Taking stock of governance workload

Ensuring school and trust governance is sustainable

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National Governance Association

NGA Insight

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Introduction
The growing industry of governance

Good governance is vital to any successful organisation fulfilling its purpose. In the state-funded schools sector, there is the added task of accountability for not only pupils receiving the education they need and deserve, but also ensuring that public money is used well. Governing boards are central to the effective accountability of schools and ensuring children and young people reach their potential.

As in so many sectors, in state-funded schools in England, governing boards are responsible for considerable decision making; it is in their power to delegate decision-making to others, but they retain responsibility. This model of collective decision-making with collective responsibility is common across the globe, devised to prevent poor governance by an all-powerful individual. There are many different models, and many pay those who govern, whereas those who govern our schools and academy trusts are volunteers. For many years it has been known that the responsibility of governing schools is a significant ask for volunteers. In 2014 Professor Chris James' team coined the phrase "overloaded, overcomplicated and overlooked". They also lamented the lack of research on this topic, and sadly here we are fifteen years on with no further academic research. Yet in the meantime the feedback to us at NGA of the demands on those who volunteer being unreasonable has been growing each year.

We want to make sure the role does not also become 'overwhelming' for many people. Absolutely rightly, the sector generally – and governing boards in particular – are concerned with the workload and wellbeing of school leaders and other school staff: we are well aware that we have not solved the problems but there is an acknowledgement and efforts are being made. On the other hand, the wider schools sector isn't having a debate on or taking due consideration of the workload and wellbeing of those who govern it.

Over the last few years, our contact with those who govern and the governance professionals who support them (from every channel, including our Gold Advice service, training and consultancy, events, and thousands of informal conversations) has been pointing to increasing concerns about governance

> " Governance determines who has the power, who makes the decisions, how other players make their voice heard, and how account is rendered."
>
> **Institute on Governance, Canada**

workload and pressure. NGA has been making the case to the Department for Education (DfE) for a number of years that this issue is of such fundamental importance to the system that it needs attention from the government too. Is the ask they are making of volunteers reasonable and sustainable?

What is the scale of the problem?

We track the increasing difficulties in recruiting volunteers through our Annual Governance Survey. We also know from our daily contact with governing boards, and the leaders who work with them, recruiting new volunteers poses a particular difficulty for boards; the challenges of recruiting have never been as significant as now. The evidence for this is set out in chapter 3.

In 2022, three quarters of governors and trustees surveyed said that their governing role was manageable around other personal and professional commitments, while just over one fifth (21%) believed that it is not. This had risen from 16% in 2019. Even so, this did not really chime with what our members tell us, and these findings seem very pertinent.

For the last two years, a third of those aged 40 to 49 years have indicated that workload was a problem. This is particularly concerning given that volunteers in this age group are much less likely to be chairs.

Between 2015 and 2019 we also carried out a number of projects on chairs' workload and from that it became clear we should not expect the school and trust governance role to be possible within 20 days a year. We return to the issue of time in chapter 1.

Last year we also saw worrying results with more people not seeking a second four-year term of office, and one in four telling us they are considering resigning. This puts even more pressure onto those experienced governors and trustees who remain.

Our 2023 survey confirmed some slight differences between those sitting on different types of boards. Those governing on multi academy trust (MAT) boards as trustees are more likely to agree that their role is manageable (83%) followed very closely by those on local academy committees (82%), compared with 78% of governors on maintained governing bodies and trustees of single academy trusts (SATs).

We also found that the ability to manage the role does not necessarily increase with experience: those who have been governing for eight to 10 years are the most likely group to think that the role is unmanageable (25%). Unsurprisingly given the degree of overlap with longer standing members of the board, a quarter of chairs and 22% of vice chairs also did not find their role to be manageable, compared to 14% of other governors and trustees.

It is positive that a significant majority of survey respondents do not have an issue with managing workload alongside their other responsibilities, but we were concerned that this response may be skewed by the fact that those with more time pressures are less likely to answer the survey. Therefore in 2023, NGA set out to understand the reality of the challenge of governor and trustee workload.

Firstly, we included a new question in our 2023 annual survey about the pressures of governing and this opened the floodgates: we received a huge number of comments (over 2000) about the stresses of governing, which tallies with the conversations staff at NGA have in our everyday work. The large number of comments citing almost universal pressures was concerning but provided rich insight into the realities of the volunteer role.

What is the nature of the problem?

Secondly, to supplement this quantitative data, in the summer term we held three separate virtual forums – for MAT trustees and local governors, SAT trustees, and maintained school governors – on the topic of governance workload. Many thanks to those who participated in the discussions: they inform the chapters of this report. The strength of feeling among volunteers was palpable. It was also interesting to note that the issues identified for governing in the different structures were remarkably similar, although with some additional stresses for SAT trustees and governors of maintained federations which we discuss in chapter 1.

We identified five strands requiring further exploration:

1. Why and how the expectations are growing
2. Dealing with complaints
3. Exclusion panels
4. Staying strategic and governing efficiently
5. Recruiting, developing and retaining volunteers

This report documents that exploration and suggests next steps in each strand.

Leadership of the board – particularly chairing – adds considerably to the expectations and the time needed to fulfil those expectations. The workload of chairs is a significant topic that NGA has spent considerable time researching and reporting on in previous years, and for that reason we did not identify that as a separate strand: here we are looking at the sustainability of the role of the collective governing board.

We acknowledge that of course taking on the role of the chair or vice chair can significantly increase the individual's workload, even with as much shared and delegated leadership as possible; however, it can

also have a more widespread effect as the broad responsibilities and workload associated with the position of chair can deter others from stepping into the role. It is not unusual for a board to have three or four members who shoulder a significant proportion of the work, but this appears to be adding to the sustainability of the role for those most experienced volunteers.

Despite many efforts to attract volunteers under the age of 40, schools and trusts are very much reliant on older and experienced governors and trustees and recently we have seen that reliance increasing with many volunteering for longer. For the first time in 2022, more than half of volunteers were 60 or older, compared to just under a third in 2015, and more than half had been involved in governance for over eight years. In 2011, a quarter of governors and trustees said they governed for more than a decade; this has now increased to 40%. We are truly grateful to these people, without whom the system could not function. However, this reliance on a reducing group of people is not only too much for those individuals involved but is posing a risk for the system as a whole. The workload and increasing intensity of governance is threatening to overburden even the most devoted volunteers.

This report therefore considers:

1. Is there anything we can remove from the responsibilities?

2. What else can be done to reduce the workload and associated pressures?
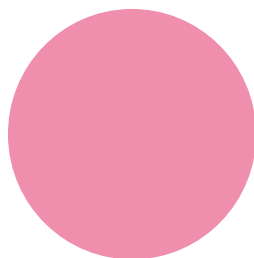
The expectations of the role

This chapter looks at what the role is and isn't, and crucially, whether the ask is reasonable and if it has grown.

While we have seen that the role remains doable for many, for others it is proving too time consuming. The demands are clearly more difficult for those in employment or with substantial family commitments. Furthermore, many have highlighted to NGA that the expectations of the role are growing and becoming increasingly unrealistic.

> " There is also a lot of expectation placed on the role which at times can feel unrealistic and/or disproportionate, and potentially deters others from joining."

We will focus in this report on four categories of boards: MAT trust boards; local academy committees; SAT boards; and maintained governing bodies.

Defining the work of governance

The overarching aim of school and trust governing boards is to ensure the wellbeing of the pupils, enabling them to achieve to the best of their ability, but how is that done well in practice?

Explaining the role of school and trust governance, the decisions which need to be made and the tasks involved is NGA's day job: setting out not just the expectations of boards, but also the best way to tackle each of those expectations. We have a huge range of handbooks, guidance and e-learning modules covering different aspects of the role. However, it is not simple to summarise those succinctly without missing an important aspect.

NGA has long-established the components of good governance (ethical, effective and accountable governance), and written on the three governance mindsets required: the fiduciary, the strategic and the generative modes. Balance needs to be maintained between them. The decisions being made are important; the governance role is complex and difficult to get right.

A prerequisite of making governance sustainable is forming a foundation of understanding and respecting what governance is and isn't, but that's not easy against evolving practices of governance across a very mixed sector and the arrival of new leadership and volunteer roles.

NGA has worked with other leadership organisations – the Association of School and college Leaders (ASCL), the National Association of Head Teachers (NAHT), the Local Government Association (LGA) and The Institute of School Business Leadership (ISBL) – to produce What governing boards and school leaders should expect from each other. These guides (different version are available for MATs and for single schools) set out the lines between the governing board and the leadership team. Clarity and respect for the difference between strategic governance and operational management comes up in every chapter in this report. Limiting the creep over that line is crucial to making the governance role sustainable.

The DfE's expectations

A report from the National Audit Office in 2014 concluded that "the Department and the Agency do not know enough about school-level governance to identify risks". It stated that the department has not clearly articulated roles and responsibilities, and that the increasing diversity of the school system has meant "significant changes to oversight bodies' responsibilities and the introduction of new bodies (academy trusts and sponsors)".

While we suggest that this has improved with the development of the DfE's Governance Handbook, this is now in the process of being reviewed to cover trust governance and maintained schools separately.

Maintained school governance

The DfE has identified the three core functions of the governing body (which is the school's legally accountable body):

1. Ensuring clarity of the vision, ethos and strategic direction.

2. Holding the executive leaders to account for the educational performance of the school(s) and its pupils and the effective performance management of staff.

3. Overseeing the financial performance of the school(s) and making sure that its money is well spent.

Trust board governance

The board of trustees has collective accountability and responsibility for the academy trust and assuring itself that there is compliance with regulatory, contractual, and statutory requirements. Trustees carry the remit of both charity trustees and company directors. The DfE has set out that the trust board's purpose is to provide:

- **Strategic leadership of the academy trust:** the board defines the trust vision for high quality and inclusive education in line with its charitable objects. It establishes and fosters the trust's culture and sets and champions the trust strategy including determining what, if any, governance functions are delegated to the local tier.

- **Accountability and assurance:** the board has robust effective oversight of the operations and performance of the academy trust, including the provision of education, pupil welfare, overseeing and ensuring appropriate use of funding and effective financial performance and keeping their estate safe and well maintained.

- **Engagement:** the board has strategic oversight of relationships with stakeholders. The board involves parents, schools and communities so that decision-making is supported by meaningful engagement.

All boards have strategic and legislative responsibility (except academy committees), although the above shows those responsibilities vary depending on structure. However, again with the exception of academy committees, all governing boards are expected to be accountable for the general control, performance and management of the organisation, and if any or all of these are failing, the board as a collective body is expected to take action to rectify this or the government will intervene with more heavy-handed interventions, including academisation and moving schools from one trust to another.

What is expected of governors and trustees?

While governance is a collective endeavour of the board, the expectations and time commitment placed on individuals are not straightforward to determine. There are several elements that directly impact the answer to this question:

- national expectations – regulations and statutory duties
- type of role – chair/vice chair, committee chair, link role, or other governor/trustee
- type of board – MAT trust board, SAT trust board, maintained governing body, academy committee in a MAT
- additional requirements in voluntary controlled, voluntary aided and foundation schools
- additional requirements of dioceses for schools/trusts of religious character
- school or trust performance
- board practice
- access to support
- geographical context and events
- national dimensions to events such as the covid pandemic
- trade disputes/localised circumstances

A word on chairing

While this report is intentionally not concentrating on the role of the chair, it is important that we consider this heightened level of workload some individuals are placed under by virtue of their board leadership role. This is likely to apply to a less extent to vice chairs and committee chairs as well.

NGA's research on chairing has found:

- the median total time spent on chairing was 27 hours 30 minutes a month – 44 days a year or a little under one working day per week (2016)
- chairing a trust board takes just under 50 days a year (2020)
- regardless of board type, there is significant variation

For some, especially those in full-time employment, volunteering becomes unsustainable. To create a system which prevents those in full-time employment from leading boards would not be healthy. To sustain their chairing role, those employed full-time tended to adopt tactics to reduce the time taken by the voluntary role.

This is explored in greater depth in NGA's 2020 report on Chairing the board.

The four different roles

The extent and requirements of the role differs depending on the structure that the school is a part of – whether the board is accountable for a group of schools, whether that is as a MAT or a federation, or a board overlooking one school, either as a maintained school governing body, a SAT board or an academy committee within a MAT.

Trustees of a SAT

The move from maintained school governance to that of academy trusts – with charitable company status – has added a number of additional requirements for SAT boards. The volunteers being both trustees and directors of a company limited by guarantee,

responsible solely for their organisation, but still through the context of being a single school, with limited staffing and resources.

> "We have no local authority support but no real infrastructure in the way MATs do either, it does mean the board really has to do it all."

Both our quantitative and qualitative evidence shows that trustees of a SAT feel that their workload is increased because of having to combine the legal requirements of the trust structure with all the activities necessary when governing a single school.

Trustees of a MAT

Not only does governing a MAT also bring the responsibility of being a trustee and a company director, the responsibility is bigger in scale. MATs vary in size from the so-called empty MAT (with one school waiting for others to join) to chains of more than 50. Although the most common MATs are still those with between two and six local schools, over half of academies are now part of MATs that contain between six and 20 schools, and this is a growing trend.

The organisational structure and the governance structure is also more complex than a single school and MAT trustees have to effectively navigate varying communication channels, not just with executives but for the vast majority, two other tiers of the governance structure: the trust members and the local level volunteers.

> "The executive team sometimes overstep into trust board territory, but it mostly works well, the members don't really know what their role is but we have to keep them in the picture, while we also have to be mindful that our LGBs are happy – it is quite a lot to balance and think about!"

It is the board of trustees who has the responsibility for the whole MAT and the schools within it. They are the main decision-making board for their organisation and decide what is delegated elsewhere. The way in which the trust board chooses to delegate duties will also have an impact on the workload at different levels.

It could therefore easily be assumed that being a MAT trustee is the most demanding governance role within the sector today. However, the percentage of trustees who say the role is unmanageable is slightly lower than for other volunteer roles in the sector.

We can only hypothesise about why this may be, for example, it could possibly be due to the role of the trust governance professional improving efficiency and reducing volunteer workload: we return to this issue in chapter 6.

MAT local governance

The committee of local governors – often called an LGB – is not the accountable body, but has a role delegated to it by the trust board and set down in the scheme of delegation. This is not always done well, with poorly designed and communicated delegation leading to sometimes needless duplication and time spent resolving conflicts between tiers of governance.

> " I simply do not have the time, particularly on an LGB which effectively has no powers, which lie with the trust. Seems pointless now."

Local governors in a MAT do, in theory at least, have a reduced role compared with maintained governors, which again in theory could also reduce the workload. Whether this makes school-level participation more or less attractive depends on what is delegated. However, findings suggest that a reduced remit is not necessarily resulting in more manageable workloads or more efficient governance, while motivation to govern can be impacted detrimentally by doubts around whether the role is purposeful.

Maintained governing bodies

Out of the four categories, maintained school governance has existed by far the longest, and while that might mean there is a more established history of practice against expectations, it repeatedly is shown to generate just as much, if not more, workload challenges. This was often linked to the levels of support offered by the local authority (LA), which was varied.

A number of contributors to the study noted an increasing lack of support or trust from the LA, including their governor support teams. This will clearly be partly dependant on how much of a wider school support service the LA retains, and varies from one authority to another, in part impacted by the degree of academisation in those areas.

> " The LA is neglecting it's duties and providing no support. The finances are truly horrendous."

However, even where services were still retained, there was sometimes an issue with obtaining advice that could help alleviate workload, or alternatively, additional workload directed through LA services such as excessive training or newsletters. Yet a more direct implication was where boards were needing to make quick decisions but felt they were hindered by the LA.

> " The constant battle with the LA over budgets in a school where we have made 20 staff redundant, are not replacing staff when they leave, cutting expenditure including on capital repairs to be told we are still not doing enough to balance budgets."

Federations

While MATs are now by far the most predominant form of groups of schools, federations of maintained schools under one governing body form a part of the sector. This was shown in some instances to intensify workload:

> " There is a lot of documents to read especially as it is a combined governance of two schools. Also, I have sat on quite a few exclusion panels and there are a lot of documents to analyse carefully."

The evidence suggests that while in some cases federations can help to facilitate more strategic governance, the workload can also be overwhelming, as a single governing body manages multiple schools within the federation, without school level committees which are common in MATs.

Other people's expectations

The complicated picture of how the school system is governed presents a challenge to leaders, stakeholders, communities and others in the sector. Furthermore, there have been some long-standing misunderstandings of governance. It was sometimes seen as a stakeholder forum; for airing concerns of representative groups, and this has sometimes been cemented in a few MATs at academy level. While the shift to a skills focus was made a significant time ago, long-standing views can persist within communities, boards and with leaders not following best practice. It has been argued that these misconceptions can end up adding to the workload of the board and impacting on its effectiveness (Gibson., et al, 2021).

For many there has been a loss of understanding across society about what school governance is, particularly within MAT multi-tiered governance. To add to this, the inconsistency of governance knowledge during teacher training and leadership development has meant that some leaders and senior staff rise up the system with an incorrect view of what governance is. This becomes problematic when a head or CEO, or any staff presenting to boards, has one idea on the role of the board, and the information and account they are providing to the board is reflected as such.

For the wider community and the organisation's stakeholders, the lack of awareness of what governing boards are and their remit means that sometimes boards face localised pressures which take them beyond the remit of their role. This brings the discussion back to the need to draw more awareness to governance in the first place, which would help alleviate these pressures, while also creating a realistic view of school and trust governance so that potential volunteers have an idea of what to expect before they get involved.

Myths can also arise through a variety of sources, including the over-interpretation of Ofsted requirements or poor communication or practice from an individual inspection.

An example of needless workload generated by inspection

For a number of years, there was a debate on the role of governors in terms of the single central record. Some inspectors had been cited as saying this was a job for board volunteers, and this became widespread practice when some reports came through that inspections were directly impacted because the board were not proactive in checking the single central record. We attempted to correct this misconception, but it did not take effect in many schools until finally, at NGA's own conference HMCI Amanda Speilman confirmed that this was not a requirement of boards. Despite that, some instances of this being insisted on in inspection continued, with Regional Director Matthew Purves having again to repeat in 2021 that this was not a requirement for boards.

Excellent practice and striving for good governance at every turn is clearly something NGA advocates for; it is our charitable mission. However, we recognise some of NGA's guidance on good practice may well have added to the expectations on boards. While we do try to make our guidance as accessible and practical as possible, we appreciate that some boards may not be able to enact all of it immediately, and their improvement is a work in progress.

Are demands growing?

" Increasing demands from schools on a governor's time with no awareness of the expectations being put on governing bodies."

In order for workload to be assessed and addressed, it is crucial that both the actual expectations and the lived experience is considered. When NGA heard from its members that their governance responsibilities had increased, our initial reaction was that the legal responsibilities have not increased. The introduction of trusteeship of large multi-school organisations, which might have been expected to create a greater workload, is not evident in our data.

The legal requirements alone do not dictate governance workload. This view that workload has increased is so widely and strongly held by volunteers that we needed to look further than the statutory expectations to explain it. It is clearly the case that volunteers are being expected to do more in some schools and trusts, not necessarily always because of statutory requirements, but sometimes because of variations in local practice.

There was also the effect of the pandemic in a more profound way. Much has been written about how the pandemic changed attitudes to paid work and to school attendance, and there has also been an impact on how people use their time more generally and a shift in what is deemed acceptable to achieve a work-life balance. It may be that this has affected some people's willingness to commit to a demanding and time-consuming volunteer activity.

The role of schools and trusts in society

> " Schools are 'an oasis in many children's lives'. For many, that oasis doesn't just water the ground that produces educational outcomes, but nourishes the family unit itself, providing refuge and relief."
>
> **Javed Khan, former CEO of Barnardo's**

Schools offer an assurance, a form of normality and security, and not only during pandemic times. Schools have long been more than vessels of educational attainment. But the expectation on schools to become multi-purpose community hubs has increasingly been demanded by wider societal change. Schools and trusts find themselves providing a wider variety of family support services no one else is willing or able to.

The Royal Society for the Encouragement of Arts, Manufactures and Commerce has referred to this as the role of schools in the wellbeing of communities – "the idea that schools are self-contained institutions, responsible only for academic development, is increasingly at odds with the realities of their role".

The bigger issue is more about the host of issues that have been left to schools to deal with in recent years as schools and trusts have looked to respond swifty to the array of challenges thrown at the sector. And there have been more of these than many could have imagined just a few years ago.

> " The pressures schools are facing, and therefore the focus that is put onto the governing body to oversee challenges with budget, falling pupil numbers, prospect of academisation, etc."

There are many who argue that this shouldn't be the case. Others are keen for there to be a greater link between school and family, but insist it needs to be more defined, and not rest on the premise of schools simply plugging gaps in society. The reality is that schools in many communities find themselves forced to provide basic provisions and services to mitigate disadvantages in their communities. This is complex territory for boards, but also one that boards are valiantly facing.

NGA's 2022 Annual Governance Survey shows a staggering 95% of respondents said their school or trust offers additional services to families over and above education. The top three most frequently offered services provided by schools are second-hand uniform provision (66%), wrap-around before and after-school care (54%) and providing pupils with breakfast (47%). Each of these services provides something slightly different to the family dynamic – each one goes beyond the remit of delivering a learning experience.

> " It is vital that schools do not accept a role that is best intended for, and better performed by, other agencies. Schools risk being unilateral agents where there should be shared social responsibility."

In their book About Our Schools, Tim Brighouse and Mick Waters write: "Schools can be part of the solution but they cannot be the whole solution." This seems to sum it up well – there is growing concern about the number of roles leaders and teachers now appear to have, not only as educators, but as distributors of basic necessities such as food and providers of social services. This in turn ramps up the sheer number of items boards need to get through in the time they have, either having to rush through things at pace, or spend more time, therefore increasing workload.

The time commitment

There is no definitive data on how much time being a governor and trustee takes. As previously mentioned, between 2012 to 2018 NGA had suggested the role could take 10 to 20 days per year. However, it became clear we could not justify that in all situations as the 20 days were supposed to include chairing. In addition, more than three quarters of respondents (77%) to our 2019 survey reported spending more than 20 days a year on governance, with 29% spending over 30 days per year completing their duties.

However, more recent estimates from others in the sector, including Inspiring Governance, suggest five to eight hours per month is workable. As this translates to 14 days a year, this could also be an underestimate, certainly at the lower end of the spectrum. The government suggests you can fulfil a charity trustee role in 30 hours a year.

> " Much more time consuming than 'a few hours a month' as initially described!"

Ideally governors and trustees will be made aware of what is expected of them via a role description prior to joining the board. However, many respondents reported that this initial information did not reflect the reality of their governing role with duties often requiring more time than described.

> " Familiarising myself with the governor role and the amount of reading. My training suggested two hours a week is required to stay on top of things!!!! Not so, I average a day a week."

While we need to encourage applicants and some will be put off by suggestions of up to 14 days, we must be realistic about the commitment we are asking from volunteers.

> " Difficulty in recruiting and retaining governors because of their work commitments."

> " Trying to fit all of this into family life and achieve a work-life balance is impossible."

In targeting certain individuals, skillsets or experiences, some boards are compromising on levels of commitment available. For example, NGA has heard anecdotal evidence over a number of years where boards have recruited certain business skills to the board, but those individuals are in practice only able to attend a few meetings due to their day job commitments. High levels of no shows at meetings then in turn contributes to a greater level of frustration and workload among those who are attending.

> " Finding time to attend school for all the day-time expectations – once termly visit as link governor (I hold 2 link governor roles), permanent exclusion hearings (4 which is unusual), prize giving day, headteacher recruitment (3 days), headteacher appraisal and review (1 day), assistant head teacher interviews (1 day), GCSE subject results reviews (2.5 days)"

> " High workload, mostly because we've had a lot going on. HR issues. Very complex parental complaint. Academisation."

> " ... it is difficult to balance this around my full time employment."

> " Amount of hours needed to fulfil all duties properly: safeguarding review, complaint, federation, headteacher recruitment on top of normal chair duties."

NGA commitment:

we will carry out more work in 2024 to ascertain more clearly the time commitment of a governor and trustee without a board leadership role.

The pressures of governance

When asking respondents in the 2023 Annual Governance Survey what has caused them the most stress in their governance role in the past 12 months, over 2,000 direct comments were given. Although this huge number is concerning and indicative of almost universal pressures, this wealth of information has been extremely insightful into the realities of the volunteer role. Using thematic analysis, we identified several strands leading to stress.

Complaints and exclusions

The responses confirmed that complaints and exclusions are time consuming aspects of the existing governance remit, and notably, that they have increased in occurrence post pandemic. The increasing demands of attending more complaints and exclusions panels were repeatedly mentioned. To a lesser extent staffing panels were mentioned, but also present a big increase in workload for those who have sat on them.

Respondents discussed the effect of COVID-19 on schools' relationships with parents and staff; complaints are more commonplace and at an increased risk of being escalated to higher level.

> " There has been an increase in complaints post pandemic. These seem to be both more frequent and escalated more frequently rather than resolved at an early stage as was more often the case pre pandemic."

Many boards are finding it increasingly difficult to find volunteers available to sit on these panels. This additional workload is often falling to chairs and those who are retired who have more time for these processes.

> " I seem to have to sit on every panel hearing, as well as all my other duties as Chair."

Another theme was a lack of support from responsible bodies. Examples included the LA, who even with complex complaints were not offering support.

> " A vexatious complaint from a member of staff against the head teacher which required expensive legal advice to settle and no support from the LA."

Emotional support also seemed to be lacking for governors. The panels are often emotionally charged with finite decisions affecting the futures of young people and staff and once the process is over, governors feel left alone to process these decisions.

> " I am incredibly experienced, but it [exclusion panel] was deeply unpleasant and incredibly time consuming and upsetting for the family and the school/PRU."

> " Most stressful are the calls to sit on additional boards – recruitment, disciplinary and the work involved in doing so."

Ofsted

For many respondents, the biggest stressor in the last 12 months relate to Ofsted. This included impending inspections causing feelings of anxiety, especially for those overdue for an inspection, the inspection itself and the potential fallout of unwanted grades. Governors felt pressure to perform, and those who were finding the role unmanageable especially felt this pressure. Further pressure and work were generated when the outcomes was a lower grade than good or when outstanding schools lost that grade.

> " We are expecting Ofsted in our school at any moment and the thought of having to face them as a volunteer with limited time to devote to my role as a governor is terrifying."

> " I do not want to let the school down by not being able to demonstrate a knowledge or understanding of the great things they are working to achieve."

> " Preparing for Ofsted inspection and dealing with a headteacher facing personal crisis"

NGA has written much about Ofsted and given recent oral evidence to the current House of Commons Education Committee enquiry, so we will not be making recommendations about Ofsted in this report. However, despite the general support the governance community has for inspection, it causes some additional personal pressure.

Financial sustainability of schools

Financial pressures mean governing boards are struggling to meet their vision, spending more time in meetings, and often having to make difficult decisions relating to staffing. These concerns weigh on their minds.

" Worrying about the finances of the school; the budget is not sufficient for the commitments that the school has to meet."

" Our problems are all compounded by incredibly tight budgets and a general underfunding of the educational system."

Recruitment of volunteers

Volunteers are becoming more difficult to recruit (as discussed in chapter 3). Not only is there the work of recruiting, inducting and mentoring new governors and trustees, but also having vacancies can put more pressure on remaining members of the board. In particular, it can lead to the chair taking on a larger workload.

" We had five new governors join in a short space of time, so supporting them as Chair of Governors has been challenging.

" Lack of trustees, difficulty recruiting at all limits capacity."

" As we have governor vacancies, there is more time commitment needed by individual governors to ensure our duties are carried out effectively."

In addition, the pressure to remain abreast of issues and undertake training was also mentioned by many, and not just those new to the role.

Staying strategic and working efficiently

There was much comment about the time needed to prepare properly for meetings, which was exacerbated by late or lengthy papers. There was some concern that a lack of time hampered their ability to perform the challenge element of the role.

" Only receiving meeting materials, the day or two before the meeting... Often there are many documents that need to be reviewed, taking considerable time."

There was also much said about the efficiency of meetings, sometimes hampered by ineffective clerking and chairing. For others, meetings running over time led to much frustration and often without covering topics in the depth they wanted to.

" Late meetings after a busy working day. Late paperwork so no time to prepare"

" Maybe more frustrating than stressful but differentiating between governance and 'operational' issues"

" Other governors and their inability to understand that their role is not operational"

Chapter 7 covers the practice elements of using volunteer time in the best possible way.

Board dynamics

Relationships often played a key part in increasing stress when this prevented volunteers from carrying out the role effectively. For some that involved a problematic chair and for others it was an overbearing headteacher. We return to this issue in chapter 4.

" The relationship between the head of school and the Chair of the board of governors. The Chair is not acting as a critical friend and holding the head teacher to account. The Chair continues to be in post because there is no one else willing to take on the role, despite many members of the board having concerns over the Chair."

" Issues with Headteacher not willing to hear other points of view and expecting us to rubber stamp everything she wants to do."

Navigating structural change

The time needed for governing boards to examine options for structural change, usually the move to join a MAT, isn't acknowledged sufficiently in the sector.

" Coming to an understanding of academisation and making decisions regarding whether to go down the route now or later."

" The threat of the school being forced to join a MAT after being advised it would not be allowed to form a new MAT. This situation has eased due to the political landscape changing."

" Uncertainty/change in Government Policy – we've spent a lot of time getting ahead of the Government White paper only for it to be scrapped (eg academisation planning?)."

" The most stress has been with regard to joining a MAT and not being given enough information from the MAT as to the role of governors."

Staffing issues

These were raised in a range of ways – some related to the effect of the system on schools, while other issues were specific to the board's role as the employer of staff. This included support for the headteacher as well as the need to be on disciplinary panels. Fewer comments appeared to relate to executive leadership, but we have no data as to why this may be, possibly due to the increased HR expertise in the central team of trusts.

> "Ability to retain staff, as they are stressed out, plus there are easier jobs are paying more."

> "Supporting the Headteacher to manage the role particularly around personnel issues that appear to be more time consuming an complex post Covid."

> "Supporting a new Headteacher- new to the role whilst dealing with day to day business of the board."

Appointing a headteacher or chief executive is a time-consuming and important task.

> "Appointing a new head teacher and supporting them as they start in the absence of adequate support from county."

> "Resignation of an excellent headteacher and the subsequent recruitment and appointment of a new head – the need to get it right weighed heavily on me."

> "Governance is becoming more demanding. Our headteacher resigned this year and is retiring. The recruitment process was very time consuming."

Leadership of the board

Many of the pressures were felt keenly by chairs whose workload is often greater than that of the rest of the governing board, and they bear additional responsibilities, especially in handling performance issues with the headteacher. There was an understandable feeling that the chair is responsible for driving suggestions to reduce governor workload, which in turn can add to their own stress and workload. The expectations contribute to challenges in finding willing individuals to take over the chair.

Other commitments

A person's other commitments affect the time available for their governance role, with family and employment mentioned most often. Those who had jobs with inflexible employers found the role less manageable without compromising their personal life. There were suggestions that the increased demands over the last few years have caused particular problems for volunteers also in employment.

> "My employer credits me just 48 minutes of time per week for the role. It is cutting into my time with my family and making me irritable. … I already have a high-stress job; I don't need another."

> "Time management for meetings, paperwork reviewing, monitoring, complaints, exclusions on top of my job and own two children with additional needs."

> "The time to get on calls after a full- time job and a mum to young children."

The challenges with the time commitment identified against age suggests that those most likely to have young children, many of whom will be balancing jobs also, are those who tend to struggle the most.

Employment and the support of employers

Sitting on a governing board can offer individuals an array of skills and experience from setting strategies and budgets, holding professional conversations to interpreting and critically analysing data. It is now over a decade since a City of London report concluded that school governance was the most challenging volunteering activity considered in its research and the one which delivered the most significant skills gain.

> "Respondents particularly highlight their development in team working, influencing and negotiation skills. In addition, school governing is extremely useful for developing hard business skills including financial skills such as planning budgets; business awareness; and in developing technical and professional skills."
>
> **Volunteering: the Business Case**

NGA's Annual Governance Survey findings show that few employers encourage individuals to volunteer in school governance as a way of development or contributing to their local community: in 2018 it was just 5% of respondents, and this reduced to just 3% in 2021.

Although many respondents reported that their employers were supportive, it is a minority (29%) who are receiving any paid time off. Employees have the right to take reasonable time off to carry out their governance duties; however, employers can choose whether they provide paid time off.

> " In the past some employer organisations – such as Business in the Community and the Confederation of British Industry (CBI) – put a focus on the opportunity of volunteering as a school governor or trustee, encouraging flexibility and support from employers, but in recent years this has waned despite the work of the recruitment organisations."
>
> **Inspiring Governance and Governors for Schools.**

The benefits to the volunteer and the employer often go unnoticed and unmentioned.

NGA commitment:

We will work with partners and willing employer organisations to raise the support volunteering as school governors and trustees.

NGA ask:

The Government needs to be proactive in its encouragement of employers to support school and trust governance.

Prioritising volunteer wellbeing

Recognising and addressing wellbeing concerns is crucial for the sustained success of educational institutions. Governors and trustees carry a significant weight of responsibility, not only in terms of time but also in terms of the wellbeing of students and staff. While the sector is now rightly very focused on the workload and wellbeing of staff, that of governors and trustees has not had any attention. Twice at our AGMs, NGA has been asked by members to raise this issue with the educational establishment and we have made multiple requests for governance workload to be added to the work carried out by the directorate without success to-date. We hope this report will make a difference.

The dedication and tireless efforts of boards must not come at the expense of the mental and emotional health of volunteers, but our findings show that this is not being sufficiently considered. The other commitments of volunteers need to be taken more seriously, for example in terms of the timings of meetings.

Striking a harmonious balance that allows volunteers to fulfil their essential roles without feeling overwhelmed by unrealistic expectations needs to become subject to wider debate. The workload and expectations placed upon them must be carefully managed to ensure their continued dedication and wellbeing.

Commitment from NGA and other sector voices:
It is incumbent upon educational institutions to work collaboratively to strike the delicate balance in ensuring that volunteers can serve effectively without feeling burdened by unattainable demands.

The recruitment of volunteers

NGA estimates that there are currently 250,000 individuals that volunteer their time to govern schools and trusts in England. There is no data on the average length of service, but if all volunteers served two terms of four years of office (which they don't), the sector would need more than 20,000 additional volunteers each year to replace them.

Our survey data tells us about one fifth of respondents volunteer on more than one board. As a result of the so-called Trojan Horse events in 2014, when a small number of governors and trustees obtained undue influence in East Birmingham, the DfE no longer encourages volunteers to do this concurrently.

Recruitment on that scale is a challenge, and increasingly so. Despite the move toward smaller boards tracked by NGA's surveys over the years, 2022 showed vacancies at an all-time high with 38% of governing boards operating with two or more unfilled places, compared with only 30% with no vacancies. It was of particular concern that small boards (8 places or fewer) reported the highest level of vacancies, with only 23% without vacancies.

It is sometimes argued that there are too many places on boards and there is room to downsize without affecting workload; this does not appear to be the case. With a few exceptions, in particular maintained federations and some voluntary aided schools, boards are able to reduce their size, and most have done so. In 2012, 39% of boards had more than 15 members,

and ten years later it was only 5%. Almost half of boards now have 10 or fewer members whereas in 2013 they accounted for only 17% of boards. The majority of boards now have between nine and 12 places with equal numbers smaller and larger. The number of boards with eight or fewer seats increased sevenfold from 3% to 21% in 2022. The common sizes vary a little with role: MAT trustee boards are most often nine or 10 places (36%); academy committees of MATs eight or fewer (36%); SATs and single maintained schools commonly 11 or 12, whereas maintained federations tend to have 13 or 14 places.

The evidence gathered clearly shows that the gaps place greater workload on those remaining, and there is a risk that this is becoming unsustainable.

" The lack of governors and everything falling to me. Hence my answer that I am considering resigning".

" Lack of ability to recruit new governors as older members have left means that pressure to attend more exclusion panels and events to fill the gap"

" As we have governor vacancies, there is more time commitment needed by individual governors to ensure our duties are carried out effectively"
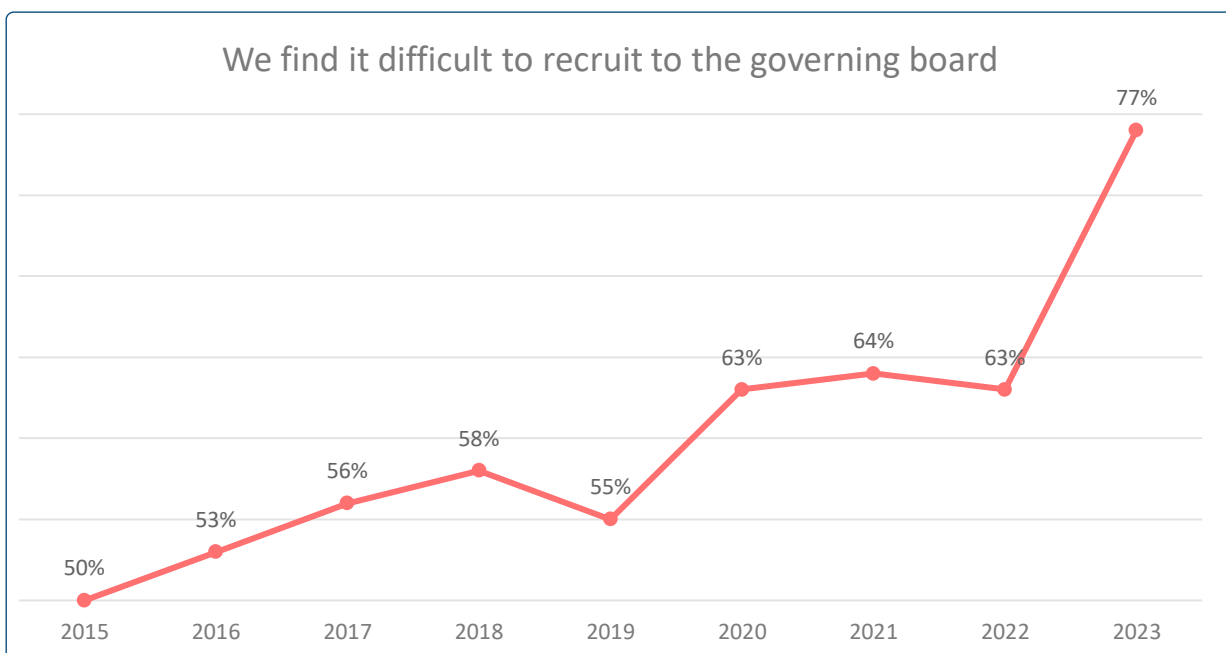

Figure 1: NGA annual survey respondents who found it difficult to recruit to the governing board from 2015 to 2023.

The 2023 Annual Governance Survey revealed that the number of boards finding volunteer recruitment difficult is at an all-time high with over three quarters (77%) of governors and trustees reporting it as a challenge compared with half in 2015. Last year 37% of respondents told us difficulties recruiting to the governing board had been exacerbated by the pandemic, but it appears this has become entrenched post-pandemic. As a society we will not be returning to 2019 ways of being and functioning.
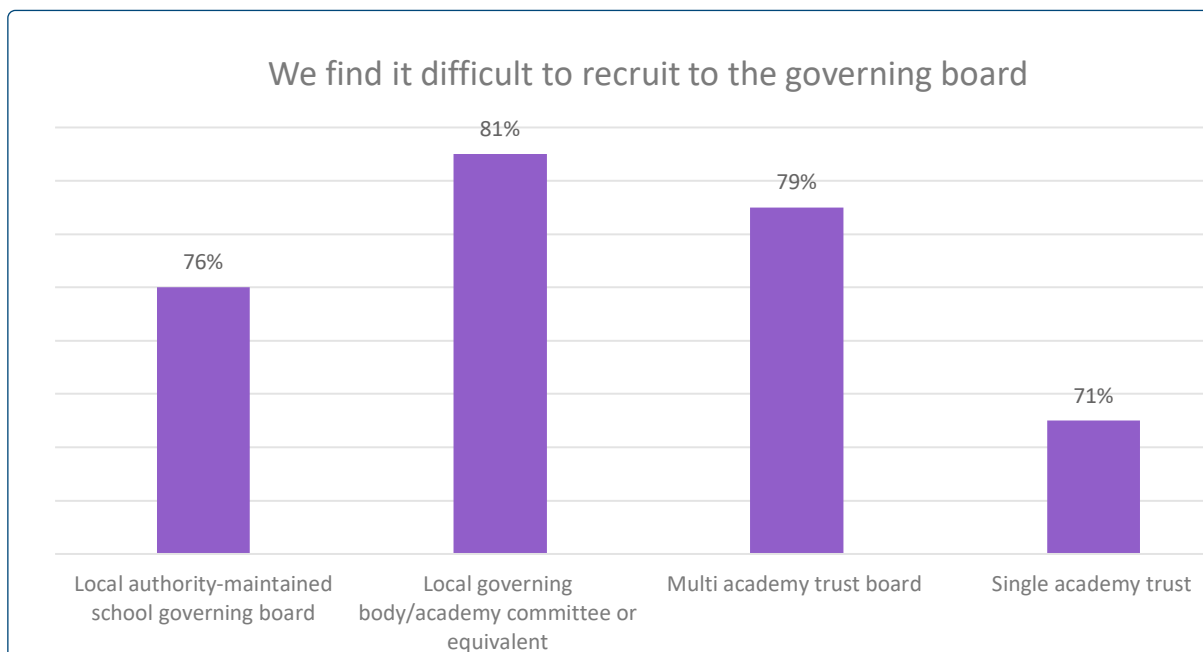
We find it difficult to recruit to the governing board

Board type	Percentage
Local authority-maintained school governing board	76%
Local governing body/academy committee or equivalent	81%
Multi academy trust board	79%
Single academy trust	71%

Figure 2: NGA annual survey respondents who found it difficult to recruit to the governing board via board type in 2023.

In 2021 NGA published 'Increasing participation in school and trust governance: a state of the nation report on recruiting and retaining volunteers'. It covers these issues in depth while also drawing on our extensive work on diversity and making the case for diverse boards as well as the range of required skills and experience around the table.

Diversity

Having a board that holds diversity of thought, skill and experience is integral to having an effective governing board, as is aiming that the governing board is reflective of the community which it serves. Despite the widespread recognition that diversity should be central to the composition of a governing board, progress remains slow.

Between six and eight percent of the governance volunteer workforce are from Black, Asian and other ethnically minoritised groups (NGA, 2022). National data (DfE 2022/23 and census data) shows that almost 20% of adults of working age and just over 35% of pupils are from an ethnically minoritised background, highlighting the underrepresentation of governing boards at present. There was good news in 2022 when, for the first time, respondents recruited in the previous 12 months were significantly more likely to be from an ethnic minority.

The need for diversity on governing boards includes age. Younger governors and trustees offer rich insight in addition to paving the way for taking on chairing roles in the future. Just 9% of governors and trustees aged under 40 make up the governance community (NGA, 2023), a decline of 4% from 12% in 2015. This decline, which was first notable last year, was one of the factors which led us to further investigate governance workload and manageability.

Age and ethnicity are of course only two dimensions of diversity, possibly the most visible ones alongside sex (which we have not highlighted given that women are very well represented on governing boards). Our guidance covers the monitoring of all aspects of diversity.

Successful practice

NGA's state of the nation report on increasing participation considered the experiences of governors and trustees in underrepresented groups, and identified barriers that reduced the likelihood of recruiting those from underrepresented groups onto governing boards:

1. Lack of visibility of governance: potential volunteers not knowing the opportunity was open to them.

2. Boards failing to prioritise the issue, because either they found it difficult to talk about or they had other issues seen as more important.

3. Closed recruitment practices.

NGA's guidance on recruiting volunteers covers ways in which recruitment practice can be made more open and transparent, as well as proactively focused on the board's skills and knowledge gaps and clear about the time and commitment needed.

We were pleased to report following that report's publication, many more boards (62% in 2022, compared with 37% in 2021) reported trying to recruit a volunteer from an underrepresented group and three quarters of them had been successful. Although there is no easy answer to resolve recruiting difficulties and achieving a balanced board, boards that adopt a proactive approach do tend to be successful without requiring more from serving governors and trustees. The involvement of the governance professional is crucial.

Visible governance

" People need to know who governors and trustees are, what they do, how they do it and why. If their contribution and impact is not recognised in school and trusts, by executive leaders, by the school system, education organisations, policymakers and of course governance volunteers and professionals themselves, then it can be no surprise that it is a struggle to get people to volunteer."

Increasing participation, NGA 2021.

In practice almost all of this work of raising awareness of school and trust governing boards is carried out by the very same hard-pressed volunteers, with the help of their governance professionals. As part of our Visible Governance campaign NGA has provided schools and trust with some materials to make the case locally, to their stakeholders, employers and the local media.

The board's regular engagement with stakeholders has a large role to play in this too: governing boards being known by staff, parents, pupils and the community should pay off when recruitment occurs. Long-term community engagement also connects the board with individuals whose skills and experience can serve the school's needs. Beyond benefiting student learning and experiences, sustained outreach can build future governance capacity; asking individuals to join a governing board should not be the only time that parents, pupils, staff and the local community are hearing from the board.

Routes onto boards

In the past the parent body has provided a large pipeline of governors, many of whom stay governing after their child has left that school. When asking those surveyed if their first position on a governing board was as an elected parent governor, over 40% said it was, compared with 10% in their current term of office. Over the past decade, there has been a significant reduction in the number of elected posts.

Parents and carers can get onto the board by being appointed, rather than elected, and a quarter of all respondents said that they are related to or care for a pupil at the school or trust in which they currently govern, but this has fallen from a steady pre-pandemic figure of 30%. This is higher in primary schools. Those who care for or are related to a pupil are more likely to govern in the primary phase, to have governed for less time than others and more likely to be aged under 40. Half of respondents aged under 40 are related to or care for a pupil in the school in which they govern; yet these are the very volunteers who are likely to be short of time.

In 2022 parent governors were more likely to say that their role was unmanageable compared with other volunteers. Women were also more likely to find that their role is not manageable compared to men (23% compared to 17%), and we know at least twice as many women are elected as parent governors than men.

> "We really struggle to recruit anyone other than parents, who tend to turn over more quickly. As a small SAT much of the workload and responsibility falls on a small number of people"

Some boards have a number of foundation governors and trustees, and anecdotally we are often told that they are the hardest places to fill on boards.

> "Lack of foundation governors as it is so hard to recruit."

Promoting the positives

Despite the pressures explored in this report, the governance community generally remain an incredibly motivated and inspiring group who volunteer in order to drive positive change. From 2017 to 2021 we asked respondents what motivated them to become involved in school governance. There was a conclusive find – governors and trustees were motivated to govern to make a difference for children, followed by serving the community and then having an interest in education.

95% feel that their opinion is valued by their board when it is offered.

93% feel confident in their ability as a governor/trustee.

94% feel that they are invited to participate in board discussions equally to others.

While having children or grandchildren attending school is a big motivating force, so too is simply 'serving my community' and 'having an interest in education'. A further positive is the experience people tend to have being on the board, if you place workload to one side. In 2023, overall, those responsible for school and trust governance felt generally positive about their role and the part they have on their governing board.

Communications specialist, Anna Pedroza, writing in NGA's Governing Matters magazine in September 2022 made the point that the sector can help solve the recruitment challenges by thinking more like marketeers.

"The big brands, who spend millions on marketing, sell the 'sizzle' rather than the sausage. So, in governance, we need to talk more about the positive impact on pupils and staff (and the benefits to ourselves), and less about descriptions of board responsibilities."

Drawing attention to the positives about governing, in terms of opportunities and the experiences it creates as well as the difference it can make, will not reduce workload, but may attract some people who want to invest time, and that will then help alleviate workload from others.

Ask of the DfE

The public do not have much awareness of the opportunity to volunteer to govern schools and this makes the job of boards recruiting more difficult. The government needs to be more proactive in promoting this civic leadership opportunity. We have been trying to convince the DfE since the publication of our Increasing Participation report over two years ago to run a national marketing campaign for school governors and trustees. The DfE funding of the governor recruitment service, although welcome, has been diminishing and is a small number of placements compared with the need. This is too important an issue for the DfE to postpone action further.

NGA will be contributing through both the Everyone on Board campaign and our Visible Governance activities, but the need for a government push on recruitment has never been more pertinent than it is now.

Resignation

It is best practice to have a board with some long-standing members and others with less service, so that they bring a fresh eye to issues and the way things are done. Unlike many other sectors, the school sector does not have a compulsory end of service; NGA suggests it is good practice to leave a board after eight years, two terms of four years.

It is very welcome when volunteers move to a different board after a period, keeping experience in the sector and sharing knowledge. In 2018, about a third of Annual Governance Survey respondents had moved to another board, whereas NGA's 2022 survey data suggested this was more common now as the benefits become better known.

Therefore, it would not be unexpected to have one or to two members of the board leave each year. However, life changes often intervene, and the numbers don't always pan out evenly. For example, in the last 18 months, NGA has had five trustees resign, and only one because they came to the end of their total period of office (we do have fixed terms of office: now 8 years). The other four were primarily a combination of professional and family reasons. This reflects the reasons found by NCVO for giving up volunteering: where the top reason was due to having less time because of changing circumstances (eg home, work, study, moving away, health issues), followed by wanting time for other things and feeling that they had done their bit, before "it causes me too much stress".

This year, broadly in line with previous years, slightly over a quarter of school governors and trustees (26%) surveyed shared that they are considering resigning from their governance role, while the majority of respondents (62%) are not. The findings were similar across different structures with 25% of trustees (MATs and SATs), comparing with 27% of maintained governors and 26% local academy committee members. There was also very little difference between phase, although the figure was higher at 30% for those governing nurseries.

However, almost a third (31%) of chairs said that they were thinking about leaving their role, compared to less than a quarter (22%) of those who are not chairs.

> " It is cutting into my time with my family and making me irritable… I'm staying only because I'm looking for the best moment to resign honourably. I already have a high-stress job; I don't need another."

Discussion with those who have left school governance

We wanted to test whether factors relating to personal circumstances were the most common reasons for leaving a board. Eleven people who had recently resigned were interviewed in September 2023. The specific reasons for leaving governance varied, but the conversations all very much reflected the issues raised by the quantitative work about the pressures of governance.

Interviewees raised the following factors as reasons for leaving the board:

- the length of time spent on the board
- their age
- the role they had on the board
- expectations of the role
- the time required to carry out the role effectively
- relationships with their governing board
- the approaches taken by the headteacher/CEO

Interviewees talked about having been on the board for a long time, their age, role expectations and the time required, relationships with their governing board, and the approach of the headteacher/CEO as being the ultimate deciding factors. There were also two other factors that they felt were a considerable threat to retention: the amount of training and development, and the practical practice of governance, including the failure to stay strategic.

Expectations and responsibilities

The main reason for interviewees' leaving the board was the expectations and responsibilities of the role. This revolved around the time it took, but also the mental load it resulted in. While some felt that this pressure had evolved over time, others had struggled with this since their appointment to the post. Several interviewees felt they had nothing else to bring to the board. Those taking on the chairing role often had the greatest pressures, both in terms of time and stress.

> " It's probably too simple to say [leaving] is down to workload; there is a complexity around it. There has been so much change, the intensity, from my perception, of what a governor should do has continuously increased."

Time

The amount of time it takes to govern was the number one reason given by interviewees for leaving, extending to those who were retired. For some, the workload had increased over time. In some cases, workload increased due to context-specific demands, including more challenges faced in disadvantaged communities, sometimes to specific activities, for example, those converting to a MAT experienced an increased workload, and sometimes because of a rising number of complaints and exclusions. Different committee structures also led to a variation in the amount of time needed for meetings.

Incompatibility with other commitments

For others, the expectations of the role weren't wrong in themselves, but they were impractical due to an individual's circumstances. For those in employment, it was increasingly hard to manage governing board meeting expectations as well as the preparation surrounding them. One interviewee expressed that the time needed was similar to another full-time job. As a result, those who were retired were being called on to compensate for those in employment and felt equally strapped for time when trying to manage their personal commitments, including for some looking after grandchildren.

> " I can't keep taking time off."

> " Who do you want on the governing board? Because that's what needs to frame the role expectations."

Leadership of the board

Chairing took up a lot of time for interviewees. The difficulty increased when there were fewer other experienced members on the board. Not only did they have the workload as a chair, but they tended to have taken on more of the work of the board as a whole and had to mentor nearly the entire board, guiding them on how to govern.

> " [I] didn't want to be chair, and I know that a lot of people find themselves in that situation."

The time it takes to govern had increased for some due to the inefficiency of their school's or trust's governance practice. Preparing for meetings is even more difficult when papers prepared by leaders are dense and time consuming to work through.

> " Sometimes people will send [a lot] of paperwork and then will say 'well I told you'. But if it was buried in paperwork, you haven't conveyed yourself well at all."

The mental load

The pressure of the governing role is seldom talked about, but it is something that contributed to many interviewees leaving the role. This was especially true of chairs. They described the voluntary role as following them home, with a work-life balance difficult to achieve due to being leaned on constantly because of their experience and seniority. When contacted frequently at home, it also induced anxiety especially as the issues that warranted those calls were often serious.

> " Every time my phone rang, I got a feeling of dread... if they are calling me its serious and I'm the one who had to make the decisions."

For those not in the chairing role, the strain on mental wellbeing was still experienced, and supporting on panels added to this. Panels in practice place a heavier load on experienced governors and especially those who were retired as they would regularly get called to sit on them. Other governors found the reading and responsibilities in between meetings very stressful.

> " Governance isn't just meetings; it's what happens in between."

> " If [the problem] was just a matter of time then I would be okay, I've got plenty. But it's not."

Relationships

The way governors and trustees interact not only with each other but also with the headteacher/CEO was a direct influence on the longevity of many interviewees' times on their boards. An overwhelming conclusion from our interviews was the critical importance of the headteacher/CEO and chair relationship.

There are clear lines of responsibility for both parties, where the headteacher/CEO implements the strategic priorities of the governing board through their day-to-day management of the school/trust. Where these lines have blurred it causes disruption. For example, some headteachers/CEOs had dominated governing board meetings, not allowing room for challenge, and not providing information when asked. Some were described as 'stand-offish' or 'overpowering'. Other governors/trustees were witness to a leader and chair who remained united and unchallenged, demonstrating groupthink. The only solution for some of the interviewees was waiting for the resignation and appointment of a new headteacher/CEO and/or chair.

In contrast, those who had a good relationship with their headteacher/CEO found this to be very motivating. Unfortunately, the examples of dysfunctional relationships were more common amongst our interviewees and ultimately, these incidences demotivated governors and trustees in being able to perform their core functions. This led to feeling like they could not make the difference they had hoped to achieve when they joined the board.

Other interviewees were struck by the lack of motivation, dedication, and involvement of the rest of the board resulting in uneven workload and high volunteer turnover. For example, a governor compiled link visit reports that went unacknowledged and when examining if others had been doing their own, found this to not be the case. Again, this affected interviewees mood towards governing as their work in the role felt like a tick box and had little impact.

> " There was basically three of us pretty much carrying the whole governing board which I hear is a common thing."

A minority of interviewees reported relationships with staff members at their school as a problem. Staff members felt distrust and disconnection towards governors due to a legacy of disinvolvement with the governing board. When conducting link visits, for example, this meant spending more time at school to rebuild these relationships, sometimes with limited success. This was again demotivating to governors and left them feeling unable to make the positive change they hoped to bring in the role.

It should be noted that we were the first to hear about these problems. There had not been an annual conversation with the chair – or in the case of the chair with the headteacher/CEO – and in most cases exit interviews were not conducted meaning these problematic relationships were left unchanged.

Training and development

The need for training and development was mentioned by several interviewees as a contributing to the stress of carrying out their role. Although not the deciding factor in resignation, it was something that added to the view of the governance role as unmanageable. The activities specifically mentioned included mentoring, in-person training and e-learning. However, at the same time interviewees acknowledged the benefits of being mentored.

One element that negatively impacted interviewees was the feeling that training and development was pushed onto them and the need to complete it was overwhelming. This was felt to be especially frustrating when their professional background was in the related area. For example, one interviewee with an experienced HR background felt forced by the chair into completing the related online modules which they did not learn from. Others felt pressured into training despite it being optional.

> " If I was still a governor now, I would have needed to do a lot of reading and updating and training just to keep up and I think that's an issue."

> " I think simplified training is one thing that can support governors."

From a chair's perspective, despite the annual conversation with governors and trustees being considered as time consuming, NGA suggests this as good practice and was seen as a positive. To support the chair in carrying out these conversations, it can be delegated to the vice chair. This yearly check-in can include a discussion of the skills and direction of the governor/trustee as well as their views of the board and the way business is conducted. It seemed to prevent training expectations becoming 'overwhelming' by tailoring them to the individual's needs. Mentors were also found to be helpful to the interviewees.

Possible solutions

We asked interviewees for their suggestions for improvement. A number explicitly mentioned the need to improve efficiency. Given they could not pinpoint responsibilities which could be eradicated, this was seen as extremely important to ease the workload.

The issue of pay was raised by several interviewees both by making the role more accessible to a wider demographic of individuals and because the expenditure would be an incentive to deal with the workload problem. Suggestions included payment for panels and meeting attendance and increased general expenses. This was a controversial topic with others feeling that it detracted from the selfless core principle of governance as a volunteer role. We will explore this topic chapter 8.

A couple of interviewees looked to the future and suggested that a fully trust-based system might allow MAT trustees and local governors to divide their workload and create a manageable voluntary role. They suggested it might require more unity across the MAT sector with a more consistent approach to responsibilities, for example, with local governors being delegated the 4S's (safeguarding, SEND, standards and stakeholder engagement).

For almost all interviewees, despite bad experiences, it was clear that they cared about governance. Three interviewees were not leaving governance completely but remained as trustees of MATs which they found to be more manageable than governing at school level. Changing governing boards was suggested for others to move to a different setting that suits the volunteer's personal and professional commitments more; it could encourage boards who worked more effectively and potentially incentivise others to improve.

NGA commitments:

NGA will increase its promotion of annual conversations and exit interviews with volunteers, emphasising that vice chairs are able to carry these out. NGA will increase its messaging on moving to govern in different settings rather than leaving governance completely and urge the DfE to too.

Retention and development

NGA's report on increasing participation in 2021 considered how a volunteer once recruited is welcomed onto the board, embedded into the team, and has their voice listened to. That work concentrated on the experiences of newer and younger volunteers, whereas this work considers all volunteers and underlines that we are have a problem with losing many experienced volunteers, in part because they are taking on a disproportionate level of work and responsibility.

Our 2023 Annual Governance Survey results show that nearly all volunteers do feel involved in the work of the governing board:

- 94% feel that they are invited to participate in board discussions equally to others
- 95% feel that their opinion is valued by their board when it is offered

This is a credit to those who lead the boards.

Additionally, 93% reported that they feel confident in their ability as a governor/trustee; confidence increased with years of service, and chairs and vice chairs were more likely to say they were confident in their ability to govern than others.

However, both of the open responses to the question about pressure and the interviews with those who had resigned made it abundantly clear that there are many boards where work is not distributed evenly. While this is to some extent expected, if it is not tackled it can lead to unnecessary tensions and resignations.

> " Waiting for responses from board members to move forward. Continual absences from some board members with no apologies."

It is also clear from our sources, including previous academic literature, that there is often a small group of volunteers who are disproportionately shouldering the lion's share of the work. Sometimes it has been suggested this is about cronyism and power, but our work on this topic showed that the active governance community very much wants others on their board to get more involved. A decade ago, we often heard the phrases 'passengers' from board leaders and to a certain extent improvement in practice and development have reduced this phenomenon. However, it has been repeatedly raised in 2023 as a live issue which is putting pressure on the more available members of the board.

If we are to solve this workload problem and retain experienced volunteers, we need to find ways of ensuring work can be shared more evenly shared, while at the same time recognising the limits on different individuals because of their personal circumstances.

The challenge of developing governors and trustees

Both findings from exit interviews and survey data lead to the conclusions that while induction and training is a vital asset in providing board members with the knowledge to do their role, it also represents a significant point of tension in the workload debate. As a supplier of professional development, NGA is conflicted in this debate. Feedback tells us of the benefits of training and development, and that without it, the ability to undertake the role well can be affected and for some individuals their lack of confidence quickly leads to uncertainty on how to approach their duties.

Induction

For many years NGA actively lobbied for induction to be mandatory as it is for some other important voluntary roles. This position is hugely supported by the governance community. We stopped asking the question in our annual surveys in 2022 as, consistently, only three or four per cent of respondents disagreed.

While this might seem to conflict with the workload argument, NGA still maintains that induction is an imperative part of governing, and it could in the medium-term help reduce workload.

Given that the majority of individuals joining a board do not have awareness of what is expected of them, leaving individuals to figure out for themselves what the role is would be a dereliction of our duty to them. Induction should also increase the rate of which the new

member can really start to contribute to the role with the degree of confidence and knowledge needed. A positive start to an individual's governance role can in turn contribute to retaining them on the governing board.

An effective induction programme is essential to any organisation and can exemplify to people who are new to the board the practice, values and culture of the organisation itself. Induction in any governance role, regardless of sector, is considered a basic essential requirement:

> "A non-executive director should insist on a comprehensive, formal and tailored induction. An effective induction need not be restricted to the boardroom, so consideration should be given to visiting sites and meeting senior and middle management. Once in post, an effective non-executive director should seek continually to develop and refresh their knowledge and skills to ensure that their contribution to the board remains informed and relevant"
>
> **(2003: Higgs)**

> "Being new to the role I'm very unsure of what my role entails and would like direction and training so that I can do my best."

Induction aims to help an individual understand the purpose of their role and build an understanding of the organisation they are governing: knowing the school or trust is one the NGA's eight elements of effective governance. As well as providing an understanding of the business of education, induction should build a link with the organisation's people.

Induction packages can include:

- an introductory visit and meeting
- introducing other contacts
- providing essential information
- signposting induction training
- support for the first meeting
- developing skills and knowledge beyond induction

> "I am chair of Governors in a secondary academy that's part of a MAT. I have been surprised at the lack of availability from the MAT of what should be fairly standard (but important) resources, such as good quality induction basics (documents, training schedules and recruitment admin) for new governors."

While mentors were often mentioned as helpful, acting as a mentor also can add pressure on already-pressed experienced colleagues. In addition, when newer governors and trustees lacked the necessary knowledge, it was clear that is often falls upon the more experienced members to fill the gap.

Ongoing training and CPD commitment

> "Training was something I felt I had to do to keep up."

NGA's Annual Governance Survey 2023 found that of those that had engaged in training and development of some form over the last 12 months the most popular methods were:

- e-learning (76%)
- attending webinars (67%)
- collaborating with other governor and trustees (52%)

The popularity of these methods underscores the importance of flexibility, accessibility, and cost-effectiveness in school governance training and development.

Our findings point to the training expectations going beyond induction in some instances becoming overwhelming. Comments by interviewees suggest that this can be made worse by a lack of accessibility and the way the issues are approached by the chair or board. This should be weighed against the other findings pointing towards expectations of the role needing to be clear, confidence to fulfil the role and inefficiencies in practice: these can be provided by focused training.

The argument to maintain an emphasis on training despite the inevitable rise in initial workload it represents and the apparent annoyance it sometimes

leads to is a clear one. With education in England being consistently marked by ever-evolving policy development and regulations, the intricacies of governing responsibilities can shift quickly and in a highly reactive fashion. Training that is built on equipping volunteers with updated knowledge, contextualised within their setting requirements, help individuals navigate this complexity effectively.

There is clearly a need to think about how training and development should be framed and focused, defining what is seen as mandatory, what is seen as important, and what is seen as an optional supplement.

The practice of simply listing and instructing volunteers towards training without rationale was criticised during the exit interviews. Learning outcomes for any training and development should be clearly stated so that governors and trustees can quickly identify if this will develop them in their role and the time it will take. With the time pressures already discussed, keeping training and development timely, for example bitesize modules will also help with the overwhelming feelings mentioned by interviewees.

While recognising the importance of training, our findings suggest that governors and trustees don't necessarily always have smooth access to it. Even for volunteers that both understand the need for training and actively search for it, can sometimes encounter challenges being directed to appropriate training content. Delays in training availability, a lack of timely induction and insufficient support have all been shown to hinder the ability of volunteers to get up to speed with their roles.

The challenge of succession planning for board leaders

In 2022, over half (58%) of respondents are not considering taking on the role of chair in future. 42% of other respondents from ethnic minority backgrounds said they would consider taking the role of a chair in the future compared to 30% overall.

In 2020, NGA found that a lower number of women were considering taking on the role in future, and this was in part due to a lack of time, 36% compared with

We find it difficullt to attract a good chair and vice chair

| 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
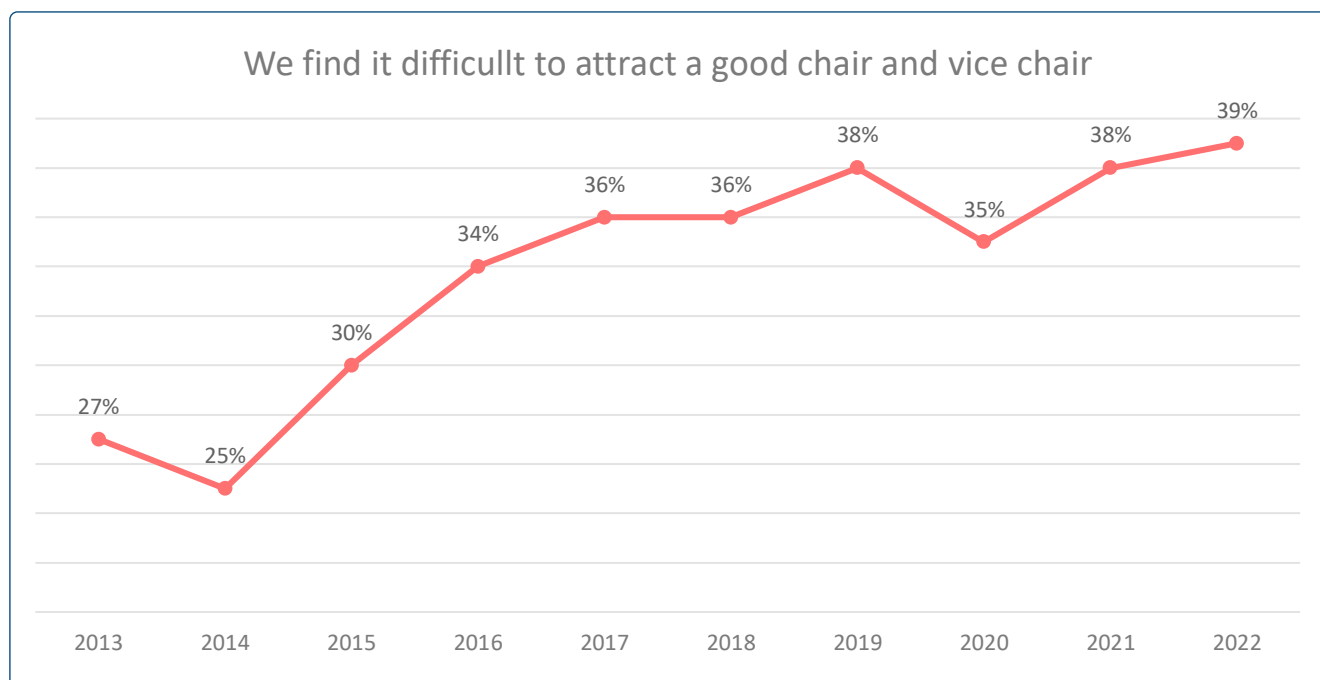27% | 25% | 30% | 34% | 36% | 36% | 38% | 35% | 38% | 39%

Figure 3: NGA annual survey respondents who found it difficult to attract a good chair and vice chair to the governing board from 2013 to 2022.

30% for men. Men responding were more likely to be retired than women (43% v 31%), which might have made it easier for them to find the time.

42% of chairs said in 2022 that they attained their role as a result of no one else wanting to take it on.

Our data indicates that the group governing in a volunteer capacity (disregarding headteachers and CEOs) most likely to be feeling pressure to no longer do the role, are the ones who are more assured in their capability for the role and contributing the most. This potentially indicates that some boards are at risk of losing key people at a time when governing boards are dealing with increasingly complex situations.

A National Foundation for Educational Research) NFER report highlights the value of succession planning to "ensure changes in leadership do not impede the governing body's effectiveness" and said that it "allows governing bodies to create a pipeline of future chairs and vice chairs, and, when linked with appropriate training, ensures those coming through have the right skills".

NGA has guidance on succession planning and making the chairing role more sustainable and we return to the issue of delegation across the board in chapter 7. However, the situation facing a substantial minority of chairs (31% considering resignation) indicates that this becomes more serious and requires more concerted attention.

The DfE should:

- Commission independent research on the training and development needs of volunteers, including chairs and vice chairs of boards.
- Fund a mentor scheme with paid mentors to support new governors.

The DfE's original National Leaders of Governance (NLG) programme began as a mentor scheme for chairs by more experienced chairs, but there were a number of problems with the scheme which were exacerbated when many NLGs began charging for services without any quality assurance. The scheme was then reformed to become a consultancy service carrying out primarily external reviews of governance and NGA won the contract to recruit, manage and quality assure the work of the NLGs from 2021-2023. However, the demise of the original programme left the system without any mentoring programme which would be valued by many. To avoid this adding to the workload problems, it would need to pay the mentors.

Complaints

Key issues and preliminary recommendations around complaints were identified through NGA's Annual Governance Survey including:

- **Workload and time constraints:** Many respondents mention the significant workload implications of dealing with complaints, such as staffing issues, recruitment and pay reviews. Some even note turning down paid work fulfil their governance role. Time constraints, including the need to attending panels during working hours.

- **Parental complaints:** Complaints from parents are a prevalent theme. These complaints can range from concerns about the headteacher, changes to the curriculum, and school policies to perceived injustices or misunderstandings. Respondents also mentioned the escalation of complaints through social media and external channels, which can create additional challenges.

- **Increased complaints post-pandemic:** Several respondents note an increase in complaints following the COVID-19 pandemic and often escalated rather than resolved at an early stage.

- **Supporting school leadership:** Respondents expressed concern about providing support to school leaders, especially during times of increased complaints, disciplinary issues, and external pressures like Ofsted inspections. These additional responsibilities impact governance volunteer's time and stress levels.

- **Isolation and lack of support:** Some respondents described feeling isolated when dealing with complex complaints or whistleblowing issues. They expressed concerns about the lack of personal support, including legal and HR support.

- **Unfounded or vexatious complaints:** Respondents mention dealing with complaints that are unfounded, unreasonable or vexatious, often from parents who escalate issues or refuse to accept findings.

Complaints – now and beyond

With thanks to Mark Blois, Partner, and Victoria Hatton, Senior Associate, Browne Jacobson LLP, for authoring this section of the report.

There is no doubt that there has been a significant rise in the number and complexity of complaints schools and trusts are receiving from parents since the COVID-19 pandemic.

Anecdotally, school leaders and governing boards are experiencing more complaints being escalated to the formal stage (typically, stage 2) and governing board complaints committee stage (typically, stage 3) of the school's complaints procedure. It is also clear that more parents are seeking to fast-track or escalate their complaints via external agencies such as local authorities, local MPs and Ofsted. Ofsted received 14,900 complaints about schools during the 2022/23 academic year, an increase of nearly 25% on the previous year. This concern was also raised by the Department for Education (DfE) in the Academies Regulatory and Commissioning Review.

The reasons underlying this increase are complex. A participant to NGA's Annual Governance Survey suggested that "at the heart of complaints in all cases is the parents' frustration with the systems they have had to navigate." Managing complaints has undoubtedly become a more substantial part of the day job for school leaders, and more governors are being called upon to investigate formal complaints or sit on complaints committee panels more regularly.

Parental voice and engagement is vitally important to ensure the effectiveness of education and many concerns or complaints are an opportunity for improvement and a valuable potential source of learning. This also means that how complaints are managed is also very important. Effective complaints handling – both by those complained about and by complainants – can provide a direct and positive

connection between those who provide education services and those who use those services. In this context concerns have been raised that the nature of complaints and the legal requirements for managing them may, conversely, be having a detrimental impact on the provision of efficient education. Without careful management, there is a real risk that the time and stress of managing complaints could exacerbate the staff recruitment and retention crisis, and fundamentally undermine the key relationship of trust between home and school that underpins successful education.

To this end, what changes could be made to redesign the schools and academies complaints process to make it both more effective and more manageable? This chapter considers a range of themes that are deserving of consideration with a view to making a contribution to ensuring that the management of complaints by schools and trusts can remain effective while becoming more proportionate in terms of the aggregated detrimental impact on the provision of education across the schools system.

The legal and regulatory framework

Schools and academies have legal duties regarding the management of complaints. Maintained schools are governed by the Education Act 2002 (Act) and must have regard to the DfE's 'Best practice guidance for school complaints procedures'. Academies are governed via their funding agreements by the Education (Independent School Standards) Regulations 2014 and must have regard to the Education and Skills Funding Agency's (ESFA) 'Best practice guidance for academies complaints procedures'.

The disparities between the legal frameworks for maintained schools and academies can be a potential cause for confusion. The governing board of a maintained school must establish procedures for dealing with all complaints relating to the school or to the provision of any community facilities or services that the school provides, for which there are no separate statutory procedures. This includes complaints from anyone, whether that be parents, former parents or members of the community. The Act is not prescriptive on what the complaints policy must contain. There is, however, a recommendation in the

best practice guidance that the policy has two stages: a formal stage and a second appeal stage heard by members of the governing board.

The legal requirement for academies is to have a complaints procedure which deals with the handling of complaints from the parents of pupils. The best practice guidance directs that, whilst there is no requirement for the policy to cover complaints from others (eg former parents), there is expectation that such complaints are handled respectfully and expediently. Conversely, the Regulations are very prescriptive on what an academy complaints procedure must contain, including a requirement that the complaints committee has at least one member who is independent of the management and running of the school.

The Review of the Education & Skills Funding Agency undertaken by Sir David Bell and published in January 2022 specifically recommended that the DfE considered bringing the complaints functions for maintained schools and academies together in a fully centralised complaints system within the DfE but almost two years later the current structural approach with responsibilities for school and academies complaints split between the DfE and the ESFA persists.

In the absence of any compelling reason for the different treatment of complaints in maintained schools and academies, it would be timely for the DfE to prioritise consideration of whether the statutory framework governing complaints should be streamlined and simplified.

Duplication in the system

A common source of frustration for school leaders is where parents submit complaints, sometimes sequentially and sometimes simultaneously to multiple agencies, such as local authorities, local MPs, Ofsted and the DfE or ESFA. As outlined in the Academies Regulatory and Commissioning Review, this "creates duplication in the system and leads to additional burdens for schools and dissatisfaction for parents and carers". The DfE has committed to taking steps to make the process clearer for parents and to clarify which organisations should be engaged on certain complaints and at which different stages.

Schools can also play their part in this, by clearly signposting parents to appropriate stages of the internal complaints process or to relevant third-party agencies. School leaders also need to be clear on the limit of their obligations to engage with third party agencies. For example, whilst a parent has the right to raise their complaint with their MP, it will often be legitimate to respond to any correspondence from the MP by simply signposting to the school's internal complaints procedure.

Schools should also be wary of duplication within their own schools and trusts. Some trusts have four or five internal stages of the complaints process, involving staff, principals, local governing boards and chairs, and the trust board or chair. Other schools will engage in multiple exchanges of correspondence at the informal stage (typically, stage 1), and may involve governors or senior trust leaders at this stage. Whilst resolution of the complaint should always be the aim of a complaint procedure, the resources required to take an increasing number of complaints through a complex or lengthy internal process is often likely to be disproportionate.

Complaints management is too often seen as the implementation of the school's internal complaints procedure. Whilst getting process right is important (and failure to do so, the principal cause of complaints to the DfE and/or ESFA being upheld), effective complaints management is an ongoing process starting on the shop floor. Generally, schools that experience fewer or less serious complaints:

- have an effective communication culture, internally and externally, which manages stakeholder expectations
- confident and knowledgeable staff with professional resilience and effective communication skills
- know their parents and the communities in which they operate and are receptive to feedback

A key element of this is greater recognition of the effectiveness of face-to-face meetings in diffusing situations which may otherwise lead to a complaint or its escalation. This may be particularly important for individuals who have difficulty expressing themselves effectively in writing. Very often, a parent simply wants to feel that their experience (or that of their child) has been heard, receive acknowledgement that their concerns have been taken seriously and to understand what steps will be taken going forwards. Face-to-face meetings, rather than the exchange of emails or written correspondence, are far more likely to reveal underlying causes of the parent's dissatisfaction and maintain the vital relationship between home and school.

A regular theme when receiving a complaint is the concern regarding parental conduct towards staff and/ or governors in pursuance of their complaint. The DfE best practice guidance makes it clear that the labels of vexatious, serial or persistent should be attached to the complaint and not to the complainant. In particular, it states that a school:

- should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with
- should not stop responding just because an individual is difficult to deal with or asks complex questions
- must act reasonably and consider any new complaint – anyone has the right to raise a new complaint at any time and failure to respond could result in a judgment that the school has failed to act reasonably

In practice, the distinction between a complainant's complaint and their behaviour in pursuance of that complaint is often blurred. Schools and trusts can help to delineate between the two by ensuring that their published complaints policy addresses repeated and vexatious complaints and complaints pursued in an otherwise unreasonable manner, whilst having a separate policy detailing the school or trust's expectations regarding parental conduct and steps which may be taken in the face of unreasonable conduct eg site bans or communication restrictions.

Clearer guidance from the DfE on the difference between vexatious complaints and unreasonable parent behaviour, and the DfE's expectations as regards appropriate handling of each of these, would be welcome. In particular, it is recommended that where complainants can be shown to be deliberately adopting a scatter-gun approach and a pursuing a strategy of prematurely involved external bodies in their complaint, schools should be able to consider classing this as the complainant pursuing a complaint in an 'unreasonable manner'.

In these cases, schools should be able to communicate with the complainant and the external bodies involved that they will halt all internal action related to the complaint until the external body decides who should proceed. This would ensure that two processes are not unnecessarily running in parallel with each other and would enable unreasonable complaints to be dealt with in a proportionate manner, avoiding extraneous costs and lessening the workload for schools.

Governing boards can play a vital systematic role in redesigning their school or trust's approach to complaints management.

Undertake a complaints audit

The NGA Annual Governance Survey revealed that student-on-student bullying, attendance, and teacher interactions are the top three most common complaints that schools and trusts are seeing. A significant number of schools and trusts also report receiving complaints around support for pupils with special educational needs and disabilities (SEND).

Whilst this is useful system-wide insight, governing boards also need to understand the current complaints landscape within their setting(s). For example, they should gather information on school concerns and complaints over the last one, three or five years, including what the subject matter of the complaint was and at what stage the complaint was resolved. Are there any common themes? In MATs, do certain schools have more complaints and if so, what may the reasons for this be?

In order for this review to be effective, accurate record keeping of concerns and complaints is important. Very often, informal concerns and how they have been handled by staff are not consistently documented. Good record keeping from the outset, including retaining emails and contemporaneous notes of telephone and face-to-face discussions, will be invaluable if a concern escalates into a complaint.

Take a fresh look at the school or trust complaints procedure

The DfE/ESFA will only consider a complaint about the handling of a complaint by a school or trust if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

It is imperative, therefore, that schools and trusts have a complaints policy which, as a minimum, meets the relevant statutory requirements (see above).

Using a template policy from a reputable source can be a useful starting point. However, as with any template, it is important to check that it accurately reflects the relevant setting and what actually happens on the ground. Many policies include useful additional documents to support parents to navigate the complaints process effectively, such as a template complaints form or a flow diagram clearly showing the stages of the internal complaints process and any relevant timescales.

Ensure effective complaints support for staff and governing boards

The workload burden and emotional impact on those involved in managing complaints should not be underestimated. As the governing board reflects on the school or trust's complaints management approach, it should therefore ask itself:

- Have staff received training on effective dispute resolution strategies and the importance of maintaining a professional approach?
- Do staff know whom to approach internally to discuss concerns and complaints they are dealing with, and feel confident to ask questions and check procedures, including whether there is any applicable legislation or statutory guidance that might apply to the circumstances?
- Do staff feel well-supported pastorally, so that they have an appropriate outlet for sharing their own personal concerns or views in a confidential manner?

The same is true for governors. If governors are going to get things right when they sit on complaints committees, then they need to clearly understand what is expected of them. For example, is the complaints committee hearing intended to be a rehearing of the complaint, or is it a review of whether the formal complaint was investigated properly and a reasonable conclusion reached?

Appoint a governance professional or complaints coordinator

Senior leaders and governors should be well supported by a well-trained governance professional who knows the complaints procedure inside out. Ideally, the governance professional should have access to template letters which are consistent with the complaints policy and compliant with the statutory and best practice requirements. The governance professional will have a key role at the complaints committee stage (typically, stage 3) in ensuring that good minutes of the proceedings are taken, including details of the attendance, the discussion, the decision and, importantly, stating clearly how the decision has been reached.

Larger trusts may also give thought to the appointment of a complaints coordinator. In the private sector, there are whole teams dedicated to complaints management and resolution. Adopting a similar approach and having a complaints coordinator within schools – who is trained in the complaints process and can act as a port of call for all staff and governing boards – could help to create a network of support and promote more consistent complaints management.

It is important that we not only reflect on what may be causing the recent rise in the volume and changing nature of complaints and practical considerations which may assist with this, but look at other avenues and recommendations to address the problem.

By way of summary, the recommendations in this chapter include:

- A unified procedure for complaints management for both academies and schools, to avoid unnecessary discrepancies and confusion.
- Improved regulatory co-ordination, such that multiple bodies are not working on the same complaints simultaneously.

- Clearly defined hierarchy of a responsibility matrix so all bodies involved know who should be dealing with complaints and at what level.
- Increased communication between the schools, academies, and external bodies when dealing with complaints.
- Staff and board training in effective complaints management skills, so that they are equipped with the tools to recognise and diffuse situations and resolve complaints earlier in the process.
- Increased willingness on the part of schools and trusts to acknowledge when mistakes are made and greater transparency with parents regarding this.
- Schools must be allowed to develop robust policies to deal with vexatious complaints in a proportionate manner.
- Greater discretion for schools to deal with unreasonable complaints and stop them at an earlier stage when it is clear the complaints have no merit.
- Unreasonable complaints should be re-defined to include those complaints which adopt a 'scatter-gun' approach and prematurely involve external authorities, to the detriment of efficient complaint management.
- Effective complaints management should always have, as its goal, the resolution of the complaint and the re-establishment of an effective working relationship between home and school in the best interests of the pupil.

It is clear that more can be done at a system level to improve the complaints management system so that it better serves the interests of all who interact with it. Individual schools and trusts can also look at opportunities to have a fresh and more productive approach to complaints, starting with a wholistic review of all aspects of complaints management within the relevant setting.

Governing efficiently

The governance role being universally manageable, in both school and trusts, is dependent on it remaining strategic and adhering to the eight elements of effective governance.

While efficiencies in board practice cannot form the entirety of the answer to alleviating the workload pressures of those who govern, this report has clearly shown there are still opportunities to implement better ways of working, at least for some school and trust boards.

Generally, we have seen board practice improve over the past decade, but not universally. There has been some confusion caused by the complexities of a mixed economy sector with different governance structures and a tendency to forget that the principles of good governance – ethical, effective and accountable – apply across different settings, even different sectors. The DfE has purposefully left the sector to document good practice, but that has meant some without a track record of governance practice have not always made the best choices. The introduction of non-statutory frameworks and codes, while often built on the well-meaning premise of improving governance, can sometimes be dense and daunting, and interpreted by some as mandatory.

Governance professionals

Sustainable good governance depends on good governance professionals. Their role is pivotal in ensuring the smooth operation of governing boards. Having someone knowledgeable and meticulous in preparing focused board meetings, advising on board business and undertaking key tasks between meetings make all the difference to those on the board, diminishing the asks of them.

This study underlines the need for governance professionals trained and operating at an expert professional level both in terms of the legal and regulatory framework and what is considered good practice, thus reducing superfluous discussions and needless activities. The governance professional expertise is paramount for new governors/trustees who may be unfamiliar with the intricacies of school and trust governance.

The data from this study confirms discussions with members that while governance professionals are a vital asset, not every board is fortunate to have the right level of expertise. The last-minute dissemination of documents was frequently mentioned as a pressure, severely hampering volunteers' ability to review and actively engage with the meeting topics.

> "[I was]receiving paperwork too close to a meeting to be able to prepare."

Another concern that emerged time and time again was the challenges encountered in identifying suitable candidates for some boards.

> "Good clerks are often hard to find."

Every MAT needs a lead governance professional, and as a MAT grows, their role will evolve. They are likely to end up leading a team and overseeing the work of multiple local committees as well as the trust board and facilitating communication between governance tiers. More detail is set out in the governance

professional career pathway. Yet discussions with members have brought to light even in some fairly well-established MATs, not every trust board currently has a proficient governance professional who understands how MATs work. Boards of trustees needs to insist on this being rectified.

Staying strategic

Any departure from strategic discussions places boards in a dangerous place, where they can lose sight of their role, and create an industry of unnecessary workload while also stepping on the toes of leaders and staff, straining relationships and causing confusion. The chair, supported by the vice chair, should cut off operational contributions swiftly with a reminder of the board's role. There may also need to be conversations outside of meetings and a review of governance.

> "Governors who think we need to be operational, causing a lot of stress with staff too."

While it is not necessarily common practice, we have been told about occasions where individual volunteers have appeared to actively seek more of a role than is required of them and sometimes are asked to do this by school leaders. While this will not solve the whole problem, it is clear that governance is more manageable – as well as successful – when it is kept within the confines of a strategic sphere.

> "It's maybe more frustrating than stressful but differentiating between governance and 'operational' issues."

What isn't strategic

- day to day management
- checking the single central record
- writing policies
- carrying out investigations regarding staffing/complaints etc.
- interviewing teachers and support staff
- carrying out health and safety audits
- discussion centred on board members' children

NGA's Being Strategic, in partnership with ASCL and NAHT, provides a simple framework that boards and leaders can use to develop, monitor and communicate a strategy within an annual cycle. While in another joint publication, 'What governing boards and school leaders should expect from each other', the line between governance and executive, and how each tier should work, understand and respect each-others respective roles, is explored.

Generative and creative strategic discussions are most likely to occur when a meeting has been called solely for the purpose of reviewing the vision and setting of strategic priorities. This should be part of that annal cycle and is increasingly common practice. Those agreed strategic priorities are then in turn useful for guiding board business and the executive leader's priorities, but this practice is not yet universal.

Training is likely to be needed for leaders as well as board members; there is not sufficient information about the development provided to leaders and future leaders on governing well.

> "We spend half the meeting sometimes talking about pedantics – what colour of the car park lines, spelling mistakes in policies, the CEO seems to think that is what we are there for – I signed up to talk about strategy and make a difference."

Meetings

Number and length

A commonly cited issue that stands out throughout this study are challenges around meeting frequency and duration. There was much criticism of the number of hours spent in meetings, especially when they ran late, and the demands placed on volunteers to attend excessively regular and/or lengthy meetings is a direct cause for some dedicated individuals to reconsider their governance commitments.

> "The number of meetings, especially those that go over 2 hours and which are often on an evening, so I am missing out on family time."

Meetings should usually be timetabled for two hours maximum. Changes which reduce the expectations of meeting time will also help school and trust staff

workload; leaders and staff members who are attending evenings meetings are also often already exhausted from a long day at work. Food should also be provided.

> " I have sent last minute apologies when I did not have the energy to endure another long meeting after work, when I have to get up early again the next day."

Board members get frustrated when meetings do not finish at the stated time, and where this happens frequently, it can lead to individuals reassessing if the role is for them. While some boards request questions in advance by email and consider this to be have the benefit of streamlining discussion, other boards do not use this practice as they want discussion to be more organic and less transactional.

> " Meetings starting at 7.30pm, chaired badly and me not getting home until sometimes just before 11pm. I can't do that anymore. I'm too tired."

It isn't just the number of meetings, sometimes it is the governance structure itself, especially where there is an unnecessary number of committees. This can lead to duplication or where committees are created either without a clear purpose or where a committee is reliant on one or two people with either an interest or particular area of expertise. For single schools, many operate effectively with only two committees, while some even operate successfully without any committees, and so boards should question if committees are needed and if they are contributing surplus workload requirements.

> " I'm good at attending meetings, but I'm in so many committees, I feel guilty I haven't had time to read everything. I sometimes feel like a fraud and so I don't know if I can continue."

Local governance in MATs as committees of the trust board is explored in Chapter 1.

Making meetings accessible

Different boards will want to have the meeting times which most suit the current members, but they need to be willing to adapt for new members and changes of circumstances. Otherwise this can be a barrier to recruitment and might inadvertently act against improving the diversity of the governing board. It could discourage individuals from underrepresented backgrounds from engaging in governance roles.

> " Trying to make the start time of the meetings and trainings. I work full-time, so sometimes it can be a rush."

Balancing the schedules of all participants can be complex, especially when it comes to accommodating working governors and trustees alongside those with family commitments. When attempting to cater to the needs of these professionals, there is a potential trade-off. Postponing meetings to align with their work hours is likely to lead to evening meetings, which is not as convenient for school and trust staff.

How meetings are held has a direct impact on the time volunteers are giving up, with NGA's previous research indicating the average commute for governors and trustees to meetings was 27 minutes. The absence of flexible meeting options, such as virtual attendance, can exacerbate these issues and can lead to frustration.

> " Too much paperwork to read when working full-time. Having to drive to in-person meetings at school which is an hour round trip. The other governors refuse to have online or hybrid meetings... It's a very old-fashioned approach and inflexible."

Virtual governance

Even before the pandemic, virtual means of accessing meetings were being cited as possible solutions to governance recruitment. Lloyds Banking Group's Standing Out Programme placed a focus on different types of governors in schools: Full Governors; Non-Executive Directors; and E-governors, the latter being a trial for some new governors to work remotely. In 2018, academics from Leeds Beckett University completed an evaluation of the programme, identifying the "the potential such a model of skilled governance has as a solution to governor recruitment shortages", but also concluded the lack of face-to-face contact and technology issues meant entirely remote volunteers could feel "like outsiders". The study also noted that schools generally preferred volunteers who could attend in person.

During the pandemic most boards adapted to the introduction of virtual governance quickly; however, the vast majority of governors and trustees missed visiting schools and many embraced the return of face-to-face meetings where the dynamics are undoubtedly different. However, it is common for boards to consider whether retaining some remote meetings or the facility for some

members to join online. The hybrid option can suit the recruitment of the school's alumni who may have moved away from the area, while retaining links and knowledge of the school. However, generally the option to meet virtually hasn't had the material impact on recruitment or workload one may have expected: in 2021, just 22% of NGA survey respondents said governing virtually made it easier to recruit to the board.

Over a third of full governing board meetings were reported as taking a hybrid approach in 2022. This has undoubtedly made it easier for some governors and trustees to join meetings but there is little if any evidence to show virtual governance has made governance more effective or reduced workload overall. Many respondents expressed the value that in-person governing board meetings have for board dynamics, working relationships and the connection with the community being served. Some have cited virtual governance leading to increased workloads through increased numbers of meetings, poor technology, or through not being able to participate fully and having to find alternative ways of contributing.

NGA recommends that boards do not rely solely upon virtual means to govern, rather discuss and reach a consensus on how to achieve the best solution. Some boards alternate between in-person and virtual meetings, and some have committee meetings virtual and full boards in person.

Agenda setting

Governance professionals should help equip boards with an agenda that focuses on the strategic priorities and is not overwhelmed by compliance activities. However, there were remarks about the tick box nature of some agendas and also the time spent going through policies line by line. This is unnecessary and a poor use of board time. Boards need to be assured that leaders have developed the full set of policies and have sought the right advice in doing so, but are not expected to have the expert knowledge to check it themselves: that is an executive task. Some boards still have a tendency to use 'any other business' to allow multiple different discussions to repeatedly add time to meetings.

> " I governed about ten years ago... when I volunteered for another local school last year because they were so desperate for governors, I found it's much more work than before. The biggest difference is our meeting agendas are full of policies to go through in detail which crowd out everything more important. I am thinking of resigning as I don't feel I add any value on policies and I don't have the time to spend not making a difference."

Information overload

The level of information presented varies significantly from board to board – some say they don't receive enough, others are inundated. This issue has been acknowledged in past studies, including the School Governance Study by the University of Bath, which emphasised the wealth of legal information that applies regardless of the school size and type.

> " The amount of information required to be read before meetings and the volume of information received. Some of which is difficult to understand."

The introduction of academy trusts, especially MATs with financial oversight of and strategic decision-making across multiple schools, has given even more possibility for a proliferation of information. Executives need to be skilled to produce reports that provide the right level of detail. Information can also increase in the face of issues impacting the sector: COVID19, industrial action, increases in both safeguarding issues and non-attendance of pupils are all recent examples that have significantly increased the number of items likely to be on a board agenda. Volunteers are tasked with ensuring that schools provide a safe and secure environment, and this has become a harder ask in recent times.

Adverse effects of information overload:

Communication - volume of paperwork leads to late dissemination impacting preparation

Time drain - reviewing and processing extensive amounts of information

Strategic drift - inundation of data leads to focus on minutiae, and loss of bigger picture

Burnout - information overload, when combined with time constraints, can lead to burnout

Questioning of role - overwhelmed individuals think about resignation as best option

Board culture and relationships

Governing board relations have proved to be a critical factor in the feedback gathered this year, particularly in terms of volunteers feeling frustrated with inefficiencies created and even their own workload increased as a result of dysfunctional board behaviour. Positive working relationships among governing board members facilitate collaborative decision-making and instil a genuine sense of collective team spirit that people like to be a part of, and this in turn is a motivator to stay on.

The culture in meetings

Two issues were repeatedly raised – first patterns of disengagement, including non attendance and/or those who attend meetings but remain silent requiring others to make up for the lack of input, and second, overly dominant characters who skew the discussion and can reduce the opportunity for meaningful, diverse debate. This behaviour can cause meetings to overrun or acts against good decision making in the time allocated.

All governors/trustees need to take collective responsibility for decisions, through healthy debate triggered by difference of opinion. Volunteers must not feel they are merely being entertained, there to tick a box, when the decision is not a foregone conclusion or sewn up in advance. Every individual needs to feel their contributions are welcomed.

> "A positive board dynamic is one of the most critical elements in achieving board effectiveness … Without a culture of respect and trust, boards cannot engage in constructive debate and instead devolve quickly into dysfunction… all board members should show evidence of their commitment to the board's mission, values and engagement model through active, informed and productive engagement."

When members trust each other's expertise and judgment, they can delegate responsibilities more effectively and streamline decision-making processes. This results in faster, more efficient governance.

Culture of decision making in MAT governance

Governance culture in MATs is not just about the work of the trust board, but also in how the board operates and values the respective roles of the members and the local tier. Communications with the other tiers within the governance structure underpin the board's ability to function strategically as one multi-school organisation. Trust members need to both be informed but know the limitations of their role. The local tier needs to be listened to in order enable the trustees to make key strategic decisions.

While the MAT structure can lead to more strategic governance, many MATs report significant time is needed to get governance right and running smoothly, often resulting in more meeting requirements and time spent getting to know both the central element of the organisation and individual schools.

Relationship with the executive leader

The chair and the executive leader

The relationship between chair and the trust or school leader is fundamental. Planning from the outset how routine engagement between the two will work (eg a monthly 'catch-up' meeting) helps to build realistic work levels for the chair but also the transparency behind that way of working will contribute to how efficiently the board is working as a collective.

The perception of the chair failing to hold the CEO accountable can impede strategic decision-making at board level, with suspicion and frustration creating a distraction and raising questions about boundaries.

> " The Chair is not acting as a critical friend and holding the head teacher to account. The Chair continues to be in post because there is no one else willing to take on the role, despite many members of the board having concerns."

We have carried out substantial research into the workload of the chair themselves between 2015 and 2019 which we summarised in NGA's 2020 report Chairing a Board. We have published tips on helping the make the chair's role manageable, which largely relate to delegation both to the senior leadership team and the rest of the board, in particular the vice chair.

Providing access to information

Obtaining critical information can sometimes be challenging for governors and trustees, and the refusal to supply it brings alongside a perception of being undervalued and ignored.

Another contributor to heightened workload is derived from the perceived or actual dismissal of governance from the CEO or head. Where the executive tier does not take governance as seriously as it deserves, there are reports of late papers, or even reports not manifesting at all. This then leads to either volunteers being forced to fit in late papers with little, if any, warning or meetings being inefficient and longer than they need to be as the right level of information is missing.

Contributions from all board members

NGA advocates the practice of chairs or vice chairs meeting annually with volunteers to discuss their individual contribution. These focused conversations, if done well, can contribute to greater board efficiency and overall workload reductions. An individual's contribution to the board can be discussed, including whether their skills and knowledge are being used well. This is also a good time for the chair to confidentially obtain an individual's views on board dynamics and effectiveness, which they wouldn't necessarily express in a board setting. Those who are perhaps not in a position to contribute meaningfully to the board can be gently encouraged to step down from the governance role.

Performance management of volunteers on the board in other sectors is becoming increasingly common but is, as yet, still underdeveloped for school governor/trustees, despite inclusion of the 'annual conversation' for feedback in the DfE Governance Handbook for several years. It is important that governing boards become more proactive in assessing and supporting individual governor/trustees' contributions.

Existing approaches to avoiding excessive contributions

School and trust board practice often linking certain individuals to specific areas, link governance as it is commonly referred to. This has often been done in line with key strategic priorities or just for the required areas (careers, safeguarding and SEND). While this approach can indeed help alleviate some pressure on boards as a whole, it may inadvertently shift the burden to other individuals. Unless carried out systematically and reported well, it can also lead to poor governance practice where key areas of concern or priority are being concentrated on by one person.

Governing is fundamentally a collective team effort, and the redistribution of tasks should be conducted thoughtfully to avoid overloading specific individuals while also ensuring that key responsibilities are adequately addressed.

Top tips for governing efficiently

1. Collectively discuss how excessive workload could be reduced – listen to the ideas of all board members and review approach to board reporting annually.

2. Governing boards should resist any attempt to reduce time and budgets for both their own development as individuals in the role and development as a team governing collectively.

3. Minimise the amount of time spent on the review and minutiae of school or trust policy development. Boards only need to have an approver role on policies that require board approval under statutory guidance. Executive leaders should avoid using governing board time to facilitate the comprehensive review or proofing/editing of policies.

4. Improve chair-executive relations through established clear expectations and develop structured approach to addressing conflicts between the chair and executive other board members are aware of and understand.

5. Ensure the value of governance is included in head and executive leadership CPD to limit room for any dismissal of governance role from leadership tier.

6. Develop and implement clear communication guidelines and timelines that outline how information is to be disseminated, and adhere to them consistently.

7. Encourage governors and trustees to keep meetings concise and focused on strategic topics. Set time limits may be helpful for boards because it will ensure efficiency and engagement during meetings. Additionally, encourage governors and trustees to arrive prepared, ensuring that discussions remain focused and that decisions are made efficiently.

8. Review meeting structures and processes to identify opportunities for streamlining discussions and decision-making. Consider employing techniques such as using time limits for agenda items and building time focused discussions agreed before the meeting.

9. Provide training on time management for governors and trustees. Equip them with skills to manage their time effectively, ensuring they can fulfill their governance duties without it significantly impinging on their personal and professional lives.

10. Where regulation, articles of association and/or governance documents allow, embrace technology to facilitate efficient meetings. Explore the use of digital tools for document sharing, online voting, and real-time note-taking, reducing the need for lengthy in-person meetings.

11. Ensure meeting schedules consider the diversity of governance participants. Avoid times that could exclude those with unique schedules or constraints. Encourage inclusivity, and actively engage individuals from underrepresented backgrounds in governance roles.

12. Board shouldn't just see external reviews of governance as an audit on their ability, but as an opportunity to minimise time-consuming administrative tasks. This can help volunteers balance their roles with personal and professional commitments.

Exclusion panels

Reviewing exclusions is a statutory duty for boards in that they are required to consider certain instances of suspension and exclusion, all instances of permanent exclusion, and decide whether the heads decision should be upheld or the pupil reinstated. In doing so, the role of the governing board panel is to establish the facts of the case and determine whether the headteacher's decision to suspend/exclude was lawful, reasonable, and procedurally fair.

"Our first exclusion in 8 years was followed by an IRP – the decision to uphold an exclusion was not taken lightly, and the challenge of the IRP was robust, but possibly asking too much of governance in terms of knowledge and intervention from the school on operational detail... It was deeply unpleasant and incredibly time consuming and upsetting for the family and the school."

Exclusion panels are one of very few areas where those governing are expected to read a vast amount regarding an individual pupil. Other areas such as admissions are not leading to similar reported levels of increased workload. Exclusions are also a very specialised area of education and panel. It is, however, striking that this is an exception to the rest of their role, where governors and trustees do not get involved with individual pupils, whereas here they are expected to read a vast amount regarding a pupil's behaviour record and other relevant information. It is also a very specialised area of education and panel members should be specifically trained, another call on governors/trustees' time.

The evidence gathered for this report has demonstrated clearly how exclusion panels are contributing significantly to individual governor and trustee workload, and increasingly so.

A snapshot of how exclusions equate to increased workload:

1. additional time required outside of normal meeting schedule, both to prepare and then to attend the panel

2. issues with recruitment and availability concentrating exclusions workload in the hands of a few confident and well trained board members

3. an increased number of exclusions which can be attributed to a lack of support for additional needs (SEND) and 'post-pandemic' factors

6. demands of significant training requirements

7. a lack of access to training for some, leading to indivuals taking it upon themselves to secure the knowledge needed

8. problematic behaviour policy (as the main point of reference for decision making) leading to increased board discussions

9. sheer volume of paperwork (linked to time required in advance) and the inconsistency in what is provided, including lots of superfluous information

10. significant demands and stress of chairing the panel

"Time management for exclusions on top of my job and children...it's feeling impossible."

Increased rates of suspension and exclusion

Exclusion panels have been on the increase. For example, in NGA's 2023 Annual Governance Survey, over half of MAT secondary respondents said there had been an increase in exclusions (56%) compared to 38% for maintained secondary respondents.

In fact, 68% of respondents overall reported that challenging behaviour has increased in the past 12 months, increasing to 84% among secondary schools. Over the last year thas has been many reports of rising levels of permanent exclusions, creating a very challenging time for pupils, parents, teachers and leaders. It also creates an additional workload for boards, which can be extremely challenging and carry large levels of preparation and paperwork, not to mention the need for ensuring a sufficient level of training and keeping abreast of the latest legislation and guidance provided by the DfE.

DfE exclusion statistics reveal that during the 2021/22 academic year there were 6,495 permanent exclusions, up from 3,928 in 2020/21 (however, this included a period in the spring term when schools were only open

to key worker and vulnerable children). These increases were seen across all school types. The most common reason recorded across all permanent exclusions was persistent disruptive behaviour – recorded against 47% of permanent exclusions. This can be linked to other areas of board discussions that have also increased, from safeguarding concerns, attendance and parental complaints. The responses to this year's Annual Governance Survey attribute the rising number of suspensions/exclusions to 'post-pandemic factors' and a general lack of support for unmet additional needs.

Any conversation about how to reduce the workload associated with exclusion panels should also consider whether the numbers can be reduced by tackling, where possible, the root cause of post pandemic factors that have created particular pressure points leading to a more exclusions and suspensions. The driving principle must of course be what is best for the pupils of any school.

> " I did five panels in four months, two on exclusions were both exhausting and I find they really impact me. I didn't want to govern to send children out of the school gates looking at the floor, but with their head up looking to a bright future."

It was clear from survey respondents that the additional stress and workload generated by exclusions was extenuated by having to contend with vague behaviour policies as the main point of reference for making decisions on reinstatement. Behaviour policies that instead clearly outline the approaches taken to improving behaviour before suspension/exclusion is considered, can aid the panel's decision-making as to whether the suspension/exclusion was fair, reasonable and proportionate in the circumstances.

Time pressures of a panel

Exclusion procedures require governing boards to consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days, thereby adding to competing responsibilities at relatively short notice. Put differently, exclusion panels can become burdensome because

they depart from the usual governing board meeting cycle, are extremely time sensitive and cannot be scheduled in advance. They also often draw from the same group of experienced people more likely to be able to make time during the day.

> " I received a pack that was almost 150 pages long, and I got this 3 days before the panel."

One solution could be to relax the statutory time frame within which panels must take place, improving the potential availability of panelists and allowing meetings to be scheduled accordingly. However, prolonging the time taken to consider reinstatement risks undermining the objective of minimising the disruption that suspension or permanent exclusion can cause to a pupil's education – an unwanted side effect given the context of time already lost during the pandemic. We are therefore not advocating that. Other more pragmatic solutions which are used include using a collaborative approach where some boards are able to utilise members of other boards to sit on panels.

Secondly, the complexity of often competing issues and the need to make the best decisions brings with it training needs that can be challenging in their own right. Although not a statutory requirement, it is strongly recommended that governors and trustees receive training on exclusion legislation and panel conduct as preparation for this undeniably daunting and specialist task. When we asked in 2019, a quarter of all those that sat on a governing board panel to review a permanent exclusion said that they did not receive any training in preparation.

Thirdly, there are the pressures of preparing for the panel. Written evidence and other information is typically circulated to panelists at least five school days in advance of the meeting, reflecting the volume of paperwork (evidence packs over one inch thick or in excess of 100 pages are not uncommon) and the time needed to carefully digest this. It is therefore unsurprising that governors and trustees have complained about the significant workload generated by preparing for exclusion panels.

Fourthly, they can also be emotionally exhausting due to the matters discussed and the depressing reality that exclusion has significant ramifications for a child's future prospects. Chairing the panel can be particularly challenging in this regard given the requirement to mediate between parties, intervening if required, and ensuring that the meeting is conducted in the correct procedural manner. Governors and trustees also feel that they are being pitted against their school leaders in cases where are they are minded to reinstate the pupil in question, creating long-term tensions that can be detrimental to good governance. The vast majority of those surveyed in 2019 who had served on an exclusions panel supported the headteacher's decision (94%).

> " Chairing the exclusion panel and its aftermath was the worst professional experience I have had; and I have been a primary headteacher myself for fifteen years. After much discussion and careful reflection, we did not agree with the principal's decision which amongst other things we felt was not in keeping with our school ethos. Our decision overnight destroyed our relationship with the principal and I received personal abuse from some staff members. We were trying to do the right thing for everyone, but I lost sleep over this for weeks."

It is against this backdrop that calls for significant change have emerged. Although ostensibly aimed at creating a fairer and more effective system, several of the recommendations to date resonate with issues raised in this chapter, offering potential solutions to the workload challenges associated with volunteer exclusion panels.

A proposal

In 2018-19, the human rights charity JUSTICE examined the current processes for challenging school exclusions in England. The subsequent report called for more robust systems and processes in schools prior to exclusion. This included mandatory training on the law; more consistent consideration of unmet needs, particularly special educational and health needs prior to permanent exclusion; and better communication between the school, the pupil and the parents/carers by meeting prior to exclusion and listening to the family's side. It

also concluded that the current system needs wholesale reform. One of its main criticisms was that governing board panels are ineffective and lack independence.

Amongst other innovations, the charity's final report recommended the introduction of a new suitably qualified and experienced independent reviewer. The reviewer's investigative report would carefully consider whether exclusion is the only way forward and offer recommendations to the headteacher regarding reinstatement, thereby replacing the reviewing function currently performed by governing board panels. This process would keep the best interests of pupils first and foremost.

While NGA very much welcomed and participated in the debate at the time, we didn't consult our members on JUSTICE's proposal. However, the situation has received such a pitch that we now intend to do this and also to press the DfE on the need for change. For the avoidance of doubt, we have not seen evidence that the volunteers who have given their time have been largely ineffective. We do however see their commitment, diligence and care which has kept the current system afloat, but this is not strictly organisational governance. They however add significant workload which could potentially be alleviated when so little else can be.

We did submit to the Timpson review of school exclusion in 2018 that the panel process should be considered, and although it was not covered, the minister did indicate to us that he would like to return to the topic; unfortunately, a ministerial reshuffle intervened. We had suggested that governors and trustees should be relieved of any duties on exclusions panels and replaced by an appeal stage entirely independent of the institution. However, the JUSTICE proposal achieves the same end in terms of volunteer workload, without having to establish an appeal tribunal structure.

The following year, the Centre for Social Justice was featured in NGA's Governing Matters magazine calling for changes, including the creation of a new

local authority-appointed independent advisor role to support governing boards in providing effective scrutiny of exclusion decisions. This proposal would lead to the advisor presenting a final written report to the governing board with a 'menu' of options, thus streamlining the governing board review process by conducting much of the legwork in advance of the panel meeting. However, we do not consider that this would go far enough.

Even with the JUSTICE reform, the governing board would still retain overall responsibility for the oversight of exclusions and behaviour, but in a similar way to safeguarding or attendance, in holding the executive leader to account. They would just not be involved in the adjudication of individual cases. This should include receiving reports on exclusions that have taken place between governing board meetings and looking at comparative data to see how their school's exclusion rates compare with those of other schools in the area. The governing board could conduct an annual audit of the use of fixed term exclusions. This should include looking at patterns of fixed-term exclusions within the school, the overall efficacy and whether they are being used as an opportunity for intervention, before a potential permanent exclusion is reached.

These proposals could potentially both strengthen the existing system but also address the workload generated by exclusion panels by taking this mostly operational task out of the governing board's hands.

Calling for action

NGA will be advocating for a change in the role of governing boards in exclusions: this is no longer sustainable and a new approach is needed. NGA will consult members on a new suitably qualified and experienced independent reviewer to replace volunteer panels.

Is there a case for remuneration?

A long-standing volunteer role

Schools as a public service that is so closely tied to a locality, have for a long time been governed by unpaid volunteers, often with close ties to the community. This sets schools apart from many other public services in England. When academy trusts came about as charities it made sense for them to continue in that voluntary tradition.

Volunteering is incredibly rewarding for many, and there is literature which documents the benefits of volunteering. NCVO's Time Well Spent report 2023 suggests that volunteer numbers generally across sectors are dropping.

Devoting time to volunteer as a school governor or charity trustee is mostly motivated by wanting to give something back.

NGA's long held view has been volunteers sitting on normally constituted governing boards should not be paid. The one exception being that members of Interim Executive Boards (IEBs) should be paid: as the name suggests, this is a different role, requiring significantly more time and involvement with management and operational elements.

Our view has always chimed with the majority view of our members who have been opposed to payment, but as the graph below shows, the appetite for governance being a paid role has grown over the last few years.

> " I feel that governance by volunteers is now a completely flawed concept when considering the time commitment and the accountability/depth of knowledge required. Why volunteer for something and then be persecuted by the LA/Ofsted if you get something wrong. MAT's are now much more controlling and should pay for professional governors."

Although amongst our volunteer community, we still have more 48% opposing payment (compared with 40% supporting it), they are more likely to be wedded to the principle of volunteering having chosen to do it themselves, and over half (56%) of those in chairing or vice chair positions held the view that there should be an option to pay all governors and trustees, compared to 40% of other governors and trustees. We can't just ignore these changing views.

The suggestion is often made to us by other professionals in the schools' sector and we were surprised by the number of times it was suggested as a solution during this project from volunteers themselves.

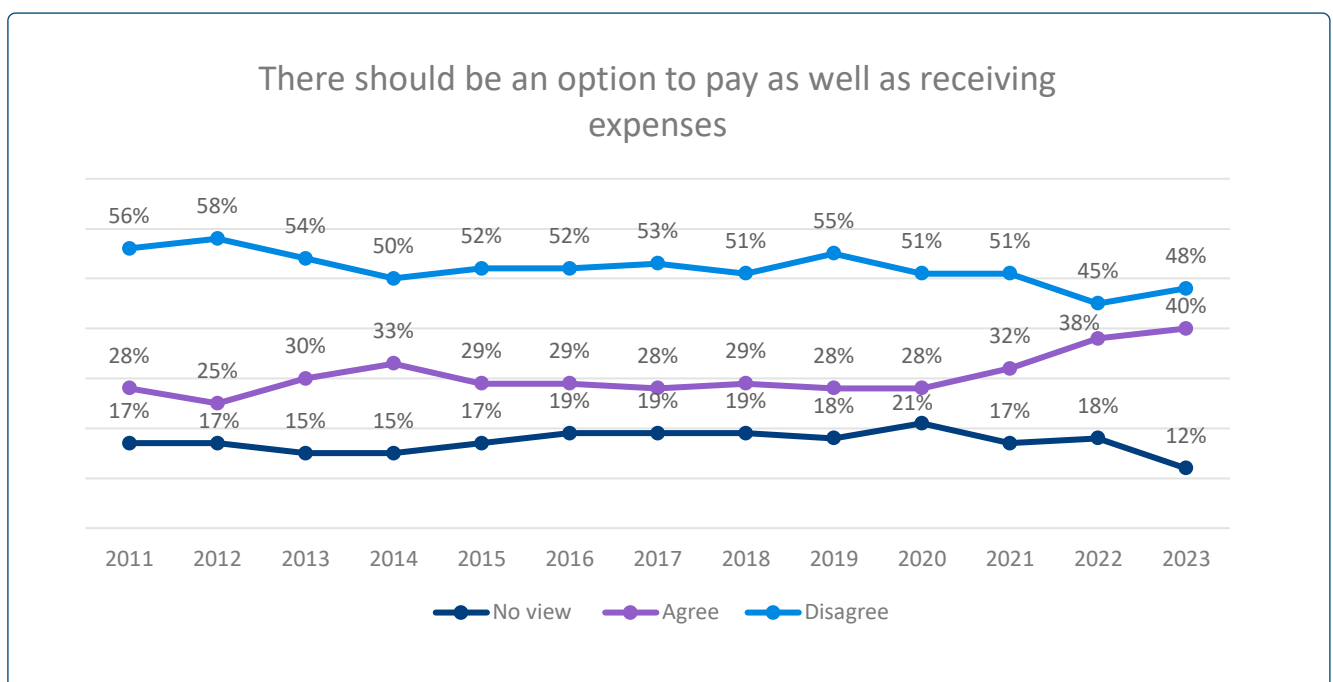There should be an option to pay as well as receiving expenses

Figure 4: NGA annual survey respondents' opinions on making the governance role paid 2023.

In the exit interviews conducted, the idea of payment was suggested as a potential solution, however, participants then backtracked on this thought due to their apprehension that it would attract people that would not govern for the right reasons.

Calls for payment are not new, and NGA has explored the idea that payment might encourage individuals to consider joining school governance on a number of occasions. With Ofsted's HMCI saying in 2015 that the time had come to discuss the idea of paying chairs and vice chairs: "in order to recruit the most able people to schools in the most difficult circumstances", we investigated the topic thoroughly including holding seven large focus groups.

NGA concluded then that there was no general appetite for payment, nor evidence that it would improve the effectiveness of governing boards. Given the opinions expressed in this current work, while at NGA we have not changed our formal position, we feel the time is right eight years on to have that discussion again and to hear what others think.

Expenses are not working

Governors and trustees have been able to claim expenses for many years and NGA recommends that volunteers claim reimbursement for their out-of-pocket expenses. In theory, it is one tool in making governance inclusive to all and potentially more accessible to those who cannot afford associated costs. However, expenses do not cover actual loss of earnings and so its use is limited as a vehicle for enabling greater participation while the process of claiming itself can be difficult.

" I haven't made a claim since January [9 months ago] because it's such a faff."

Paid allowances or expenses to cover costs incurred while carrying out their role won't necessarily just cover travel, and may in some circumstances be used more widely, for example, to compensate for childcare costs.

" I think if they said after every meeting you attend, after every link visit you attend you get £10. And just fill in one form, it would have made a difference. Not financially, but as a sign of recognition."

Despite reimbursement for expenses widely being on offer, take up is minimal, and our study showed that often the administration of the process is more of a burden that outweighs any incentive to claim.

The case for renumeration

Governance is an important role: NGA is the first to make that case. It has been argued simply that the responsibilities of the role warrant financial reward. Sadly, there are some in the education sector who will not respect a volunteer to the same extent as someone paid a professional wage: we quite often hear the phrase 'well-meaning amateur', a case of being damned with faint praise. More seriously a question raised from time to time is whether the sector can afford to be governed by those without educational expertise and experience.

Second, the greater pressures of the role which we have documented here coupled with the challenges of recruiting volunteers are leading more voices to suggest that payment is required in order to continue to attract sufficient people with the skills, experience and diversity of backgrounds. It is argued that remuneration creates a motive for more people to volunteer. There are fears that the pool of trustees and governors is being hindered by the competition from some other sectors offering financial incentives to non-executive roles, with apparently comparable workloads.

Third, making governing more visible and drawing more attention to this "hidden contribution" (Forrest et al., 2021) could make more people aware of the opportunity to govern.

" Governors with an unsympathetic employer who have to take unpaid leave from work to do governor duties should be paid."

Fostering diversity and inclusivity

One of the most convincing arguments for remuneration is that it has the potential to increase diversity and inclusivity which strengthens governance by enriching the decision-making process. NGA has documented the need to improve diversity on governing boards and its benefits. Although we have much representation from

women, there are other protected characteristics where there is under representation, but although we do not have quantitative data on this, there are also not as many volunteers governing from lower socioeconomic backgrounds.

It is possible that a financial incentive would reach a more diverse field of candidates. Serving as a governor or trustee may be an impractical commitment for those who need to work or lack substantial means. For some potential volunteers, governing is currently not an option as they simply can't afford to get time off or feel discouraged from joining a board because there are no relatable individuals on the board. It has long been debated whether the voluntary nature of school and trust governance leads to the "under-representation of women, ethnic minorities and disadvantaged classes" (Ranson., *et al*. 2005).

However, this argument rests on the assumption that lack of payment is currently the main obstacle, and there is no information of what level of payment would overcome this barrier.

Even if payment was introduced to create more diverse boards, is it realistic to assume that the payment on offer could compete with levels of pay of paid work?

Strengthening accountability and improving the quality of governance

A fourth potential benefit is that payment would professionalise the role more, creating more robust accountability and, in turn, leading to a higher level of quality in governance practice. Paid governance some argue would lead to better meeting attendance, time for training, and such things as performance reviews. Payment could be based on the diligent fulfilment of duties, prompting some of those governors and trustees who do not currently allocate sufficient time to take their roles more seriously.

We have no formal evidence to suggest that payment would contribute significantly to the effectiveness of governing boards. A 2017 paper from Colin Forest and Ron Hill concluded that remunerating college governors in Northern Ireland had improved the quality of governing in many colleges but, interestingly, not in every case (Forrest and Hill, 2017).

Might it be different for MATs?

The increasing complexities of the system is another cited factor for considering payment. For example, it is argued that the advent of academy trusts has increased the demand for confident and specifically skilled individuals who are willing to make the commitment, more akin to those who govern in the NHS, housing associations or even the corporate sector. However, our data shows that trustees are not in fact any harder to recruit than governors: and smaller numbers of MAT trustees are needed. Many trusts tell us they are still battling negative public perceptions on what MATs stand for, and paying decision makers could contribute to even more suspicion.

A very small number of MATs have quietly paid chairs, but to varying levels of success and we are aware of a couple of trusts that had operated a form of payment but have since rowed back. Another attempt to professionalise the governance approach in MATs has been to use members of the executive team to chair academy committees; this has had mixed results, and more fundamentally blurs the line between governance and the executive functions, and eliminates the independent challenge function. This is poor practice, which is not to be encouraged.

On the other hand, there could be an argument that very large MATs with enormous budgets and responsibility for educating tens of thousands of children could be given the option of asking to pay trustees in the same way exceptionally large charities can apply to the Charity Commission. However, if this was to be the case, it would make sense for those appointments to be carried out through the public appointments system used for other public boards.

Do we just pay chairs?

The contributions that chairs make is worthy of a separate debate. In NGA's 2016 study of the time it takes to chair a school's governing board, the median total time spent across the sample was 44 days a year or a little under one working day per week, and NGA's 2020 study on the time it takes to chair a MAT found that the average contribution was just under 50 days a year. In both cases there was large variation.

In our 2015 regional focus groups with NGA members, many members were strongly opposed to removing the principle of volunteering, and felt that payment of any form would change the motivation and the nature of the position. If only chairs were paid it could change their relationship with the other members of the governing board, possibly leading to other governors saying "you're being paid, so you do it". This could fundamentally undermine the collective nature of the governing board, leading to two tiers of accountability and possibly requiring responsibility beyond the traditional chairing role. There would also be a complication as to who would ensure the chair was performing well enough and truly earning that money.

Voluntary ethos

England has a proud tradition of volunteering; it formed the basis of David Cameron's idea of a Big Society before that faded away. It also has an extremely long tradition over centuries of trusteeship. NGA has long argued that 'volunteer' is not synonymous with 'amateur' in the sense of unskilled and inept; one can be professional without being paid. Most governors and trustees come from professional backgrounds, bringing a multitude of skills, knowledge and experience to the table.

The dictionary definition of a profession is "any type of work that needs special training or a particular skill, often one that is respected because it involves a high level of education". Governing fits that definition, although the commensurate respect is not always forthcoming. Regardless of the arguments for and against payment, NGA would urge the sector and society as a whole to give the governance role and those who do it the respect it is owed.

The voluntary ethos allows the role to be one based on values and mission, and there is a concern that the current motivation of giving back could be diluted if payments are applied as it is likely to lead to some individuals targeting 'governing careers' where the sole or major reason for governing is to earn a living. It is possible that the change in motivations to govern could impact decision making. It is sometimes suggested that the volunteer nature of the role is in keeping with a public service ethos. Concerns have commonly been raised regarding the potential dilution

of 'giving back' to the community service. Paid governance might not be perceived to provide the legitimacy that committed volunteer citizens do.

Drawbacks of paying board members

Forrest., *et al.* (2021) also suggests that payment could make the vacancy situations worse as it could result in some volunteers refusing payment and even opting to resign over the issue, as was the case for Northern Ireland colleges.

While the support for payment may be increasing, the act of compensating board members in a sector that already soaks up vast sums of public expenditure may be viewed as incompatible with the fundamental principles of school and trust governance. It would add the issue of self-interest into the mix, which risk creation of serious and problematic conflicts of interest if those governing begin to regard board membership primarily as a source of income, rather than a public duty to benefit children or to give something back to an institution or place they care about. Such a shift could compromise judgment on critical matters, such as executive pay and awarding contracts.

The pragmatic argument that was derived from NGA's work in 2015 still stands; that schools and trusts could not afford it, and after all, this is tax payers' money that we are spending. To advocate for and make such a change without conclusive, watertight evidence on which to base it could be seen as profligate. It would create another task for those with oversight of the school: the need for a contract of some sort and a process of performance management and holding to account.

Financial concerns for the sector in 2023 are at an incredibly high level, arguably higher than they were in 2015, with schools and trusts facing tighter and tighter budgets. Most would agree the schools sector needs the goodwill manifested as individuals giving their time to support their schools and trusts now more than ever before.

The counterarguments to payment are mounting up:
- payment may undermine the altruistic motivation of volunteers
- experienced governors may rather just resign rather than be paid

- recruitment focus may become about getting people for the money rather than their skills
- conflicts of interest increasing
- schools with fewer resources can't afford to run themselves let along offer payments, whereas schools and trusts in better financial standing may be able to afford it from their own funds, therefore perpetuating inequality within the system
- it would be exceptionally hard to row back on payment once implemented, if future government decided it wasn't working, leading to potential collapse of school and trust governance system

In the 2021 paper "The pressures for the remuneration of volunteer governors of UK educational institutions and the potential consequences" Forrest also raised practical and administrative complexities with payment (Forrest., *et al* 2021):

- who should be paid – all governors, just the chair, staff governors?
- the need to work out different contributions in the diverse contexts
- payment would lead to calls for performance management of governors/trustees
- how do you arrive at an appropriate level of payment? Costs could be very high

But what would it actually cost?

The answer to this question would of course entirely depend on the model chosen. For example, if you paid every governor and trustee a fairly conservative yet respectable £1000 for every year they governed, that would equate to approximately another £250 million that would need to be invested into the system annually.

Also bear in mind there is no evidence that this £250 million would achieve much – for many, compared to the work levels put in, a £1k annual payment would be seen as a token gesture – but would this costly gesture make enough of a difference to individuals? It is highly debatable. We do not know whether even modest payments to compensate for income loss due to work commitments would make this role more accessible to underrepresented groups.

It is sometimes argued that those in work should be entitled to payments for loss of earnings, as happens with jury service, but that system would entrench differences between volunteers and do nothing to help those without earned income to take up the role.

Even if you offered just chairs £1000, which really would be a token gesture, that would still be in excess of £20 million. These amounts are not based on anything more than a "what if", but as you can see, it would add significant financial pressure to a system that many already say is at financial breaking point.

Individuals volunteering to govern contribute a significant amount to society, the 2014 report The State of School Governing in England estimated this would translate to a financial contribution in excess of £1billion, and this wasn't using the level of remuneration non-executives receive on other boards.

One argument for payment is to put school governance on a similar footing to other public services such as NHS governance. But the amounts discussed above bear no resemblance at all to these other sectors who do currently pay individuals for governing roles. The NHS currently offers a uniform rate of £13k annually plus discretionary payments from trusts.

A tentative conclusion?

The transition therefore to paid governance duties in the schools sector still seems to lack sufficient justification and transparency, and would potentially cause other significant problems and bring with it many practical complexities to resolve. However, there are clear arguments on both sides of this issue. Many will immediately point out that paying for oversight of this vital public service would for one, be incredibly expensive, and secondly, would bring questions of motivation. However, others point to the increasing burden on volunteers and the recruitment difficulties.

Recommendation:

NGA will commit to facilitating a sector debate that harnesses the feedback from not just members, but the wider governance community, sector voices and partners, experience from other sectors, and the views of the government and its agencies.

Summary and concluding thoughts

1. **Increasing numbers of exclusions**
   Exclusion panels demand additional meeting time, huge amounts of preparation, specific training and often have a significant emotional impact and an impact on relationships with leaders.

2. **Increasing numbers and complexity of complaints** being escalated to the governing board complaints committee stage.

3. **The challenges of the wider system increase the challenges for governing boards, including:**
   - funding pressures
   - staff recruitment and wellbeing
   - Ofsted pressures
   - increasing safeguarding concerns
   - increasing SEND needs
   - maintenance of buildings

4. **The widening expectations on schools to support families apply to governing boards too, including:**
   - mental health challenges for pupils and families
   - poverty and cost of living increases
   - reduced public and third sector services for families

5. **Increasing board vacancies leads to pressures on others**
   - Despite boards getting smaller, vacancies are at an all-time high, and the sector is seriously struggling to recruit the 20,000 additional volunteers needed, a situation exacerbated by changes in society since the pandemic.
   - The expectations make it very difficult to recruit and retain those with many other commitments, in turn acting against some of the attempts to diversify boards, so that the workload burdens are shouldered by a reducing number of hard-pressed volunteers.
   - The work of recruiting and inducting new volunteers falls to the same group of experienced volunteers (with the support of their governance professional).

6. **The responsibility of chairs feels greater** as they take on additional work and look at ways of reducing pressures to retain others, in turn hindering succession planning.

7. **Inefficient board practice and dysfunctional dynamics** exasperates volunteers and makes poor use of their time; the issues reported included:
   - ineffective clerking and chairing
   - poor reporting and late reporting
   - lack of knowledge or respect for governance from school and trust leaders
   - lack of commitment from other members of the board
   - lack of understanding of the strategic nature of the role
   - a board culture where patterns of disengagement, non-attendance, or overly dominant individuals, are not addressed

8. **Training expectations that go beyond induction have become overwhelming** for some, with a lack of flexibility in training methods and access issues causing frustration.

9. **The sheer amount of time it takes to govern is difficult to reconcile with other commitments**
   - While for those in employment it is increasingly hard to manage board meeting expectations, including the preparation for them, this point of view also often extends to those who are retired.
   - It has proved difficult to pinpoint accurately a time commitment for the role: there are a number of estimates of the time it takes which vary widely. NGA commits to undertake a further piece of work in 2024 to quantify the range of time required depending on the role undertaken and the issues at the school/trust.

All of these pressures contribute to a mental load which is taking its toll on many committed volunteers. The governance community has spoken loudly and clearly: **there needs to be change**.

The way forward

The strategies used to deal with complaints that are escalated to governing boards must be reviewed at an organisational and national level.

This will require an increased willingness from leaders to acknowledge when mistakes are made earlier on in the complaints process.

The governance role being universally manageable is dependent on it remaining strategic and well defined, with a culture of trust, respect, collaboration and effective practice.

- Better board practice in itself cannot form the entirety of the answer in alleviating workload pressures, but there are opportunities to implement more efficient ways of working for some boards which are addressed in the full report.
- Governance professionals unquestionably have a crucial role in making this happen.
- Where board culture allows patterns of disengagement, non-attendance, or overly dominant individuals, this can have a multitude of negative repercussions on workload and commitment.
- The training expectation must be focused on both the board's and individual's knowledge gaps and not delivered in a one-size-fits-all manner.

There must be change in the role of governing boards in exclusions: this is no longer sustainable and a new approach is needed.

- Governance is a strategic role, and boards rarely should read lots of documentation on the details relating to individual pupils.
- Alternative proposals have been suggested, including the call from human rights charity, JUSTICE, in 2018 for the introduction of a new suitably qualified and experienced independent reviewer to replace volunteer panels.
- NGA will be advocating for this change with our members and the wider sector.

While not yet a majority view, there has been a notable shift in support for remuneration for the role among the governing community.

- Potential benefits of paying those who govern our schools and trusts include easier recruitment, greater board diversity, increased visibility, greater accountability and placing it on a more level footing with other sectors.
- Arguments against payment include an alteration of the nature of the governance role and motivations behind it, increasing conflicts of interest, a departure from the charity sector, and the cost to the public purse.
- There is little existing evidence as to whether the payment for governance duties would be transformative; this should be examined by a government funded research project looking at the business case.
- NGA commits to facilitating a debate in 2024, beginning with NGA members, and reporting to the wider sector.

In the meantime, we ask all parts of the school sector, but particularly the DfE, to appreciate:

1. The education system in England is built on the premise that a vast number of willing volunteers are able to give their time freely to fulfil the governance duties, both defined by statutory requirements and duties dictated by localised context. This is civic duty in action and needs to be celebrated and nurtured. Warm words are insufficient: deeds are required.

2. All government funding towards board development has been terminated for a number of years. The offer of an annual training allowance to each volunteer to spend on relevant, quality provision would underline a Department for Education (DfE) commitment to good governance.

3. The cost of losing, both experienced and new, valued board members is high and becoming higher, and may prove unsustainable unless action is taken to attract more volunteers. The positive experiences of governing, the joy and satisfaction of being part of a school or trust community, needs to be spread far and wide alongside the personal development opportunity and an honest description of the expectations. NGA will commit to play its part, working with partners, through both the Everyone on Board campaign and our Visible Governance activities, but the need for a significant government push on recruitment has never been more pertinent than it is now. Employers should also be involved to encourage and support their staff to govern.

4. In this project we asked ourselves what could be removed from the governance role, and our extensive work only revealed one duty. The work of finding an alternative to exclusion review panels staffed by volunteers needs to be embraced by the whole sector. The current system is not sustainable.

5. There is a need to be mindful, and become a champion, of reducing governance workload in order to both protect the wellbeing of those who govern and continue the sustainability of the volunteer role. This requires an increase of knowledge on the part of many senior leaders, which should be supported by DfE leadership training.

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