

CHALLENGING THE WAY WE GOVERN SCHOOLS

By Roy Evans

The initiative overload in education legislation of the past few years has led to school governors having increased levels and complexity of responsibility thrust upon them. No wonder that significant numbers of this large body of volunteers, many of whom have little or no training, are struggling to understand their role and to carry it out effectively.

There is an awareness among education professionals, many school governors and more recently some politicians that present regulations do not permit sufficient flexibility to tackle the growing number of governing bodies judged to be unsatisfactory or at best, just coasting.

Various organisations have suggested alternative approaches to school governance. However, these have tried to devise a *"one size fits all"* structure. In practice there are many governing bodies performing effectively within the present regulations and there is no case for making them change their constitution.

Equally a large number of governing bodies are failing to provide the strategic leadership and challenge necessary to support school management in driving forward continuous improvement. Failure can arise from a variety of circumstances including:

- ineffective leadership within the governing body
- high proportion of vacancies
- poor attendance at meetings
- shortage of necessary skills and/or experience
- poor knowledge of the school (strengths and areas for improvement)
- reluctance to undertake training
- over reliance on feed-back from the Headteacher
- little attention to strategic issues
- over concentration on minutia

Excellent governance in itself cannot directly improve the quality of teaching or overcome other problems within schools; this is the province of the Headteacher and professional staff. However, by appropriate challenge and focus on the key issues that restrict improvement, the governing body can identify potential difficulties and ensure that corrective action is put in place. Conversely a weak governing body will not realise that there is a problem until Ofsted determines notice to improve or imposes special measures, by which time the education of hundreds of young people is suffering.

There is an urgent need for a co-ordinated approach to solving the problem of weak and failing governance. In many instances the solution can be to devise and implement more imaginative structures and procedures within existing regulations. In addition regulations will have to be made more flexible to enable structures and procedures of governance to be tailored to meet the specific needs of a school, a group of schools or perhaps even all schools within a particular Local Authority.

If the average effectiveness of governance across the country can be improved this will make a real difference to the performance of professional staff and make a major contribution to the education and well-being of young people.

This "*Counterblast*" puts forward a number of approaches to promote debate on how to address the causes of failure listed above:

- 1) Mandatory training and accreditation for all governors
- 2) Use of semi-professional governors to bring about rapid and sustainable improvement in struggling governing bodies
- 3) Broadening the use of executive boards to replace governing bodies for limited periods
- 4) More innovative approaches to federated/collaborating governing bodies

1. MANDATORY TRAINING AND ACCREDITATION FOR ALL GOVERNORS

In an ideal situation a governing body will be made up of people with a variety of skills and experience matching those identified by the needs of their particular school. A comprehensive governor development programme will be in place covering all members and include:

- an induction programme for all new governors and a mentoring scheme to ensure that they become familiar with the school and their role/s at an early stage.
- mandatory attendance at new governors courses run by Local Authorities.
- annual assessment of training needs for whole governing bodies, committees and individuals based on their stage of development and linked to school improvement initiatives.
- from the above, a schedule of external courses and in-school workshops covering all governors.
- a training and development record for each governor.

In practice few governing bodies match the above model:

The case for mandatory training

There is the inevitable lottery as individuals elected from various constituencies may not have the necessary basic skills, aptitudes and willingness to develop their knowledge and experience as governors. All too often we learn of governing bodies where as many as 50% of governors do not take on any specific responsibilities, do not undertake any training or development, do not attend meetings regularly and are not involved in any school activity. Yet, when they do attend meetings their vote on key issues counts equally with those governors who do take their role seriously.

The National Governors' Association (NGA) sets out the following summary of responsibilities in its "Welcome to Governance" handbook:

"School governing bodies are established by law as corporate bodies. Their main responsibility is to determine the aims and overall conduct of the school with a view to promoting high standards of educational achievement. The specific duties of governing bodies include setting staffing levels, appointing headteachers, setting and agreeing a school budget, ensuring that a broad and balanced curriculum is delivered, as well as monitoring health and safety and the management of premises"

With over 300,000 governors in England this is the largest group of volunteers in the country focused on tackling the significant challenge of ensuring that all children have access to effective education. But, there is no mandatory requirement for training,

probationary period or any form of accreditation before taking on this vital and complex role.

Other large groups of volunteers working with young people - for example, the scouting and guiding movement - have stringent regulations on initial training, assessment and experience before they allow volunteers to take up the role of leaders. Furthermore, volunteers have to receive regular up-dates and refresher training to continue in their roles.

It is time that school governance is put on a similar footing and that basic training, probationary period, assessment and refresher training are made mandatory.

This would not only lift the standard of governance but also ensure that only those people with a real interest and commitment take up the role.

At present governors are able to follow voluntarily a programme leading to national accreditation, but this a long and fairly complex process. Hence, relatively few people take part and those that do are probably already taking advantage of LA and in-school training and development opportunities.

NGA have recognised this situation and recently launched a distance learning programme leading to a First Certificate in Governance. This is designed as an introduction to governance and a refresher for existing governors. While a welcome and useful contribution, this does not provide the key elements of practical experience and mentoring.

Making a start on mandatory training

It is possible for individual schools to implement a basic programme for mandatory training within present regulations. One way in which this could be organised is summarised below:

- 1) Any person seeking election as a parent governor, others being nominated by a Local Authority or those putting themselves forward as community governors should be given a thorough briefing about the school and the responsibilities of governance. The briefing would include all statutory duties and special emphasis on the commitment of time to training and carrying out the full role of a governor. This should involve the headteacher, chair of governors (Chair) and ideally a governor who has been in post for about one year.
- 2) The Chair should determine the present range of skills and experience that the potential governor has and assess how these match the current needs of the governing body and the future development programmes within the school.
- 3) Subject to both parties agreeing, the candidate could be voted in by the full governing body as an Associate Governor for a probationary period of say 4-6 months (depending on the time within the school year). Associates would attend full meetings, serve on committee/s as appropriate to their interests and potential input and be allocated an experienced governor as their mentor. However, they would not have a vote and not count in determining a quorum.
- 4) It would be mandatory that Associates attend the Local Authority modules on induction for new governors at the earliest opportunity, and be given a tailored

programme of courses and other training and development activities to complete during the probationary period. They would also be encouraged to take part in authority-wide events where they could interchange views with governors from other schools.

- 5) The Associate would receive guidance from their mentor and regular review/assessment from the Chair or another nominated experienced governor. Records of training, activities in school etc. would be recorded in a portfolio that could be reviewed by the appropriate officer in a Local Authority and constitute a basic accreditation.
- 6) On completing the probationary period the Associate would meet formally with the Chair to review the whole period, confirm if there is mutual agreement to move forward to full membership of the governing body and, if so, determine specific role/s and any related ongoing training and development.
- 7) The Associate would make a brief presentation to a governing body meeting describing their experiences and confirming their commitment to playing a full part in the work of the governing body. Appointment as a full governor could then be confirmed.

Clearly some governing bodies adopt some of the steps above but do not always conduct proper briefings nor do they have a formal probationary period. All too often a candidate is voted in as a governor on the basis that *"they volunteered and a pulse was detected....."*

In addition to the above programme for new governors, it would be important to ensure that existing governors, and particularly those who are long serving, keep up-to-date on new legislation and practices and refresh their knowledge of standard roles and responsibilities.

Keeping up-to-date

The Code of Practice for Governors adopted by most schools includes a clause that *"we will consider seriously our individual and collective needs for training and development"*. In practice this is often left to individuals to decide whether or not they attend any training and only rarely is there a co-ordinated governor development plan linked to school improvement priorities and based on a regular audit of available and required skills and experience.

In summary, all governors need to take a professional approach to their key role and accept that they have a responsibility to commit to personal and corporate development in order to fulfil this role effectively.

The up-take on existing comprehensive programmes leading to a national accreditation standard for governance is low and it is unlikely that this situation will change. In fact, if following this programme were made mandatory for all new and existing governors the inevitable outcome would be a significant reduction in numbers considering becoming a governor and a mass exodus of those in post.

Therefore, it seems sensible to work towards a situation in schools similar to that outlined above, not as a compromise but as a real way to bring about a step-change in the quality of governance.

The imposition of a probationary period may reduce the number of aspiring governors being appointed, but this is better than filling a vacancy with someone who quickly loses commitment and adversely affects the effectiveness of others.

Taking this proposal forward

Clearly this proposal raises a number of queries:

- can this approach be introduced without the need for a change in basic regulations? The author believes that it can.
- can individual governing bodies and Local Authorities be persuaded to adopt a code of practice that includes mandatory training and a probationary period?
- can standards for training and basic accreditation be established and assessed without introducing more bureaucracy and causing delays in implementation?

These ideas and queries need to be debated urgently by governor associations at a national and local level, by regional and local governor support units, by professional teaching organisations and with representation from the DfES and/or Ofsted.

In summary, the proposed approach aims at ensuring that effective practice in induction and ongoing governor development is established in all governing bodies.

2. SUPPORT TO STRUGGLING OR COASTING GOVERNING BODIES

Improved training and development, including probationary periods, would have a progressive positive impact on the effectiveness of governance and hopefully retention of “good” governors. Consideration also needs to be given to upgrading and streamlining the intervention procedures where governing bodies are identified as failing or just coasting.

Most Local Authorities (LA) will have some sort of arrangement in place to supplement the membership of failing governing bodies. This can take several forms depending on the availability of relevant officers, volunteer experienced governors, consultants and semi-professional governors. A further key consideration is funding to meet the costs of additional LA staff and the fees for consultants and others.

In particular circumstances where a school is in special measures, has been judged to require significant improvement and/or has failed to comply with a formal warning from its LA, an Interim Executive Board (IEB) (*1) can be appointed to replace a normally constituted governing body for a temporary period. Under current legislation an IEB can only be appointed subject to a request from the LA and with the consent of the Secretary of State for Education and Skills. This power is intended to be used only in exceptional circumstances and the procedure for approval can be quite lengthy. Hence, relatively few IEBs have been set up despite a good record of success in achieving rapid improvement.

Focused and prompt intervention can rapidly restore a failing governing body or establish an effective alternative form of governance. Why then are there so many examples where intervention is not applied or is ineffective and so few instances where the more draconian step of replacing a failing governing body is taken ? The answers

are lack of funding, a shortage of experienced and willing volunteers and unwieldy and restrictive authorisation procedures.

Semi-professional governors in support roles

Most initial support to governing bodies is provided by LA school advisers or governor support officers. The former are in post to advise on issues under the remit of the headteachers and staff and generally will not have the time or range of expertise to give proper advice and guidance to governors. The latter should have the necessary expertise but will be covering anything from 30 to 80 schools in the LA and cannot commit the necessary time. Therefore most LAs have to rely on experienced governors from other schools to either join the failing governing body or at least attend meetings in an attempt to pass on good practice. Finding these people is difficult and can be an undue burden on already heavily loaded volunteers.

Where a governing body is poorly led and comprises inexperienced members then it is possible to effect rapid improvement using semi-professional governors. These can work as part of the governing body to deliver a concentrated programme of improvement over say six months followed by less intense monitoring and support for a further six months:

One semi-professional will be focused on leadership and management issues and act either as joint Chair or as a mentor to the existing, or maybe newly appointed Chair. They will review and implement appropriate structures and procedures for the governing body and coach the Chair to assume full responsibility in due course. That person will also be closely involved on matters of strategic development, school improvement planning and financial management.

A second semi-professional will have a remit to develop the governors' role/s in monitoring, challenging and supporting curriculum and pastoral issues within the school.

The key to successful intervention is not to bring in a packaged solution and say, *"this has worked in other schools so it should be introduced here"*. It is important that solutions are devised to make most use of existing skills, experience, aptitude and interests of governors, and focus on the key issues within the school. The semi-professionals will show the way and coach and support existing governors with informal and formal training for the whole governing body and individuals.

Clearly this is not a revolutionary approach and is in place to a limited extent in some schools and LAs. However, funding is generally restricted to short periods and pressure is applied to encourage a *"quick fix"* with the danger that early success is not sustained.

The fees required by people capable of providing support as semi-professional governors are not exorbitant, certainly little more than equivalent hourly or daily rates for LA staff, and the cost is not recurring. A relatively small amount from an existing LA budget, or specific funding from DfES should be allocated to intervention support for failing governing bodies. By using semi-professionals, the LA governor support officers could focus their time and attention on ensuring that other satisfactory or better governing bodies sustain and improve their effectiveness.

3. BROADENING THE USE OF INTERIM EXECUTIVE BOARDS (IEB)

Generally the need for an IEB arises when a school is put into special measures for failing to maintain acceptable standards in teaching and learning and in pupil behaviour and pastoral care. A common feature of such schools is poor leadership and management, including serious deficiencies in the work of the governing body.

While it is possible to retain some of the existing governors, generally the whole body will be replaced with IEB members having specific skills and experience appropriate to the key challenges facing the school. The IEB will be led by a person with a proven record of success as a Chair of governors and in developing governing bodies.

Experience has shown that an IEB of six members plus the Chair and Headteacher can bring about a step change in governance in a matter of a few months. With the exception of the Chair, time commitment from members is no more than in a normal governing body. In practice it may even be less as all members will be fully experienced in governance and their induction is focused simply on the school and the improvement issues to be tackled. The IEB, and particularly the Chair, work closely with the Headteacher and the management team sharing a vision for the improvement goals and process, and facilitating their implementation.

As the school moves towards the lifting of special measures the IEB membership may be expanded by the inclusion of representatives from parents, staff and local community and business interests. These people can form the basis of a “shadow” governing body that works alongside and is trained by the IEB. The shadow governing body can progressively take over responsibility from the IEB after special measures is lifted and a sound forward improvement programme is established.

It is usual for the Chair of an IEB to receive an honorarium or fee for the role and other members can be paid for their time and expenses. However, the benefit to the education of young people far outweighs the relatively low cost of an IEB.

HMI have commented favourably on the work of IEBs in stating that they can be “a model of good practice”. A recent example is at a school put into special measures as a result of a particularly poor Ofsted report that heavily criticised the governing body. HMI lifted special measures well ahead of the original anticipated date and stated in their final report:

“The IEB has given outstanding support and guidance to the school community, with committees and procedures sharply focused on school improvement”

“ The contributions of the IEB and the Headteacher have been decisive in the sustained progress of the past twelve months”

As noted earlier, an IEB can only be appointed to replace the governing body of a school causing concern, subject to a request from the LA and with the consent of the Secretary of State.

Interim Executive Boards can deliver rapid and sustained improvement in governance and play a key role in leadership and management to restore effective education in failing schools. It is appropriate to explore how this or a similar model of focused and effective governance can be applied in more schools expeditiously and with a minimum of bureaucracy.

Expanding the Executive Board Model

At present, formal executive boards are put in place on a temporary basis with members appointed solely on their expertise and mainly without regard to any constituency or stakeholder representation. It is also possible to set up the equivalent of an executive board in existing governing bodies by delegating the majority of strategic and operational decisions to a small group of experienced governors.

There are examples of governing bodies that have designated a "*strategic planning and school improvement committee*" to fill this role or have approved delegation of most statutory functions to meetings of the chairs of committees. In this way the governors' responsibilities can be carried out effectively by the small group of people who are competent and committed, while other less competent and committed governors deal with the softer issues.

Taking this approach further, a small executive board, comprising three or four governors and/or semi-professionals chosen on the basis of their skills and experience, would be appointed to assume responsibility for key strategic and statutory functions. A larger non-executive board, representative of parents, staff, community and other stakeholders would be involved in general issues of supporting the school. They would receive regular reports and up-dates on whole school matters from the executive. By following this structure the concerns that many governing bodies are struggling with a severe workload unsuitable for enthusiastic volunteers would be addressed, while the input and influence of all interested stakeholders are retained.

The Conservative Party policy commission on education and health has recognised that more professional governance is urgently needed. The commission has coined the expression "*super governors*" although their proposals outlined in recent press reports have linked this to establishing large multi-faith federations of primary schools, secondary schools and sixth form colleges.

It is clear that a ground swell of opinion is forming towards having more focused and professional governance. Now is the time to accelerate the process of debate and for all interested parties to collaborate in exploring how this can be achieved.

4. APPROACHES TO FEDERATED/COLLABORATING GOVERNING BODIES

Federations of schools and governing bodies can be established within existing regulations and all governing bodies have the opportunity to work in collaboration with others in a cluster based on location or similar school characteristics. There are four basic models under present arrangements:

- 1) **Hard Governance Federation** – A single governing body shared by two or more schools.
- 2) **Soft Governance Federation** – Each school has its own governing body, but the federation has a **joint governance/strategic committee with delegated powers**.
- 3) **Soft Federation** - Each school has its own governing body, but the federation has a **joint governance/strategic committee without delegated powers**.

4) Informal/loose Collaboration - Each school has its own governing body and the **group of schools meet informally on ad-hoc basis**

Under the first arrangement there may be a single headteacher across the group of schools but each school has its own budget. Governance in this arrangement can be simplified in terms of reduced number of meetings and sharing of expertise but more challenging as it requires all governors to understand the specific characteristics and improvement needs of all schools. Generally this type of federation is applied to a group of small schools within a relatively small geographical area and where it may be difficult to find a full complement of governors with appropriate skills and aptitude. With soft federation and collaboration there are benefits from shared development and expertise but each school still has to find a full complement of governors.

Where such arrangements are working well and governance is judged to be good or better then there is no case for change. However, where governing bodies exhibit some of the problems outlined in the introduction to this paper, more innovative and less restrictive approaches should be explored.

Consider a typical situation where in a rural or urban area there are several infant schools, some junior schools and a number of primary schools of varying sizes. Achieving a full complement of governors in accordance with present regulations can be difficult:

- A child may only be in an infant school for one year and parents may not feel inclined to put themselves forward as a governor. Even if they do, they frequently do not undertake any training, they resign when their child moves on to junior or primary and their contribution in that one year is understandably limited.
- Sadly there is a perception that there is *"no glamour"* in being a governor of an infant school and to a certain extent in primary, even though their strategic decisions can be just as far reaching as in a large comprehensive. This makes it difficult to recruit appropriate community and LA governors and, coupled with reluctance from parents, can result in a significant level of vacancies and a chronic shortage of expertise.

A possible future structure

Assume a soft federation of say three or four schools. Each school could have its own governing body of four elected or appointed governors together with the headteacher and another staff governor. Ideally the four non-staff governors would be drawn from parents, local community and others able to contribute particular skills, knowledge and experience. Governors would have allocated responsibilities for curriculum, staffing, SEN, communications with parents etc. They would meet perhaps twice each term to deal with issues specific to their school.

Each school would nominate one of their governors to lead activities relating to their particular school with an emphasis on liaison with the headteacher and overall school improvement.

A Chair of governors for the federation would either be one of the nominated lead governors or preferably be a separate appointment independent of any of the schools. Ideally they will have the knowledge and experience required of a Chair of an IEB and may receive payment for their role. The Chair's role would include:

- providing guidance and support to each of the lead governors.
- ensuring that each separate governing body was working effectively.
- pulling together issues of common interest or concern.
- co-ordinating training and development across all schools.
- facilitating joint meetings at least once each term to deal with issues of mutual interest.
- providing specific expertise in areas of leadership and management, financial management, strategic planning and school improvement.

The Chair, lead governors and headteachers, would constitute an *“executive committee”* to consider issues relating to the whole federation. All governors would be available to serve on panels covering disciplinary or other issues concerning any of the schools in the federation.

The implementation of soft federations with reduced numbers of governors in each school combined with semi-professional leadership, would address most of the problems seen in struggling governing bodies and contribute to improved standards in schools.

The introduction of this, or similar structures would require a relaxation in regulations for the constitution of governing bodies. The main area to be tackled would be the level of representation from parents. This should not be seen as a barrier as parents views and input can be gleaned from properly organised Parents' Councils operating in a similar way to that of pupils' School Councils.

CONCLUSION

There appears to be a correlation between the growing number of governing bodies judged to be failing or coasting and the increasing frequency and complexity of regulations and initiatives being imposed upon schools by the DfES and other official bodies.

This has been recognised by governor associations, professional teaching bodies, politicians and particularly by governors themselves.

Organisations and individuals are proposing alternative structures and approaches to ensure that effective governance can be achieved across all schools.

Now is the time for everyone concerned to join in serious debate and work together to devise and implement sound and sustainable solutions. Our children and young people deserve nothing less.

Reference:

*1 - Interim Executive Boards – A guide to the law for School Governors – Chapter 22

* * * *

Counterblast 3

In "Challenging The Way We Govern Schools" Roy Evans examines the difficulties facing governing bodies as they attempt to deal with increasing levels and complexity of education legislation. He puts forward the case for more flexible structures and procedures of governance, and argues that more experienced semi-professional governors should be engaged to support, lead and where necessary replace failing and/or coasting governing bodies.

There is an urgent need for serious debate on these issues involving governor associations, professional teaching bodies, politicians and DfES to devise and implement sound sustainable solutions. This paper is a timely and valuable contribution to that debate.

About the author

Roy Evans is Chair of the Interim Executive Board at Langleywood School in Slough.

* * * *