

SHARED STRATEGIC LEADERSHIP

**Report of the School Governance Working Group appointed by the Liberal
Democrat Education Association**

June 2011

Foreword by the Chair, Andrew Bridgwater

Since the LDEA set up this Working Group before the General Election last year much has changed, particularly with the passing into law of the Academies Act and many other new initiatives. But what remains the same is the pivotal role that school governing bodies play in the life of our children and young people within their communities, a role that continues to grow in importance. We should remember that school governors continue to form the single largest volunteer workforce in England.

We are very pleased to acknowledge the valuable evidence we have received from external bodies, including the National Governors' Association (NGA), National Co-ordinators of Governor Services (NCOGS), Modern Governor E-Learning, the Campaign for State Education (CASE), the National Union of Teachers (NUT) and the Association of School & College Leaders (ASCL). We have also received helpful input from Liberal Democrat party members. In addition we are indebted to Baroness Joan Walmsley for hosting our formal consultation session at the Liberal Democrat Autumn Conference in 2010.

Our conclusions fall into two main categories: minimum standards for governance and democratic accountability.

First, we wish to ensure that governing bodies are committed to minimum standards of governance with a consistent focus on raising standards within their schools. To this end we are making proposals for mandatory training for all governors and clerks. This initiative will make a substantial contribution to the objective of raising standards of governance by ensuring that all governors acquire skills for their crucially important role.

Secondly, we have deliberated extensively over the proposal that governing bodies at all schools, including academies, should be democratically accountable within their local area. We have concluded that the current 'stakeholder' model of governing bodies in maintained schools fulfils this criterion. In addition, we bring forward proposals to ensure that no stakeholder group has a majority of membership on a governing body. Further, we propose that all governance requirements are removed from the Funding Agreements of academies and 'free schools' and, in addition, we propose that their charitable trust status should be reformed or removed, if necessary, to ensure their full local democratic accountability.

Finally, we propose to tighten local authority scrutiny to ensure that all publicly funded schools are accountable to the local authority covering the area in which they are based.

To conclude, there must be meaningful public accountability for all schools spending publicly raised money. We are confident that the vast majority of school governors will be supportive of this principle.

Principles

We believe that the key role of the governing bodies of state-funded schools is to create and oversee a strategy that will deliver and develop educational opportunities for the school's students or pupils both now and in the future. This will involve working with partners as necessary in order to achieve those objectives.

We believe that excellent governance is achieved through strategic leadership shared between the governing body and the headteacher together with the senior leadership team of a school. The governors should provide **support with challenge** to the headteacher and the leadership team. Governors should draw on their collective experience and expertise to advise and guide the school leaders.

The governing body has an essential function as a scrutiny body. In addition, governing bodies have varying executive responsibilities regarding property, finance, human resources and exclusions.

We strongly re-affirm our support for the stakeholder model of school governance – in other words, that governors should between them reflect the interests of all those who have a stake in the future of the school: the local community (businesses, residents, community groups), parents, students, the local authority, all staff employed at the school, and any foundations or trusts involved with the school.

Liberal Democrats have confidence in the wisdom and local knowledge of school governing bodies to take decisions on their own behalf. We assert the principle of local democratic accountability in developing governance for all publicly funded schools.

Recommendations

- **The core duty of any governing body is the strategic leadership of the school shared with the headteacher and the senior leadership team, and to act as a scrutiny body. There are operational elements of the day-to-day running of the school (such as property, finance, human resources and exclusions) in which the governing body should be actively involved. In addition governors must acquaint themselves with operational matters to inform their vision for strategic development.**
- **Governing bodies should ensure the election of, or appoint, governors representing 'stakeholders' (ie parents, staff, pupils or students, the community, the local authority, foundations or trusts), but no such stakeholder group should constitute a majority of the governing body, not counting community governors.**
- **Publicly funded schools should place information about their operations in the public domain. At a minimum, each governing body should publish the names of the headteacher, chair of governors, and all governors so that they may be contacted through the clerk to the governors by phone and by email.**
- **While we accept that foundations and academy trusts have a legitimate interest in certain schools, we do not accept that they should have sole or majority responsibility for**

appointing governors. All publicly funded schools, including academies and ‘free schools’ should follow the ‘stakeholder’ model of school governance.

- Governing bodies should be encouraged to continue to co-opt governors for specific periods or purposes as associate governors.
- Groups of schools in a particular area can form federations, sometimes involving the pooling of administrative work. Normally each school should retain its own governing body with arrangements to form a coordinating committee. In these circumstances there may be value in one clerk serving all the governing bodies within the federation.
- We assert our strong support for mandatory training for school governors. Appropriate training should be undertaken by all governors in their first year of office, and specific training should be arranged for chairs of governing bodies, vice-chairs and chairs of committees.
- The post of clerk to the governors is a crucial one and accredited professional training should be mandatory for new post-holders within a year of their first appointment as a condition of their employment. The clerk should be appointed directly by the governing body and s/he should report to the chair of governors--not to the headteacher.
- We believe that wherever possible, employees should be able to take an active role in the strategic development of their enterprise. Accordingly, we believe that all school staff should be represented on its governing body. We propose to remove the distinction between teaching and non-teaching staff governors.
- We are content that the current arrangement under which headteachers may choose to serve or not to serve on their school’s governing body should continue.
- Governing bodies should seek to involve pupils or students in the strategic development of the schools they attend. Student governors in Year 11 or above should be democratically elected by the pupil/student body. For younger pupils, governing bodies must enable young pupils to become ‘associate governors’ from Year 9 and above.
- Where schools are failing, it is for the relevant local authority to scrutinise the governance and leadership of such schools, rather than for the Department for Education or the Secretary of State to intervene. The governing body of every publicly funded school, including academies and ‘free schools’, should be under a legal duty to cooperate fully with any scrutiny undertaken by their local authority.
- Local authorities must regain the power to appoint up to two additional governors and in extreme cases to propose the appointment of an interim executive board to the Secretary of State

The Report

The political context

Our report on school governance seeks to address the current situation where: some schools remain under the umbrella of their local authorities; others have become academies; and a few others are scheduled to open up as 'free schools'. But at present academy and 'free school' governance is demonstrably not locally democratically accountable.

In this situation, the Working Group believes that all publicly funded schools should have a similar model of governance. The governing body should be appointed or elected according to the 'stakeholder' model so that all those with a legitimate interest in the school (for example, parents, staff, the pupils or students, the community, the local authority, foundations and trusts) have their interests reflected in that body's composition.

We accept Ofsted's assessment that most governing bodies are working sensibly in making decisions within their local context. Therefore the Working Group is content for existing governing bodies and local authorities to appoint new members in a way that will fulfil the need to reflect the interests of all stakeholders involved with the school.

Clearly there is value in identifying for appointment as governors persons who can bring particular skills, experience or expertise to the governing body. In making new appointments governors and local authorities should certainly have such opportunities in their sights. However, if a school is to be positively involved with its community and responsive to that community and its needs, governors also need in some sense to represent that community.

There can be misunderstanding about what 'representing' the community, or parents, or staff means for school governance. We believe strongly that once stakeholder governors take office they are there to use their own judgement for the benefit of the school and its future, and in no way to be delegates.

The role of the local authority

As Liberal Democrats, committed to the principle of local democracy, we believe that local authorities should have the legal right to scrutinise any or all of the publicly funded schools in their area, where elected councillors believe there is a need for an investigation. **We therefore propose that it should be a legal duty for all publicly funded schools to co-operate fully with such scrutiny and make available all information necessary for such work, subject to proper arrangements to preserve confidentiality (where appropriate) being in place.**

The role of the local authority should be to have an overview of all the schools within their area. Schools do not and cannot exist in isolation. Even the independent schools sector, where schools are all theoretically commercial rivals, nevertheless has a complex web of partnerships, committees and co-operative ventures that enable them to learn from each other and share good practice. The new academies are already finding that setting up their own clusters and federations helps them benefit from each other and perhaps improves their purchasing power as a group rather than as individual schools. In short, if there is no local authority, you need to invent something very similar.

However, **local authorities should appoint at least one governor, the number subject to the agreement of governing bodies, who can maintain and sustain a working relationship between the governing body and their relevant local authority.** Exchange of information about developing policies, whether of the council or of the school, can be hugely helpful to both sides and in our view should be good practice for academies as well as for maintained schools.

We believe that local authorities could have a useful role in finding and developing potential governors to appoint as local authority governors, perhaps setting up a pool of persons trained and approved for such a role. Governing bodies should discuss with their local authority where they have skills gaps.

The appointment or election of governors

We do not believe that a school's governing body can function successfully with fewer than nine governors and that above 24 a body would become unwieldy. A sufficient number of governors is needed for their work to be divided among specialist sub-committees, and since most governors are already busy people, allowances must be made for occasional absences.

Where appropriate, some governors can be democratically elected. The body of parents with pupils or students currently on the roll of the school forms a readily identifiable constituency for which elections can be organised. The same is true of an election for a governor to represent the interests of all the staff employed at the school, and for student governors.

The representation of 'the community' is, however, more problematic. In most situations it is difficult, if not impossible, to identify a constituency that could validly elect a 'community' governor. A small village might elect a governor to its primary school's governing body. However, in a built-up urban area, schools compete across a wide area with interlocking and overlapping communities. Special schools, in particular, can draw pupils from across a very wide area.

The teacher unions, NUT and ASCL, both made the point in evidence that typically the problem is to find 'credible' persons willing to serve as community governors, rather than for the position to be hotly contested by several contenders. We therefore propose the abolition of the current restriction on councillors only serving as local authority governors instead being able to be considered for election or appointment to fill any stakeholder position on a governing body for which they are otherwise eligible.

We believe it is good practice for governing bodies to arrange presentations about the role of governors at occasions when the school is open to the public or at appropriate community meetings. Some enterprise and ingenuity needs to be exercised to interest suitable people in becoming governors. Local authorities themselves might develop a panel of potential governors from whom schools could draw community governors. Generally it should be the work of a governing body to seek out promising candidates, engage with them and sound out their suitability.

While avoiding 'political correctness', we believe governing bodies should be alert in making their appointments to maintain or develop a balance in gender, age, social class, ethnic background and other factors including disability and sexual orientation. Governing bodies work best and are most useful to their schools when they genuinely reflect the diversity of their communities.

Majorities on governing bodies

We propose that no group within a governing body composed on the 'stakeholder' model should be allowed to form a majority. The interests of all those involved with the school should be balanced, and decisions made accordingly. The calculation should not count community governors, who otherwise could form an informal majority with another stakeholder group

Attention should also be paid especially to the danger of allowing parents of current pupils or students to form a majority at governors' meetings. Community, foundation/trust, and even staff governors can sometimes also have sons or daughters at the school and thus a majority can develop. Such groups may not always have the long-term interests necessary for the good of the school after their own children have left and may have difficulty in taking an objective view of the school.

We do not approve of governors who represent religions, foundations or trusts being allowed to form majorities on governing bodies.

Mandatory training for governors and clerks to governing bodies

The Working Group proposes that training for governors and for salaried clerks to governing bodies should be made mandatory and that local authorities should ensure that such training is made conveniently available to governors.

Our evidence sessions made it abundantly clear that teacher unions, the NGA and other bodies all supported the introduction of mandatory training for governors and for those who are appointed as clerks to support the work of governing bodies.

Mandatory training does pose a challenge, since those who take on the role of governor do so voluntarily and many are busy people with little time to spare. Moreover it is not currently easy to find people to agree to become governors. It can be argued that onerous training, which might involve considerable travelling, may well discourage potential governors.

We rejected these arguments after taking evidence and after considerable deliberation. We feel that part of the hesitancy some feel about agreeing to become governors is caused by their not being clear about what the role involves. The availability of high quality training is in fact likely to give potential governors more confidence that they will be able to do a good and worthwhile job. The inconvenience of having to travel to training, especially in rural areas, can be mitigated by distance learning programmes and mentoring by fellow governors, which, in any circumstances, should be encouraged.

Training programmes involving governors from several schools offer the attraction of being able to meet governors from similar schools and share good practice.

We believe that there is a need to raise both the profile and the standing of school governors. Widespread awareness in the teaching profession and among parents and community leaders that governors have all been trained to a professional standard will help considerably in fostering respect for the work of governing bodies. Moreover, in a new climate where publicly funded schools are more 'independent' and can no longer rely on the past level of support of local government officers, it becomes even more important that their governors can bring a new level of professionalism to their work.

We have actively considered whether training for governors should be accredited by UK universities or the Quality Assurance Agency (QAA), so that the training leads to an actual qualification. For the time being, we recommend that the government should give some thought to how this might be managed rather than making it a process insisted on as a matter of Liberal Democrat party policy.

We propose that all governors, during the first year in which they are appointed or elected, should undergo a mandatory and nationally agreed introductory training programme, enabling them to

understand all the duties of a school governor, the legal and financial framework within which a school is governed, and those areas of school life in which governors should not normally interfere.

For governors of some years' standing who have not undergone such training, we recommend that they be strongly encouraged, but not compelled, to join such training programmes.

We recommend that chairs of governing bodies, vice-chairs and chairs of committees should undergo mandatory training designed for that particular function and devised in collaboration with bodies representing school leaders. In this regard we would support the National College for School Leadership (NCSL) becoming further involved in leadership training of key governor positions. Where a change of chair is already being planned in an individual school, there would certainly be merit in enabling the person designated as future potential chair to undergo the training before they took office. Succession planning is important, and each governing body needs to give active thought as to how it best prepares for the future.

All the evidence we received made it clear that salaried clerks to governing bodies are key to their efficient and professional working. Clerks with professional training can advise governors on legal, financial and ethical issues, and provide guidance to chairs on how business is appropriately conducted. It is therefore of paramount importance that clerks are trained to a high standard.

Accordingly, we propose that all clerks should receive appropriate training during the first year after their first appointment. Indeed, undergoing such training should be a condition of appointment for clerks. There is generally a need to raise the status of clerks to the governors and professional training for all clerks, preferably accredited by a qualifications agency, will contribute powerfully to this.

We are strongly opposed to clerks being employed as members of the school staff and reporting to the headteacher. We believe it is important that the clerk is specifically employed by the governing body and reports to the chair of governors. It is essential in our view to keep these two elements separate, though clerks will be paid from the school budget.

In addition to nationally designed training courses, we strongly support as good practice mentoring and 'buddying' of newly appointed governors by colleagues who have already had years of experience. Where possible, this should be extended to those who have expressed an interest in becoming governors.

There is clearly an issue about who should provide training for governors and clerks, and who should pay for it. We do not wish to be too prescriptive about this. While we see the benefit of training being approved, and possibly designed, at national level, we favour it being provided by local authorities and paid for out of school budgets. Profit-making private training agencies will also continue to seek the business, and as long as their standards are monitored, that should not present a difficulty. However, we believe that in the spirit of local democracy, for local authorities to provide training for school governors offers a useful opportunity to build constructive relationships between the local authority and schools within its area.

Academies and 'free schools'

The Working Group discussed with those bodies giving evidence what the impact of a growing number of schools with academy or 'free school' status is likely to be. There is a danger of fragmentation, and of competition replacing co-operation among schools that serve overlapping

areas. We are critical of the governance arrangements devised for academies thus far, which would seem to heighten such dangers rather than mitigate them.

In particular we are critical of the practice of academy trusts being established which then appoint in an entirely arbitrary way the 'governing body' of an academy. Such trusts can, for example, do away with some stakeholder governors, and reduce parent governors to two. This may result in a governing body that is no more than a compliant 'rubber stamp' for the policies of an unaccountable sponsor.

We further believe that there is no basis for such academy trusts to have governance requirements determined by their Funding Agreements and that charitable status in law should, if necessary, be reformed or removed.

We oppose the practice of some academy sponsors, whether companies or individuals, in building small 'empires' of federated schools. It is important to resist a situation where an academy sponsor effectively dictates the governance of several schools without a balanced input of views from the stakeholders involved with each of those schools.

There is no good reason for academies or 'free schools' to have a different model of governance from maintained schools. All the stakeholders involved in the life of the school are the same, and the academy school is paid for out of our taxes. **Accordingly, we believe that the governance of academies should be on the same basis of the 'stakeholder' model as with maintained schools.**

Headteacher governors

The Working Group heard evidence that it was these days not unusual for headteachers in the state sector to be formally governors of their school. There are, however, headteachers who judge that such a role is inappropriate and personally unwelcome. Indeed, in independent schools it is generally the view that the headteacher is 'Chief Executive' and therefore accountable to the 'Board of Directors' and should not become a director him/herself.

The Working Group is content to maintain the current position where headteachers of publicly funded schools have the option of becoming governors, but can decline such a function if that is their wish.

Staff governors

The issue of whether every governing body should have at least one member of the school staff elected as a governor, divided those who gave evidence to us. The NGA was somewhat critical of staff governors, telling us that it was not uncommon for staff governors to be poor attenders, and to be unwilling to speak out against the line taken by their headteacher. ASCL and NUT, on the other

hand, insisted that the staff governors made a very necessary and important contribution to school governance, informed by the day-to-day reality of working in the school.

Liberal Democrats have, for very many years, supported the concept of 'co-ownership' and worker participation in the management of enterprises. **The Working Group, after considerable deliberation, supports the idea of 'self-development' for schools, and therefore believes that the appointment of staff governors, elected by their colleagues, should make an important contribution to developing the strategic direction of the 'enterprise' that is a school.**

We do not, however, think it necessary to distinguish between teaching staff and other staff in the matter of electing school governors. The decision to elect staff governor(s) should be in the hands of all those employed at the school.

Student governors

We believe strongly that the pupils and students at each school should have the opportunity to learn about school governance at first hand and to be involved in the self-development of the school. We salute the work of elected school councils that flourish in many schools and colleges. There are opportunities here for teaching the reality of elected representative government and developing skills in reporting back to electors.

Accordingly, we recommend that students in Year 11 and above should be available for election as student governors in a stakeholder group of their own. Where pupils are in Years 9 and 10, we would encourage as good practice the election of pupils as associate governors.

Governors can take into account the views of pupils below the age of 14 by informing themselves of the discussions held in elected school councils.

Federations

The Working Group is aware that a small but increasing number of schools are choosing to form themselves into local federations or more informal clusters. There can be many benefits from such arrangements, not least the sharing of good practice and the elimination of unnecessary conflicts between schools. Banding together to gain economies of scale and to secure enhanced purchasing power may also be a seriously beneficial practice.

The Working Group believes that normally it is desirable for each school to have its own dedicated governing body, which can focus on the self-development of that particular institution. In addition, it is clearly desirable for governors from each school in a federation to form coordination committees in order to make mutually beneficial decisions. We are generally not in favour of schools being governed 'at a distance'.

There may, however, be considerable value, depending on local geography and the disposition of school communities, in a federation of schools employing a single, highly trained professional clerk who would act for several governing bodies. Such a person would carry their expertise with them and benefit each school by conveying good practice throughout the federation.

MEMBERS OF THE WORKING GROUP

CHAIR

Andrew Bridgwater – School Governor for over 20 years, part of the time as Chair and Vice Chair of Governors in Hackney. London Borough of Hackney Councillor 1998/2002. Currently Chair of LDEA and Vice Chair Devon and Cornwall Region Liberal Democrats.

MEMBERS

Anthony Bowen – past Councillor in Shropshire and Cambridgeshire County Councils and a lifetime of experience as a School Governor of maintained and independent schools.

Cllr Gloria Cawood – member of the LGA Children and Young People’s Board. She has held many positions in education at Somerset County Council, including Cabinet member for Schools. School Governor for over 20 years.

Jonathan Coles – past Councillor in London Borough of Havering, first elected aged 21. He was Chair of Governors at a primary school and is Chair of Resources at a secondary school converting to Academy status. He is a full time Trade Union official.

Diana Coman – past Councillor in London Borough of Sutton. She was a member of the Party's Working Party that established the Equity and Excellence policy paper two years ago. Stood as a Parliamentary candidate in the 2005 and 2010 General Elections. Works in Community Engagement including advice, training and support on governance.

Helen Flynn – has been a School and FE College Governor at various times since 2002, and is currently on the Governing Body of a school converting to Academy status. Stood as a Parliamentary candidate in the 2010 General Election. She is an NEC member of CASE and is working with the Coalition for Evidence based Education at York University.

CLlr Cindy Stocks – a Torbay Councillor since 2003 and a Children's Champion for Staying Safe. Member of a PRU management committee for 4 years. Currently a non-executive Director of Torbay Care Trust for children's health provision.

Gillian Stunell – School Governor for over 12 years, 10 years as Chair of Governors. She is currently Chair of Stockport Governors Association. She has been a member of the NGA Board and represents them on national bodies. She is a qualified teacher who most recently worked as a primary school music consultant.

CLlr (Dr.) Colin Wilsdon – a West Sussex County Councillor since 2001 currently spokesman for Children and Young People's Services. Experienced School Governor. Retired after 35 years as a Lecturer in Higher Education.

SECRETARY TO THE WORKING GROUP

Denys Robinson – past Chair of LDEA until retiring this year. Past Chair of London Liberal Democrats Regional Party 2007 to 2009. A qualified teacher, he worked in maintained and independent schools. More recently worked with MPs and London Assembly members. Currently a Director of an education consultancy advising private HE Colleges.

