

Charting the course to good governance: common challenges

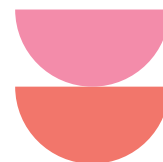
A thematic analysis of External Reviews of Governance by National Leaders of Governance

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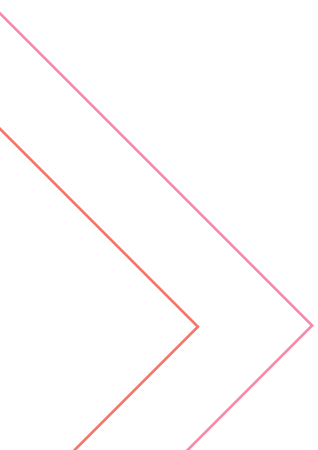
June 2023



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Foreword

Emma Balchin
Director of Professional Development



I was excited when NGA was awarded the contract to deliver the reformed National Leaders of Governance (NLG) programme in 2021 following the publication of the [DfE Advisory Group's recommendations](#).

In February 2020, DfE Ministers invited school governance sector leaders, and experienced trustees, governors and school leaders to form an external advisory group, to make recommendations for improvements to the original NLG programme; enabling it to more consistently and systematically support schools and trusts to improve governance.

The introduction of pay, creation of professional standards and substantial changes to NLG eligibility criteria not only recognised the pivotal role governance plays in ensuring much needed leadership support and the constant improvement of schools and trusts, but running the programme gave us the opportunity to recruit and meet so many dedicated and excellent practitioners; from chairs of small schools to those who chair large trusts or oversee governance in all schools within a diocesan or local authority area, and included the welcomed addition of skilled and insightful governance professionals, not previously eligible for the role.

NLGs were commissioned to work with schools or trusts who needed support for a variety of reasons such as assessment of their suitability for growth, financial or leadership concerns or falling standards. The programme afforded us the unique privilege to see around 400 differing boards in action, and through the analysis of the reviews conducted here, we have identified the top ten most prevalent challenges faced by those who govern in the

schools and trusts reviewed. I am incredibly thankful to all those who openly participated in an external review, and proud of the team, and all our NLGs for their work in this field, which received an [extremely positive external evaluation](#) in its early stages. We are eager to share this publicly funded learning, which further reinforces NGAs well-established messages to the sector, to enable boards to plan proactively to address or avoid these common pitfalls.

Whilst this report focusses on the top ten challenges NLGs found, we have also seen even more examples of the good practice NGA facilitates, celebrates and regularly promotes in addressing these areas through our comprehensive training, support and guidance to members; openness to challenge, self-reflection and people's unwavering dedication and willingness to continually improve and accept external support.

NGA is commissioned by schools and trusts directly to undertake comprehensive ERGs outside of this programme and has done so for several years and our considerable experience in this field, our track record and quality assured reports, no doubt helped us to win the contract. The key themes here broadly align to the challenges we discover through our consultancy practice.

The conclusions drawn from this thematic analysis highlight that governance challenges are multifaceted and interconnected, with one problem or weakness often indicative of other accompanying issues. Moreover, that independent external reviews are essential in developing best practice and supporting governance on its cycle of continuous improvement.

Executive Summary

This thematic review examined 200 external reviews of governance (ERGs) funded by the Department for Education (DfE) carried out by National Leaders of Governance (NLGs) and identified the top ten challenges that governing boards commonly faced, which fall under the following five key focal points of the reviews:

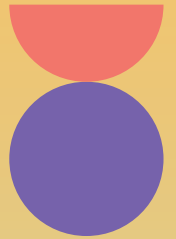
- **Governance structures and practices:** mainly emphasising board composition, skills, high-turnover, and structures, though separation, and board dynamics are also emerging common issues.
- **Vision and strategy setting:** highlighting the board's responsibility in establishing the organisation's vision and strategic direction.
- **Executive Accountability:** focusing on how effectively board's held executive teams to account.
- **Financial Oversight:** addressing the board's involvement in overseeing effective financial management.
- **Governance Support and Development:** encompassing activities and initiatives which support or enhance governance practices.

The analysis highlighted that these areas generally do not exist on their own and where one issue exists, it is usually indicative of other accompanying issues resulting in further impact on the success of governance.

Without the active participation, openness, and willingness of boards to engage in this review process, boards would have continued to operate without full insight into how simple changes and steps in particular areas could make their roles easier and increase the positive impact of governance on outcomes for children and young people. The risks of not engaging in effective external reviews of governance and reviewing one's own practice regularly are high; lack of vision and strategic direction leading to poor accountability and therefore inadequate outcomes for children as well as the potential for financial instability.



Most common challenges in order of prevalence



- 1.** Weaknesses in **board composition**, skills, and high turnover were reported in nearly a third of governance reviews, emphasising the need for: cognitive diversity, a range of skills and ongoing recruitment and succession planning.
- 2.** Lack of effective **scrutiny** and focus in holding executive leaders to **account** identified work required to support effective **monitoring, triangulation**, and objective reporting.
- 3.** Lack of clarity, involvement or oversight of a well-defined **vision or strategy**, created challenges in fulfilling the core governance functions and demonstrated a need for a greater understanding of the governance role in vision setting and how strategy should relate.
- 4.** **Outdated governance structures** posed a risk to compliance and made duplication and lack of efficiency common place, especially, though not exclusively when a board transitioned to a SAT or MAT from a maintained governance structure, or when a MAT integrated a new school into the trust.



5. Weak scrutiny and accountability in fund utilisation jeopardise financial stability, highlighting the importance of skilled governors with **financial expertise** for effective oversight and allocation of resources to areas of highest need.
6. Unclear **communication** and overlapping governance layers in trust governance can lead to confusion, duplication, and non-compliance, emphasising the need for **separation**, clear schemes of delegation, well-defined roles and responsibilities and effective communication mechanisms.
7. Negative **board culture**, where tensions and weak dynamics impact decision-making and relationships between the board and leaders, and board members themselves act as a barrier or a distraction from what should be the core focus of the board/priorities.
8. Limited engagement with regular sector updates and training weakens board capabilities or currency, reinforcing the significance of induction, training, and **staying abreast of sector developments** through subscriptions to education and governance specialist organisations or services.
9. There is increasing recognition of the critical role **governance professionals** play in ensuring effective governance, but some boards still underutilise or undervalue the role, and there can be a lack of 'independence'.
10. Insufficient **risk management** around issues such as falling rolls, matters of compliance and staffing issues placed schools and trusts in a vulnerable position resulting in poor financial forecasts or resource availability.

Introduction

This report presents a thematic analysis of 200 of these reviews and provides a compilation of intelligence offering valuable insight into the ten most prevalent challenges hindering boards' fulfilment of their functions and their interconnected nature. It aims to explore whether there are factors that act as catalysts for these areas that require review and attention by the governing board.

Recruitment and training of 76 NLGs under the reformed programme began in June 2021. Over 400 trusts and schools covering diverse sectors and geographic areas, have received support since October 2021, with additional bespoke assistance offered in some cases. Referrals were received from DfE regions groups, local authorities and diocese, targeting trusts and schools who would benefit most¹.

Illustrative quotes provided are taken from the reviews or evaluation

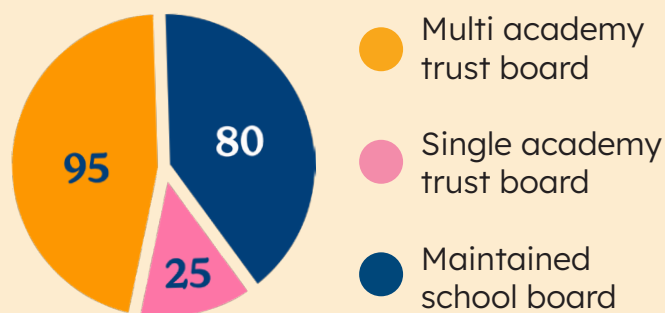
Methodology

This study employed a qualitative thematic analysis of around half of all ERGs undertaken by NLGs. ERGs identified key areas each board needed to address to improve practice; NGA analysed these to identify common challenges and categories which have shaped the structure and findings of this report. To ensure confidentiality, the 200 reviews analysed are anonymised and any identifiable information has been removed from the quotes used throughout the report. The sample of reviews covered all nine regions in England and included various school structures, such as maintained schools, multi-academy trusts (MAT), and single academy trusts (SAT). The analysis of the reviews also included faith schools to ensure the analysis was inclusive of the diverse school structures that exist.

The thematic analysis was conducted based on the breakdown in Figure 1.

In the case of MATs, the external reviews and analysis focused on the effectiveness of the MAT board as the accountable body, rather than assessing individual local academy committees. However, the reviews and therefore the analysis did consider the variety of governance roles, tiers, and interrelationships between them within a multi-academy trust structure.

Figure 1: Review by board type



¹Criteria for accessing funding for the maintained sector was a current RI Ofsted judgement, with RI in leadership and management. For the academy sector, DfE's regions group were able to commission a review where either trust governance has some cause for concern, or where reassurance was required that structures were appropriate to support trust growth.

Findings

Governance structures and practices: composition, skills, turnover, separation, risk management and dynamics

Composition, size, skills, and turnover

Key findings:

- **Weaknesses in board composition, skills, or turnover were reported in nearly one-third of governance reviews.**
- **A lack of recruitment planning meant that the rate of individuals leaving governance was increasing faster than vacancies could be filled.**
- **Skills deficits often also meant poor financial oversight.**

Board composition emerged as the most common theme throughout the analysis and was a significant issue for almost a third of schools and trusts reviewed.

While there is no recommended optimum number of governors or trustees for a board, evidence suggests that the size of boards can be impactful to their practice. Boards are typically made up of between 10 and 12 volunteers, but NGA's longitudinal data from the Annual Governance Survey from the last 12 years has indicated a growing trend of boards reporting fewer members. Boards considered "too big" often lacked

dynamism and found it hard to reach consensus quickly when required, while boards considered "too small" (often eight or less) often lacked diversity (cultural or cognitive) or a comprehensive range of skills and experience as well as facing capacity issues in undertaking duties such as panels or monitoring.

"Due to the lack of capacity and appropriate experience, the board is unlikely to drive rapid improvement..."

Some reviews reported on the lack of governor/trustee turnover over several years with some members of the governing board serving on the same board for longer than the recommended term. This was commonly found on SAT boards and often linked to weaknesses around oversight and challenges.

On the other hand, difficulties around recruitment were a factor impacting board practice, with many boards not having targeted recruitment strategies. While the rate of individuals leaving their board was increasing, the rate at which the vacancies were being filled was not. The analysis of the reviews emphasised the importance of boards regularly conducting skills audits, which can be a useful tool in identifying gaps if effective analysis at whole board level is then undertaken to inform subsequent recruitment plans or training and development. Notably, there was a clear connection between boards lacking the right skills and experience and weaknesses in other areas identified during the reviews. For instance, boards with limited skills and experience often displayed weaknesses in providing financial oversight.

Some ERGs highlighted that boards lacking a succession plan for the chair position, left them vulnerable when or if the current chair

stepped down. Lack of succession planning led to examples where long-standing or unwilling chairs continued their roles with less motivation and commitment due to a perceived lack of alternatives. Some individuals on the board were found to assume the chairing role without adequate preparation when a new chair was required.

It is NGA's view that boards should aim to have 10-12 members on their board. Boards should consider whether the number of individuals on the board suits the context of their school or trust and the workload of those already sitting on the board.

“A number of recent resignations have impacted board capacity, and it is important to recruit new members from outside the trust to ensure diversity and independence of perspective.”

Outdated structures

Key findings:

- **Complex, long or historic schemes of delegation often led to a lack of clarity of role, and duplication across MAT governance tiers.**
- **SAT governance practice and structures failed to evolve quickly enough from operating as a maintained board.**

A significant number of ERGs reported that governance structures had failed to keep up with changing school structures and requirements, this was commonly identified in reviews where trusts had grown rapidly or maintained schools transitioned to SAT status, though maintained governing boards were seen to assign monitoring roles to non-priority areas, or unclear terms of reference. It is crucial for governance structures

to adapt and align with the changing status, size and requirements of the school or trust. However, many governance structures, articles of association and schemes of delegation were not updated to accommodate new statuses, or the latest recommended best practice.

In the context of SATs, the ERGs indicated that governance structures often reflected that of a maintained school despite their transition. This misalignment created challenges in clarifying functions, roles, and responsibilities as trustees and in ensuring compliance (too few members or trustees was common, or too many serving as both), or again that practice was aligned to the most recent or appropriate version of model articles of association. Weaknesses around SAT governance structures were also influenced by the lack of board turnover, with some governors serving on the same board

for more than 10 years. Having longstanding trustees on the board was found to lead to scrutiny and oversight not being as concentrated as it needs to be to perform as an effective board. As MATs expand and integrate new schools, there is a need for proactive steps to update trust governance structures, to ensure that they are fit for their size and for overseeing a more complex organisation. Trust boards with outdated structures were also less likely to have a well-articulated shared trust vision as outlined previously in this report. Many reviews found that the governance model did not meet the legal requirements outlined in the Academy Trust Handbook (ATH).

Outdated or over complex schemes of delegation sometimes led to role duplication, frustration, and unclear accountability, highlighting the crucial need for time and investment in clear and accessible documentation. Without well-defined roles

and responsibilities at each governance level, there is a significant risk that core functions will either be duplicated, placing an unnecessary burden on school or trust staff regarding reporting arrangements, or omitted entirely, to the detriment of children and young people across the trust.



“There is a lack of clarity on the board being distinct from the functions of the LGBs. Directors and local governors need greater clarity about their respective roles through the scheme of delegation.”

Separation and communication

Key findings:

- **Some boards felt having a member serving on multiple layers of the governance structure facilitated better communication and did not see the risk of ‘group think’ or potential conflicts.**
- **Evidence showed that some boards had appointed members for more than one role to overcome issues with fulfilling vacancies.**

Whilst some boards felt that having a degree of overlap between members and trustees, and trustees and the local tier helped in enable each tier of governance to be updated and facilitated communication. It is the view of NGA and the DfE (as outlined in the ATH in recent years) that the most robust governance structures have a significant degree of separation between the individuals who are members and those

who are trustees, and those who are trustees and serve on local committees. Where there is duplication of roles between members, trustees and local committee members, the objectivity with which those who govern can exercise their responsibilities and decision making is reduced, and there is a significant risk of ‘group think’. In cases identified where the chair of the trust board also served as a member, potential conflicts of interest were highlighted as effectively meant a trustee, in their role as a member, was holding themselves to account. Issues around separation were common amongst SATs, with some boards having staff governors moving to the trustee role where their articles do not require this to be the case.

The use of regular planned communication mechanisms between the trust board and the local tier is crucial to ensuring that the local tier feels valued, and stakeholders’ voices are heard.

To facilitate effective communication between tiers of governance and decision-making, trustees and committee members at local level should make alternative arrangements. Good examples included holding regular chairs' forums, whole trust governance away days, and allowances at both trust and local level to raise and answer questions through respective agendas and minutes.

Some of the reviews identified instances where the governance professional or clerk was the personal assistant to the headteacher or CEO or the business lead in the school or trust. Where this was the case, the reviews highlighted the importance for the board to consider mitigations against any potential conflicts of interest or lack of independence such as having a planned and communicated course of action in this event. Examples included a confidential, direct line of communication to the chair, most commonly in reviewing agendas and recognising potential conflicts in advance of meetings, but also post-meeting evaluations where such concerns could be raised for the chair to address directly.

“The board needs to separate the levels of governance, which overlap. This process will require careful succession planning and recruitment of additional members and governors.”

Risk management

Key findings:

- **Although in tenth place, this finding demonstrated the impact of poor identification of risk, or failure to monitor planned mitigations.**
- **Falling pupil rolls was the top risk facing schools and trusts throughout the analysis.**

While risks were being identified largely by the boards reviewed, falling pupil rolls, the most common risk highlighted, meant that governing boards needed to consider how best to ensure a sustainable financial position for future years. However, effective identification of risk did not always lead to boards monitoring mitigations more closely or providing as effective financial oversight as was needed.

Furthermore, a number of reviews found that the risk register was not a 'live', monitored document that was regularly reviewed.

Several boards failed to identify recruitment and retention of staff as a significant risk while others showed no evidence of monitoring or proactively addressing increasing staffing issues.

“Whilst the school was not in a deficit situation at the end of the financial year 2021/22, significant financial challenges are anticipated due to a rapid decline in pupil numbers.”

Board dynamics

Key findings:

- **Lack of shared purpose among the board created tension and impacted effectiveness.**
- **Weak dynamics and relationships between the board and executive leaders impacted decision-making.**
- **Dynamics between the board and executive were at times influenced by workload and different understanding of roles.**

The analysis revealed that a healthy team dynamic existed where board culture was formed of support, challenge, organisation, motivation, and a sense of belonging. Board members feeling valued and respected, even in times of disagreement, was particularly impactful.

On the other hand, there was a small but not insignificant proportion of reviews where board dynamics and relationships between the board and executive leaders negatively affected decision-making. Factors like workload sharing and differing understandings of roles and purposes

among board members were seen to negatively impact the board's dynamic. This theme emerged more frequently where structures and schemes of delegation had not evolved or clear, making it the seventh most common theme.

The analysis repeatedly shows effective communication, strong relationships and clarity of roles are vital within the governance structure to ensure robust and effective practice. The external reviews indicated a commonality whereby disparities in communication and ways of working influenced the overall moral purpose and effectiveness of the governance role. Developing relationships and understanding responsibilities is essential for a unified organisation.

“The executive headteacher has actively supported good governance practices but has not been able to engage the board in these effectively.”



Vision and strategy: the board's responsibility in establishing the organisation's vision and strategic direction



Vision and strategic planning

Key findings:

- **The findings indicated that an unclear vision and strategy was the third most common flaw of governance the reviews found.**
- **Boards without a clear vision struggled to fulfil their core governance functions.**

The governing board bears the responsibility of setting a clear vision and strategy collaboratively with senior leaders and stakeholders to ensure clear focus on achieving the overarching ambitions by garnering support from the whole school community. Well-defined vision statements considered medium to long-term goals and included a process for monitoring progress, which guided the discussions and focus of board meetings and set the parameters for monitoring visits.

The analysis revealed that around a third of boards either lacked a clearly defined vision or had one which did not include long-term considerations, making their future aspirations unclear. Some reviews highlighted that governors and trustees had not been involved in the creation of the existing vision or its review, and therefore did not have a sense of ownership and were not monitoring how the strategy would bring about that aspiration.

This had further negative consequences around the identification of what, how and when to monitor, as well as a lack of understanding as to how leaders and staff planned to achieve the school or trust's objectives. Governance in these examples was often reactive and working in an uninformed way.

“The trust’s values and ethos are clear and understood. However, trustees appear less clear on the strategic direction of the trust, impacting its effectiveness in fulfilling its core role.”

Executive accountability: the board's role in holding the executive team to account

Scrutiny, focus, and accountability

Key findings:


- **Insufficient accountability and scrutiny of leaders was the second most common theme identified from NLG ERGs.**
- **Boards without a defined vision or strategy (the third most common challenge) also struggled with scrutiny and accountability.**
- **A third of all boards and a quarter of MAT board reviews analysed, reported trustees were not effectively holding the CEO to account.**

Effective accountability requires governing boards to be able to hold executive leaders to account, and for leaders to be receptive to constructive criticism and welcome scrutiny.

The analysis identified that approximately a third of boards were insufficiently holding their leaders to account and evidencing scrutiny of information reported to them by school leaders – this was the second most prevalent theme in the analysis. Where boards failed to discharge this duty effectively, it often overlapped with failure to access targeted training to address identified skills gaps, lack of awareness of external benchmarking data, and limited external, objective reporting.

This issue was found across both trust boards and maintained governing boards. Around a quarter of MAT ERGs reported that trustees were not effectively holding the chief executive officer (CEO) accountable for the trust's educational performance. Around 40% of reviewed maintained schools and a third of SAT boards noted challenges in this area. Some ERGs highlighted a lack of any monitoring undertaken by governors or trustees outside of meetings, and some

identified misdirected scrutiny and challenge within meetings, with lines of questioning not aimed at the individual responsible for the area of concern.



“There is no clear monitoring framework in place to hold the headteacher accountable and track progress, leading to a tendency to micro-manage.”

Board meetings did not allocate sufficient time for questioning and scrutiny. Other reviews indicated an overreliance on a few experienced governors, resulting in perceived inequitable workloads, commitment and uneven distribution of accountability. A lack of training and understanding of how to undertake this aspect of the governance role was usually identified as a root cause. Some examples of good practice NLGs reported, in addition to accessing development in this area, highlighted; the governance professional providing new governors and trustees examples of generic, and topic focussed questions to pose at appropriate times to build confidence, objective third-party providers being secured and reporting to the board (school improvement professional, auditors, HR companies).

Financial oversight: the board's involvement in ensuring effective financial management

Financial oversight

Key findings:

- **One-fifth of NLG reviews found oversight of finances problematic.**
- **Boards lacked skilled governors and trustees with financial expertise.**

Financial oversight is an area where governing boards bear a pivotal responsibility for significant amounts of public funds and worryingly, was an issue for a fifth of the NLG reviews examined, primarily stemming from insufficient scrutiny of fund utilisation by leaders. This underscores the urgent need for substantial board development or targeted recruitment where this skillset is missing.

The analysis of ERGs established a strong correlation between boards lacking skills or capacity and their ability to provide robust financial oversight. Even when the school or trust's finances appeared strong, the absence of effective oversight posed a risk to the organisation's financial well-being. Challenges in vision and strategy were also closely intertwined with poor financial oversight. Governors and trustees needed to ensure resources were directed to the areas of most need, as well as in pursuit of implementing their vision for the children and young people in their school or across their trust. Furthermore, inadequate monitoring of the school or trust's financial landscape amplified the risk of falling short in achieving the desired outcomes and experiences for children and young people within the school or trust.



“The robustness of the board’s oversight of financial performance should be significantly enhanced by both the recruitment of a trustee with expertise of MAT finances and by the board engaging in a greater degree of interrogation of the senior executive and strategic thinking in relation to finances.”

In some instances, governing boards lacked evidence of diligent financial planning instead being driven by immediate reactive factors rather than a proactive approach in ensuring money is well spent where it is needed most. Additionally, monitoring the impact of targeted funding streams such as pupil premium revealed some inconsistent practices, leaving uncertainty that the money was supporting vulnerable groups effectively.

Governance support and development: activities and initiatives which support or enhance governance practice

Training and development

Key findings:

- **Ineffective practice correlated with a lack of engagement in training and opportunities to network.**
- **Active engagement in training positively impacted the board's ability to fulfil the core functions of governance.**

The reviews showed conclusively that any weaknesses in oversight or skill deficits were often linked to a lack of engagement in training and development to support their knowledge and understanding of how to discharge their duties. Active engagement in training however revealed significant impact in how governors and trustees positively perform their core functions such as practical tips for asking area-specific questions, understanding their roles and responsibilities, and templates for effective monitoring visits. Many reviews highlighted

new members not regularly accessing induction training as a key barrier to improvements around board practice.

Effective development doesn't always need to come from formal training, NLGs witnessed learning from peer networks facilitated by Local Authorities, MATs and informal school and trust locality groupings, as well as noting the impact of an outward facing board who took an interest in how things are done elsewhere to transform their own induction with 'buddying'.

“The absence of regular and sustained training for governors has led to knowledge gaps, both in procedural matters and key educational changes and practices.”



Governance professionals

Key findings:

- **Analysis emphasised the crucial importance of the governance professional role and highlighted the emerging need for boards to utilise their governance professional to enhance practice and knowledge.**
- **Reviews urgently recommended appointments in boards lacking this function.**

The analysis emphasised the crucial role of governance professionals in advising boards on matters of compliance and supporting with their expert knowledge and experience. The negative impact of their absence on fundamental aspects of governance was obvious. Some boards needed this role to support them in knowing when to challenge information, or in following correct and transparent procedural issues such as declarations of interest in agenda items or identifying potential areas of conflict. Several boards would have benefitted from readily available legal and statutory advice and guidance to facilitate more effective decision-making.

“Governance practice could be further developed by employing a qualified governance professional who can offer immediate advice regarding strategic and statutory processes.”



In other cases, governance professional arrangements were in place but underutilised or undervalued. Boards assigned them limited tasks, overlooking their expertise in providing a full range of advice and governance support services.

The majority of the reviews underscored the need for dedicated governance professionals who possess the capacity to serve without conflicts of interest as outlined in the earlier section on separation. Consistently, the external reviews acknowledged the positive impact of governance professionals on board practices: their involvement led to greater confidence of the board in fulfilling their duties, improved governance structures, processes, and overall board performance.

Additionally, having the combination of a well-led board and a skilled governance professional contributed to the improvement of skills and knowledge among all those governing. NGA previously saw the positive force this combination can have when chairs and governance professionals undertook our respective leading governance development programmes simultaneously.

Trust-specific findings

The analysis presented in this report provides considerations for all types of board, however some of the findings were more pertinent to trusts. MAT reviews focused on the governance arrangements across the entire trust, including the trust board and its committees and their approach to local governance. Reviews were commissioned for various reasons, from positive developments such as MAT growth through to areas of concern such as financial stability, trust capacity and performance.

In some instances, reviews found that while MAT boards wanting to expand were not currently experiencing problems with their effectiveness, they were at risk of moving into this territory if practices did not evolve to suit the changing context and future size of the trust.

Separation and communication

The research findings highlight common challenges faced by smaller MATs wanting to grow was the lack of appropriate governance structures, the size of the board and skills of trustees and scalable practices. As these trusts had expanded, the appropriateness and practicality of either the CEO or trustees attending local governing board meetings to keep abreast of what was happening across the trust's schools, as was frequently and intentionally the case, diminished and communication in some trusts suffered in cases where this was previously relied upon.

To overcome this challenge, proactive development of communication channels between the local tier and trustees is essential. This facilitates sustained management of information, streamlined

decision-making processes and supports more effective discharge of governance duties, whilst avoiding the risks of 'group think' or undue influence of particular individuals repeatedly represented on different tiers of governance.

“In order to successfully negotiate the next phase of growth, trustees should build on the recent foundations put in place to improve governance and communication across the trust and ensure they undertake their core functions.”

Scalable governance structures and practice

Moreover, NGA has frequently recommended that when a trust considers expanding, they take account of whether the governance structure will change or grow and how this will happen (e.g., usually with the addition of a further academy committee). It is crucial the trust clarifies the roles and responsibilities of any incoming governors through clear communication of their scheme of delegation. This proactive approach helps ensure smooth transitions and fosters a harmonious integration of the new school into the existing trust.

Many reviews noted that trust boards continue to operate using practices that may no longer be suitable as the trust grows, nor do they consider additional skill sets which may be required. Adapting the board and its practices to support trust growth is important for fostering a collaborative

and cohesive structure. Additionally, ensuring sufficient governance professional capacity and experience is crucial for supporting and advising the board in its expanded responsibilities. Some trust structures continued to operate as separate organisations under isolated brands, with academy/school level boards acting as maintained school governing bodies rather than as local committees of a unified trust governance structure.

“This governance model will need to evolve for the trust to grow. Further separation is also required in the member and trustee roles.”

Skills and compliance

Compliance is vital for effective governance and boards bear the responsibility of ensuring adherence to legal requirements. Poor financial oversight due to a lack of financial acumen on boards resulted in non-compliance which triggered some of the reviews. NLGs found many examples of ‘Get information about schools’ (GIAS) not being up-to-date, and local governance arrangements not recorded.

Additionally, Trust boards must prioritise particular skills and roles for example that of the governance professional, to ensure compliance, implement robust mechanisms, and uphold legal requirements to enhance transparency, accountability, and the integrity of their governance. Positive progress is being made as MAT boards become increasingly aware of these compliance issues and take corrective action to meet the expectations of company and charity law, outlined in the DfE Academies Trust Handbook.

“There are some key areas where trustees need to take corrective action to ensure that they are complying with their core role and to ensure the trust is compliant with expectations such as the DfE Academies Trust Handbook 2021.”

Clarity of roles and responsibilities

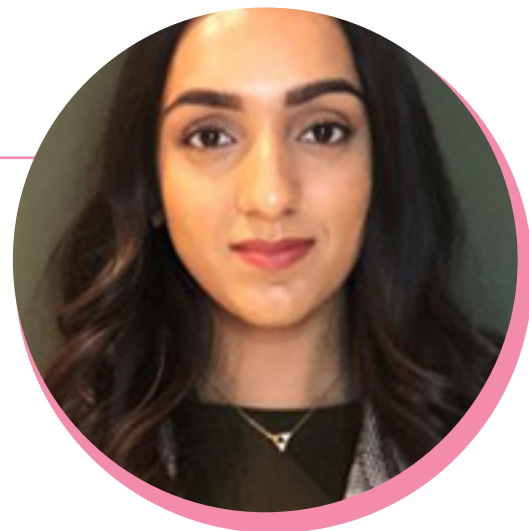
The findings showed that many MATs still lack definitive and clear roles for both the local tier and the trust board. Smaller trusts seeking growth were less likely to have clearly defined roles and responsibilities and struggled more with their evolving structural needs. Overall, schemes of delegation that are overly legalistic and complex led to insufficient clarity regarding responsibilities and often had significant implications for relationships between the MAT board and the local tier. Capacity, separation, and training needs consistently emerged as key issues stemming from this lack of clarity, which also led to tensions and dysfunctional governance dynamics in some instances.

To address these challenges, MATs should prioritise establishing distinct roles and responsibilities for all levels of governance through effective dissemination of clear schemes of delegation and establishing formal mechanisms of communication. By doing so, they can foster better relationships, clarify decision-making processes, and ensure that all stakeholders understand their obligations and contributions within the trust ultimately resulting in all parties feeling more aligned to ‘one’ organisation.

“The boundaries of the roles within governance are very blurred by the considerable overlap of personnel. Members attend board meetings and act as if they are trustees (except when voting) and all trustees are governors and are part of the LGB committees. The board lacks sufficient people with the right skills to function fully and effectively.”

Conclusion

**Nina Sharma,
Senior Policy and Research Officer**



Whilst the analysis has focussed on highlighting the most prevalent challenges faced by boards to support future proofing, planning and further improvements, it is by no means a representative, or fully rounded picture of the governance seen by our NLGs or that we witness daily at NGA. There are far more examples of boards doing the right things, despite these challenges which will inform a further publication and cite all our existing guidance and support of these issues.

The analysis of common themes built up by exploring this wide range of practice shows the indisputable potential for weaknesses in one area to impact others. In a rapidly evolving education landscape, it also reveals that strong governance plays a vital and unique role in ensuring that every child and young person receives an exceptional education, one that can't afford to be misjudged or underappreciated.

To excel as agents of social justice and

“The report confirmed our view that this trust has strong governance arrangements in place but also presented helpful action points to further develop. We will also look at how we might use the trust to provide peer support to other trusts around governance development”

West Midlands RG

educational improvement, schools and trusts require robust strategic governance that sets a clear ambitious vision whilst holding leaders to account for its implementation.

This report highlights the increasing importance that governance training and development must play in helping the sector adapt practice, understand the evolving role and landscape in which they're volunteering, and execute their duties well. While the NLG program has made significant contributions to enhancing governance in specific schools and trusts identified, there is still work to be done across the wider sector, and this report aims to drive our frequently recommended improved practices and for the work of the NLGs to extend beyond the life of the funded support.

To enhance the effectiveness of governance, it is crucial for boards to address these challenges holistically. By addressing these areas and implementing the recommended actions, boards can improve their governance and better fulfil their core functions, thus improving outcomes for children and young people in our schools and trusts. The National Leaders of Governance program has provided valuable support and expertise and brought the practical benefits of ERGs to the forefront of effective practice, and the sector must now build upon this positive foundation. Undertaking regular reviews is a key factor of a continually improving system, and in between an objective, external review every three years or so, NGA also recommends undertaking an annual self-evaluation.

External and self-review packages

In order to realise your board's potential for continuous improvement, NGA recommend having an external review of governance every three years, and an annual self-review. Our online self-evaluation tools and external review packages are here to support with this process.



identify your board's strengths and areas for development



create a roadmap for improvement



bespoke solutions designed for your organisation



designed and delivered by sector-experts



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