieving economies of scale with small rural primaries, and helping to reduce vacancies in the system.

### **Converter academies should actively be expected to contribute to system leadership including through innovative governance.**

Some 1,300 schools have converted to academy status in the last two years. The Education Secretary has made clear that he believes that outstanding schools that become academies should help support weaker schools. The Chief Inspector has echoed this in recent speeches. One recent report suggested that barely 3 per cent were sponsoring weaker schools, and there is little evidence of how most converter academies are contributing to system leadership. We believe the Government should actively promote the idea of innovative cross-school governance as an important part of the duties that go with academy status, linked to their funding agreement.

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**Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed.**

With a growing number of federations and chains, it is important that their capacity is inspected in the same way that local authorities had their capacity in education and children's services inspected. Such inspections should not duplicate individual school or academy inspections, but should focus clearly on leadership and governance, and their ability to achieve the strategic objectives of their partnership. Inspections should take place particularly where a number of schools in a chain or federation are placed in special measures or lack the capacity to improve from what is currently deemed satisfactory status.

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# Conclusions and recommendations

To achieve these goals, we have put forward key proposals based around our four key themes of having the right information, incentives, interventions and innovations linked to governing bodies focussed on the right functions.

## 1. The right functions

The five core functions we identified were (a) to ensure clarity of vision, ethos and strategic direction; (b) to hold the executive accountable for standards against benchmarks (c) to ensure solvency and probity (d) to ensure leadership complies with statutory regulations; and (e) to engage stakeholders. We believe that this also means smaller, more focused governance backed by the right information, incentives, interventions and innovations.

## 2. The right information

We propose four key improvements. First, a national data dashboard to highlight key information to enable governors to focus on where improvements are most needed. Second, a communications campaign should encourage governing bodies and school leaders to make the most of increased flexibilities from September 2012 and from academy converters. Third, the 256-page governor manual should be replaced by online high quality support and training. Finally, new governors could be interviewed using a competency matrix.

## 3. The right incentives

We need to attract younger and more ethnically diverse governors. A new business-backed Govern First programme would raise the profile for governance. People who become governors should see its wider moral purpose, beyond their own school, and have access to high quality accredited training. There should be a review of potential corporate tax breaks for governors.

## 4. The right interventions

With Ofsted changing its approach to inspections, it should be clearer about the importance of good governance. Ofsted should focus its governance judgements on our five core functions. Schools judged to be requiring improvement should be required to have an independent external review of governance to prevent failure and promote improvement. Where schools are placed in special measures, Ofsted should recommend Interim Executive Boards (IEBs) to support improvement. The instigation of an IEB should take place within six weeks. IEB membership should include a small focused team led by a paid chair with NLE support money used to support this payment. Good and outstanding leaders, including chairs of governors, should be commissioned to lead IEBs to help turn schools around. The IEB should be built around the five core functions, with the purpose of training a new governing body over an agreed timeline.

## 5. The right innovations

New clusters, federations and chains require new forms of governance. Effective governing bodies should consider governing more than one school, to drive improvement and to benefit from economies of scale. Converter academies should actively contribute to system leadership including through innovative and shared governance. Federations and chains, including their governance, should be inspected separately to ensure they have the capacity to succeed and to support vulnerable and underperforming schools.

If policymakers adopt our proposals on governance, we believe that we will see more effective, better focused governing bodies that are better able to support improvement within their own schools and the wider system.

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# Appendix 1: expert witnesses

During our workshops and the programme week, we spoke to the following expert witnesses:

## **DfE**

Lord Hill of Oareford, Parliamentary Under-Secretary of State for Schools

Sam Freedman, Policy Advisor to the Secretary of State

## **Ofsted**

Thomas Winskill, Principal Officer, Ofsted

## **National College**

Paul Bennett, Director, National College for School Leadership

## **Academy and school leaders**

Kathy August, Deputy Chief Executive, Stockport Academy

David Carter, Principal, Cabot Learning Federation

Tom Clark, Chairman, FASNA

Jon Coles, Chief Executive, United Church Schools Trust/United Learning Trust

Mike Gibbons, CEO, Richard Rose Academy

David Wootton, Chair, Independent Academies Association

## **Governors**

Emma Knights, Chief Executive, National Governors' Association

Elizabeth Rhodes, Chair of Governors, St Mary's C of E Primary School, Twickenham

Sophie Russell, Student Governor, Broughton Hall High School, Liverpool

Patrick Scott, former IEB chair of governors, Fulhurst Community College, Leicester

Hannah Spencer, Student Governor, Broughton Hall High School, Liverpool

Gareth Wynne, Chair of Governors, Smallberry Green School, Hounslow

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## **Governance in other sectors**

Helen Baker, Chair of Advance Housing and Support (Housing Association)

Alan Cook, Chairman, Highways Agency Board

Lucinda Hunt, Head, Notting Hill & Ealing High School (Independent Schools Sector)

Anne-Marie Piper, Head of Charities Group, Farrer & Co (Charities)

Prof Paul Stanton, De Montford University, Leicester (Health)

## **Other experts**

Bernard Donoghue, communications specialist

Robert Hill, Robert Hill Consulting

We also received helpful advice from Russell Hobby, General Secretary, National Association of Headteachers, Brian Lightman, General Secretary, Association of School and College Leaders; Toby Salt, Di Barnes and Toby Greany, National College.

The 2012 Fellowship Commission was facilitated by HTI led by Anne Evans OBE, Jane Creasy, Geoff Southworth OBE, Conor Ryan and Deryn Harvey, HTI Consultants.

## Appendix 2: Fellowship Programme participants 2012

Chris Owen	Bartley Green School
Dr Anne Maddison	Belmont School
Nick Taunt	Bishop Luffa Church Of England School
David Watson	Chorlton Park Primary School
Chris Wheatley	Cotgrave Candleby Lane School
Deborah James	Crosshall Infant School Academy Trust
Nick Weller	Dixons City Academy
Pat Smart	Greet Primary School
Richard Sheriff	Harrogate Grammar School
Patricia Walters	Holte School
Gerida Montague	Holy Family Catholic Primary School
David Pearmain	Kenton School
Richard Thornhill	Loughborough Primary School
Brian Crosby	Manor Church of England Academy Trust
Marie Cahill	New Haw Community Junior School
Helen Arya	Oasis Academy Limeside
Andrew Fielder	Sandy Hill Academy
Bozena Laraway	St Helen's Catholic Junior School
Elaine White	St Mary and St Thomas Aquinas Catholic Primary School
Heather Mullaney	The Heath School
Andrew Burns	The Redhill Academy
Sylvia Jones	Valentines High School
Anne Winstrom	Whitchurch First School and Nursery
Christine Weaving	Whiteheath Infant and Nursery School

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