The National Governors’ Association\textsuperscript{1} exists to improve the well-being of children and young people by promoting high standards in all our schools, and improving the effectiveness of their governing bodies. The NGA is the only independent body representing school governors at national level across England. We support governing bodies in both local authority maintained schools and academies.

Summary:

- There are diverse models of governance operating in and across schools and flexibility on structures already exists;
- There needs to be an emphasis on spreading effective practice: we know what constitutes effective governance and we suggest the business of improving the practice of governance could usefully be the focus of this inquiry;
- NGA supports mandatory induction training for governors.

1. the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership

1.1 The primary purpose of governing bodies is to ensure the quality of education provision and to act as the accountable bodies for schools. There are other ways in which schools are, or should be, held to account – through inspection, publication of data, parental choice, and by stakeholders. These multiple methods of accountability, coupled with a board, are common place in the public sector, and not dissimilar to other sectors. Educational professionals tend to give highest priority to accountability through inspection and publication of data, but the latter is ‘after the event’ accountability. By the time test/examination results are published that cohort of young people has left the school – for better or worse – whereas a governing body, performing effectively, provides continuous accountability in order to ensure the highest possible outcomes for each cohort.

1.2 The governing body has responsibility\textsuperscript{2} for ensuring the good conduct and high standards of educational achievement in the school. In the case of a federation\textsuperscript{3}, the governing body is the accountable body for more than one school. When carrying out their responsibilities, governing bodies should act in the interests of the children and young people in the school and in the wider community. The role of the governing body has become more complicated with the advent of academies where the Board of Trustees is accountable.\textsuperscript{4}

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\textsuperscript{1} NGA is a charity (number 1070331) and a company (number 354029). Our income is primarily from membership fees followed by publication sales.

\textsuperscript{2} In the case of local authority maintained schools this is set out in statute: EA 2002 section 2.1

\textsuperscript{3} when we use the term federation, we mean what some term a ‘hard’ federation, soft federations have no legal status, and are just one of the many types of collaborative or partnership arrangement

\textsuperscript{4} Usually that accountable board delegates some of its responsibilities to another group – sometimes called a governing body, sometimes a governing council, or school committee. Although responsibilities should be laid out in terms of reference, it can be more difficult for people who serve on different – and sometimes multiple - layers of these structures to know exactly what has been delegated to them and therefore what their role is. There may be times in this evidence where we attribute a responsibility to a governing body which does not
1.3 The role of the governing body is to:
   - set the strategic direction, vision and ethos of the school;
   - monitor and challenge the progress of the school in achieving its priorities;
   - recruit and performance manage the headteacher⁵;
   - exercise employer responsibility⁶;
   - ensure the school(s) meet its statutory responsibilities
   - ensure financial probity;
   - ensure the premises are well managed; and
   - report to the school’s stakeholders.

1.4 Over the years governing bodies have been given a host of statutory responsibilities, many of which they can, and should, delegate to headteachers. However governing bodies are sometimes reluctant to do this. There are a few tasks which cannot be fully delegated, such as admissions operations – in NGA’s view, these remaining operational tasks should be removed from the governing body.

1.5 Together with ASCL and NAHT, we have recently updated our agreement on what school leaders and governing bodies can expect from each other (attachment 1).

2. the implications of recent policy developments for governing bodies and their roles

As mentioned above, the different legal structures of academy trusts have implications for governors, some of whom may also be Trustees, members and/or company directors.⁷

2.1 Changes in size and composition: The legislation regarding the composition of local authority maintained schools changed with effect from September 2012. NGA welcomed the increased flexibility in terms of the size and proportions of governing bodies, and the fact this is permissive legislation. The new regulations put more of an emphasis on recruiting volunteers with the skills to carry out the role, although neglected to do the same for foundation governors (who can constitute the majority on a governing body). If the size of the governing body is reduced and governors do not leave voluntarily, it is those with the longest service which retain the seats. This can be counterproductive if the aim of the legislation is to change the custom and practice of a governing body.

apply in a particular academy trust where they have not delegated that role from the board of trustees to the governing body. For example, the Board of Trustees might set the vision and ethos, or maintain some of the employer functions, for example we are aware of an academy trust which has not delegated the recruitment of the headteacher to the governing body.

⁵This is an operational function, but one which must remain with the governing body. Throughout this evidence we use the word head to include principals

⁶There can be a confusion regarding the level of employer responsibilities retained by local authorities for community schools and voluntary controlled schools

⁷Those roles have additional responsibilities (we do not have the space here to go into detail about different responsibilities of the different roles); whereas so called ‘governors’ on school level committees of a multi-academy trusts are likely to have fewer responsibilities than in a local authority maintained school.
2.2 Ofsted framework: The September 2012 framework gives a much greater emphasis to governance, one which was long overdue. We do not have the space to cover further, but this change is likely to have a greater impact on improving governance than perhaps any other measure any government has or could have taken.  

2.3 Access to external school improvement and other support services: In some areas, the reduction of local authority teams has led to a reduction of support for governing bodies, which has not been replaced by affordable, quality assured services. School-to-school support is not well developed in every part of England.

2.4 Funding: The current changes to school funding have significant implications for governors; fiscal responsibility would be simpler if schools were given three year indicative budgets in a timely fashion, with all schools operating on a financial year equivalent to the academic year.

3. Recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment

3.1 Recruiting governors: The difficulty in recruiting governors varies enormously from place to place, and even within a local area. It is often argued that expecting governors to act as company directors/charity trustees will put people off volunteering. It may put some people off, but will attract others. Our survey evidence showed in June 2011 almost 60% of respondents had difficulty finding skilled governors, whereas a year later this had fallen to just under 45%. More importantly we must not belittle the role in order to drag people in under false pretences. When recruiting governors, it is important to explain the nature of the role in full, and how much time they are agreeing to commit.

3.2 As well as having the skills, volunteers must have the time to commit to the school; we are aware of senior professionals who struggle to make the necessary time to govern and don’t have the time to chair a governing body. We are disappointed that despite the

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8 The questions for Ofsted inspectors to ask governors in the September 2012 framework are a good guide to the role of governing bodies. These questions are more likely to focus professional school leaders’ attention properly on governance than anything which has gone before. Any question correctly asked by an Ofsted inspector of a governor should have previously been asked of the head by the governing body.

9 In some places – usually those with less social capital and particularly in primary schools – it can be difficult to find parents willing and able to stand for election; whereas in other schools parent governors can be the driving force for school improvement due to their skills, their vested interest in the achievement of its pupils and their knowledge of current practice in the school.

10 In each of the last two years NGA has carried out two surveys of governors, one with the TES in June and one of our own members in Sept/October: in June 2011 there were over 900 respondent; in June 2012 over 1300 respondents and in October over 500 members responded.

11 The amount of time taken to govern well requires further work, and there is a considerable additional commitment required by those who volunteer to be chairs. Practice from the charitable sector shows that a Trustee needs to commit between the equivalent of ten days and twenty days a year, with chairs at the top end of the spectrum. Sometimes when governors are spending more time on school business that this, it may be that they are being involved in operational tasks which are not governance, or it may be that the school is in challenging circumstances or that there is a particular task which requires a significant time commitment (such
support for SGOSS and the emphasis on recruiting employees, neither the government nor employers’ representatives have been active in emphasising the gain from school governing\textsuperscript{12} nor reminded employers of the provision of time off for public duties.

3.3 Skills: An emphasis on the skills required for the role is important. However the phrase ‘business skills’ is not very helpful as it is not specific and can have the effect of undermining the focus on the strategic role governors have. For example, there has been a trend to recruit lawyers to governing bodies, but a number of lawyers have found that once on the governing body, they are not being asked to bring their analytical skills to governance, but are being asked to provide the school with ‘pro bono’ legal advice. Given the time which has to be taken to explain to both governing bodies and school leaders what is strategic and what is operational, it is not helpful to promote the misunderstanding that you are strengthening your business functions by bringing people with business skills onto the governing body; governing bodies need to ensure that the school staff are capable of undertaking their roles. NGA has a suggested skills audit for governing bodies (attached) from which you can see the key skills required include such things as influencing skills, negotiation and data analysis. Our recent surveys\textsuperscript{13} show that over 70% of governing bodies who responded do now carry out skills audits.

3.4 Developing governors: traditionally schools have not tended to invest enough time or cash in developing governors. Governors themselves often resist spending school budgets on their own development. NGA has for years encouraged schools to set aside a reasonable budget of governor training, but to little avail. This is an area which would benefit from a recommendation from the committee.

3.5 Training for governors: NGA supports mandatory induction training for governors\textsuperscript{14}, in the same way it is expected of other volunteers such as magistrates and Citizens Advice Bureaux volunteers. Suggesting it is possible to carry out the role well without any training undermines its importance and also underplays the difficulty of doing it well. Russell Hobby, General Secretary of NAHT, has said ‘give us the respect of challenging us’, and in that same spirit, we suggest being a school governor is a substantial enough position to warrant the required training. In the June 2011 survey, 78% said their local authority training was relevant and of high quality. Although we encourage governors who are not impressed by the training they have purchased from the local authority to seek alternatives, there are few affordable quality alternatives on offer.

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\textsuperscript{12} see for example \textit{Volunteering – The Business Case}, City of London Corporation, May 2010

\textsuperscript{13} In each of the last two years NGA has carried out two surveys, one with the TES in June of each year and one of our own members in Sept/October: in June 2011 there were over 900 respondents, in June 2012 over 1300 respondents and in October more than 500.

\textsuperscript{14} 90% of respondents to the June 2011 survey supported mandatory training for governors (repeating the result of 89% in the previous survey in 2009).
3.6 We have concerns that from next April with the further rounds of local authority cuts that some governor support services will be reduced further or stopped entirely. One chair of governors said to us ‘[This county] is a very lonely one to govern in.’ Given the education system is to move towards ‘self-improvement’, this is not yet the case generally for governance. About half the LA areas in the country have local associations of governors, relying on volunteer time; some flourish more than others and they do not currently provide a sustainable framework to take over governor support.

3.7 The Government – through the National College – has invested in a chairs’ development programme which NGA lobbied for, was pleased to help develop and now in partnership with the Eastern Leadership Centre is one of the twelve licensees delivering the programme.\(^{15}\) Again we lobbied for National Leaders of Governance; however it is a small scheme to-date, albeit growing, and will not be able to provide all the support required by struggling schools.

4. the structure and membership of governing bodies, including the balance between representation and skills

4.1 With the exception of those with a majority of foundation governors, there is enough flexibility to ensure the governing body can recruit the skilled people it requires. Headteachers are governors at their own schools unless they decide to relinquish that role,\(^{16}\) which very few do, and NGA suggests heads should not be a member of the governing body as this creates an inherent conflict of interest by being a member of the body which holds you to account.

4.2 We do not believe that that skills and representation are mutually exclusive. In terms of its legitimacy it is important that key stakeholders are represented on the governing body, but such representation need not be at the expense of skills. On the other hand it should not be used as an alternative to seeking the views of stakeholders: school leaders and governing bodies need to have such information to inform school self-evaluation.

4.3 Size: Discussion about size is largely based on anecdote; we have heard presentations from school leaders explaining how they have a ‘small’ governing body when in fact it is 12 or 14 people, a common size.\(^{17}\) It is important to note that there is no evidence to show that

\(^{15}\) Apart from a limited number of bursaries for small schools and half price places for Ofsted Grade 3 schools, schools do have to find the budget for this; and therefore there has been some doubt as to the take-up. However our initial work does indicate significant interest from chairs and aspiring chairs.

\(^{16}\) This is at odds with the third sector where the majority of chief executives do not sit on the Board as it is considered a conflict of interest to be a member of the board which is holding one to account.

\(^{17}\) Even before the new flexibilities were introduced, our June 2012 survey found over half of governing bodies had 12-16 members, with 24% having fewer than 12 and 24% more than 16. A few years ago 13 was reported to be the average number for primary schools and academies, with LA maintained secondary schools bigger (an average of 18 members). The average for academies may be slightly higher now as many outstanding and good secondary schools converted without substantial changes to their governing bodies, but also some sponsored academies have larger governing bodies due to accommodating sponsors as well as other stakeholders.
any size of governing body is necessarily better than another (we attach an article on this issue). The range and combined skills of the people are more important that the number of individuals.18

4.4 Diversity: it is critical to good governance to have a diverse group of people bringing different skills, knowledge and experience to the discussions; ‘group think’ can be damaging.

4.5 Removal of elected governors: There is no route to remove elected governors; and when there are disputes between governors, it can divert the governing body from its business. An elected governor who fails to understand the role but had a particular agenda of his/her own can cause disproportionate harm.

4.6 Appointing chairs: Chairs are currently elected from within the governing body. This should remain the main route as knowing the school is an important element of being a good chair, but consideration could be given to allowing chairs to be appointed from outside the governing body in situations where it is impossible to elect a skilled chair from amongst the serving governors.

5. the effectiveness and accountability of governing bodies

5.1 Effectiveness: Governance was reported by Ofsted for 2010/11 to be slightly weaker than the rest of school leadership. We attach two charts (appendix 4) which show an analysis of scores given by Ofsted in 2009/10; at this point individual scores were given for governance. Since then, we suggest that governance may be improving as governance has been given more prominence in a number of ways, but it is impossible to be categorical about the extent. For example the use of data by governing bodies is improving: this is an issue on which NGA has done considerable work over the past eighteen months, but do not have room here to do into detail, except to comment that we have been trying to ensure a good summary of RAISEonline is provided to all governors, and we have found the DfE to be slow to make this happen, despite mentioning this issue in the 2010 White Paper.19

5.2 We know what constitutes effective governance: there are eight required elements:

1. The right people round the table;

18 We suggest the size of the board should usually bear some relationship to the size and complexity of the organisation being governed; and therefore we would expect small schools generally to be at the smaller end of this scale. Experience does show that more than a particular size can be too large for focused strategic discussion. Although there is no research evidence from which is draw, a commonly quoted figure is 18 above which discussions can become unmanageable, and there are some who have experienced governing on a reduced governing body (for example 10 to 14 people) who vouch for discussions having become more focused as a result of the change. On the other hand, federations sometimes have larger governing bodies due to needing representation from each school/academy and some sponsored academies have larger governing bodies due to accommodating sponsors as well as other stakeholders.

19 The school data dashboard currently being designed by Ofsted, while welcome, should not be marketed as aimed at governors as it is not sophisticated enough for governors. If there are still governors who are not aware of the proposed level of information, it is highly likely that they are not governing effectively, and we would not want them or other governors to think this was level of interrogation of data was sufficient.
2. Understanding role & responsibilities;
3. Good chairing;
4. Professional clerking;
5. Good relationships based on trust, particularly with the headteacher;
6. Knowing the school – the data, the staff, the parents, the children, the community;
7. Committed to asking challenging questions; and
8. Confidence to have courageous conversations in the interests of the children and young people.

5.3 We asked governors in surveys about the main barrier to their functioning more effectively at a strategic level, and the most common answer was the amount of time taken by examining and agreeing policies. However there is also a substantial minority of governing bodies who believe the barrier is the level and quality of information provided by headteachers. Many school leaders have not had a good enough understanding of governance; we have been working with the National College and are pleased there is more emphasis on governance in the new version of NPQH. We also encourage middle leaders to volunteer as governors in other schools, but sometimes senior leaders do not support this.

5.4 All the evidence – both academic and from Ofsted – shows governing bodies are not generally good enough at challenging their school leaders; as this is at the heart of good governance, more attention should be paid to developing this. We are currently drafting a piece of guidance with partners on developing lines of questioning.

5.5 Code of practice: we recommend that all governing bodies adopt a code of practice, and our surveys tell us 80% of respondents have done so. We attach our model code (6).

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20 In order to understand their roles and responsibilities, it is important that both governors and particularly clerks have resources which clearly and succinctly lay out the legal responsibilities; we are concerned that the proposed demise of the Governors’ Guide to the Law is a backward move and this document needs to be updated as a Clerk’s Guide to the Law.

21 We do not have space to consider in any detail the important role of the Chair and the skills required: we refer the committee to the Chair’s Handbook and to the joint publication produced with the National College. We also attach an article (5) written by Emma Knights, Chief Executive, and Clare Collins, former Chair of NGA about the important relationship between the chair and the head. We would also commend NGA’s suggestion that it is good practice for a chair to serve no longer than six years at the same school; after that time a good chair could volunteer at another school in more challenging circumstances, helping spread effective practice.

22 We are disappointed that the government, having recognised the importance of clerking in the White Paper in November 2010, has not taken any steps to support the further professionalisation of clerking, and by removing the Governors’ Guide to the Law may be making their role harder.

23 We have been in discussion with the DfE over this for the last couple of years, and as a result the latest list of required school policies issued by the DfE in October 2012 specified which of these can be delegated; this is welcome, but it will take some time to change custom and practice within governing bodies. There is a strong feeling with governing bodies that with these compliance issues the buck stops with us and therefore we have to assure ourselves that the policies are watertight; there is also commonplace confusion of policies and procedures.

24 This is an issue also recognised by Ofsted where inspectors are asking how governors know the information they are being given by school leaders is correct. Before the September 2012 framework rightly raised the bar, the majority of governing bodies were not getting the relevant information on staff performance, quality of teaching or possibly even current progress of all year groups.
5.6 **Self-review:** Governing bodies should be evaluating their own performance and there are a number of frameworks for doing this, including Target Tracker’s GSET, GovernorMark and the ‘Twenty questions’ (appendix 7) published by the All-party group on education governance and leadership. Performance review for individual governors is uncommon, while becoming more usual for trustees and other board members.

5.7 **Accountability of governing bodies:** Governing bodies are held to account by local authorities or the Trust and the Secretary of State. They can be removed and replaced by an IEB. In some places this has not happened as swiftly as it should have. Where a governing body has presided over a failing school, they can consider resignation.

5.8 Given local authorities retain responsibility for all children within their area, there is an argument that they should hold all governing bodies to account for the outcomes of children. It has been suggested that this could be exercised through the scrutiny process. This would have the added benefit of strengthening the role of democratic accountability within the system of school accountability.

6. **whether new arrangements are required for the remuneration of governors**

6.1 There is no evidence to suggest that paying governors would improve governance. All surveys\(^\text{25}\) show a significant majority of existing governors do not support remuneration; and question the motivation of those who would only govern for payment. This same issue is being debated in the third sector. NGA is of the view that one can perform a role professionally and in a business-like fashion without being paid. Governors are a significant part of the ‘Big Society’.

6.2 **Interim Executive Boards (IEBs)** – members of IEBs can be paid, and in some cases are paid either directly for the days they serve on an IEB or indirectly as they are employed in the education business, and their salary is paid for the hours spent on IEB business. IEBs – as their name indicates - perform a function over and above that of governance.

7. **the relationships between governing bodies and other partners, including local authorities, Academy sponsors and trusts, school leaders, and unions**

7.1 Getting these relationships right are key to good governance; however they differ enormously from school to school, and area to area, and in the space available we cannot make an expanded argument. Although there is little that central government can do to ensure these local relationships are strong and effective, it needs to be careful not to cause damage by action taken or messages given at national level.

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\(^{25}\) In 2011 just under 28% respondents to our June survey supported remuneration for governors and in 2012 this had fallen further to 25%. However we recognise that there is more support amongst serving governors for payment for chairs (given the additional time commitment of chairs).
8. whether changes should be made to current models of governance.

8.1 There is now great flexibility in the models of governance, and we have multiple models of governance, including IEBs. There is absolutely no need to add to the variety. Furthermore constant reference to models of governance – rather than effective practice – is a distraction from the business of improving practice.

8.2 We would like to see more emphasis being given by the government to federated structures of governance, especially for small schools. Consideration needs to be given as to whether it is an effective model for every small school to have its own governing body. The move to academies has brought this into sharp relief; some schools are simply too small\(^{26}\) to carry out cost-efficiently the operational functions required of an academy structure. However the principle of what constitutes an effective 'unit' to lead or to govern also applies to LA maintained schools and needs proper consideration by the government.

Emma Knights
Chief Executive
National Governors’ Association
December 2012

Postal address: NGA, Ground Floor, 36 Great Charles Street, Birmingham B3 3JY

Attachments:
1. NAHT/ASCL/NGA statement of what we expect from each other
2. Article from Governing Matters on Skills audit for governing bodies (Sept 2011)
3. Article on size by Professor Chris James (March 2011)
4. Ofsted scores for governance
5. Article from Governing Matters on the relationship between chair and head (July 2012)
6. Code of Practice for Governing Bodies (we have a slightly modified one for academies)
7. Twenty questions for governing bodies to ask themselves

And a copy of Welcome to Governance and Chair’s Handbook is being sent in the post.

\(^{26}\) We suggest too small for conversion is where the school does not have at least a share of a school business manager. The National College defines for other purposes a small school as 100 pupils, and at a recent Chatham House seminar it was suggested that under 250 pupils might be too small to survive as a stand-alone institution in a future self-improving school system.