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The Role of School Governing Bodies

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The Education Committee

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Summary

Governing bodies perform a critical role in school leadership but, despite approximately 300,000 individuals serving as school governors in England, vacancies continue to be an issue for many governing bodies. The quality of governance in many schools is also inadequate.

In September 2012, the Government introduced regulations which provide additional flexibility for the governing bodies of maintained schools to reconstitute themselves to be smaller, with an emphasis on skills as opposed to prescribed constitutions. Our inquiry concludes that these regulations provide the opportunity for governing bodies to recruit individuals with appropriate skills and address vacancies. However, many schools are not yet taking full advantage of the regulations. There is a role for the Government in spelling out more clearly what models of governance are now possible within the new regulations, along with explaining how these could be beneficial in different school contexts. Lessons should be learned from the newer forms of governance appearing in academies, and greater consideration given to how groups of schools can be governed.

Governing bodies need to get better at identifying the mixture of representation and skills they require in order to be effective, and tailoring their recruitment accordingly. To assist with the recruitment of skilled individuals from businesses, we recommend that the Government review the current incentives for and requirements on, businesses that release their staff for governor duties, including for academies.

A strengthening of current approaches to intervention in poor or failing governing bodies is required. We recommend that the Government investigate the reasons why so many local authorities and the Secretary of State have been reluctant to use their powers of intervention more often where governance is failing. We also recommend that the Government reviews processes for removing poorly performing chairs from office and give governing bodies the power to remove poorly performing governors.

Ofsted's clearer expectations of governing bodies will encourage governors to identify weakness where it exists, and help to raise standards across the board. The Government's focus on peer-to-peer support for governing bodies is also welcome. However, too many governors have not received suitable training and we recommend that the Government require all schools to offer training to new governors. As a rule, we do not advocate remuneration for governors, but recommend that the Government give further consideration to certain circumstances in which it may be appropriate to pay governors—for example, when governors use their skills to improve governance in other schools.

Clerks are vital to the success of governing bodies and our inquiry indicates clearly that the role of clerk should be a professional one. High quality support and information for clerks should be a priority and the Government should work with the NGA to rectify the loss of much valuable detail from the new Governors' Handbook.

1 Introduction

1. The Government’s ambition is “that every school has a high performing governing body that understands its responsibilities and focuses on its core strategic functions; one that is made up of people with relevant skills and experience; and one which operates efficiently and effectively through appropriate structures and procedures”.¹

2. In September 2012, the Government introduced regulations allowing local authority maintained schools’ governing bodies to reconstitute themselves to be smaller, with an emphasis on skills as opposed to set constitutions. On announcing the new regulations, the DfE stressed that “we will not prescribe any particular model [of governance], as local governing bodies are best placed to do this themselves”.² However, the new regulations continue to prescribe seven— rather than nine as previously—of the posts of the governing body, to include the headteacher, at least two parent governors, one staff governor, one local authority governor, and foundation or partnership governors as appropriate.

3. The rapid increase in the number of academies has had implications for school governance. Governing bodies of academies must define their own governance procedures subject to approval by the Secretary of State.

4. Despite some 300,000 individuals serving as school governors, vacancies on governing bodies continue to be an issue. The actual number of vacancies is disputed, although the DfE understands 11% of governor posts to be vacant.³ Professor Chris James of the University of Bath explained that

the vacancy picture is complex and overall vacancy figures may be misleading. Governing bodies with a high level of vacancies, for example 25%, at the end of one school term may have none at the end of the next because the vacancies had been filled. Nonetheless, 2–3% of schools persistently have high vacancy rates. There is no clear statistical relationship between governing body effectiveness and [...] vacancies.⁴

5. The National Governors’ Association has found that a large proportion of governing bodies have difficulty in finding skilled governors.⁵ The National College for School Leadership (NCSL) has also observed that there is “significant evidence” that governors are recruited for their representative role rather than for a particular skill-set.⁶

6. Vacancies are a particular issue for primary schools, and Ofsted judgments have found primary school governance to be considerably less effective on average than that seen in secondary schools.⁷ In her 2010/11 Annual Report, the former Chief Inspector of Ofsted

1 Ev 55, para 3

2 <http://www.education.gov.uk/schools/leadership/governance/maintained/b00218871/govbodymaintainedschools>

3 Ev 57, para 23

4 Ev 84, para 3.2.2

5 Ev 71, para 3.1

6 Ev 110

7 The Annual Report of Her Majesty’s Chief Inspector 2010/11, page 66

found “considerable variations” in the quality of governance across different types of school. Governance was judged good or outstanding in 53% of pupil referral units, 55% of primary schools, 64% of secondary schools and 71% of special schools.⁸

7. In September 2012, the Ofsted inspection framework was updated to include a much sharper focus on school governance. Governors are now assessed as to how well they support and challenge school leaders and hold them to account for the quality of teaching and pupils’ achievement, behaviour and safety. The framework will also cover the management of finances, including the use of the pupil premium to overcome barriers to learning. Ofsted’s evaluation criteria incorporate five core functions for good governance as developed by the National College. The new framework also places a much greater emphasis on tackling underperformance in schools, recommending external reviews of governance where a school both requires improvement and has weak leadership and management. It also allows Ofsted inspectors to recommend that an Interim Executive Board is set up quickly where a school is in need of special measures.⁹

8. Our inquiry set out to look at the existing role of governing bodies, and the implications of recent Government policy developments in education for them, as well as a range of issues concerning recruitment, reward and responsibilities.

The evidence base for our inquiry

9. We announced our inquiry on 5 November 2012, with the following terms of reference:

- the purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership
- the implications of recent policy developments for governing bodies and their roles
- recruiting and developing governors, including the quality of current training provision, and any challenges facing recruitment
- the structure and membership of governing bodies, including the balance between representation and skills
- the effectiveness and accountability of governing bodies
- whether new arrangements are required for the remuneration of governors
- the relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions
- whether changes should be made to current models of governance.

8 The Annual Report of Her Majesty’s Chief Inspector 2010/11, page 66

9 *The Schools Inspection Handbook*, Ofsted, April 2013, para 127; Sir Michael Wilshaw, speech to the NGA Conference, 16 June 2012

10. We received over 90 written submissions from a range of organisations and individuals including governors, local authorities, national governor infrastructure bodies, training providers, unions, academics, Ofsted and the Department for Education. We held three oral evidence sessions, hearing from five panels of witnesses:

- serving school governors, the National Governors' Association
- headteachers, Ofsted and Professor Chris James of the University of Bath
- School Governors One Stop Shop (SGOSS), GL Education Group, National College of School Leadership (now the National College of Teaching and Leadership) and National Co-ordinators of Governor Services (NCOGS)
- local authorities, NASUWT, The Haberdashers Company
- the Minister, Lord Nash, and a DfE official

11. We also held a seminar with school governors and visited Denmark and the Netherlands as part of our evidence gathering.

12. We would like to thank our standing specialist adviser, Professor Alan Smithers, for his assistance with this inquiry.

2 Recruitment and retention of governors

Skills versus stakeholders

13. As evidence from the DfE explained, “current rules and regulations on the membership of academy and maintained school governing bodies are based on a stakeholder model of governance that focuses on securing representation from a wide range of interest groups”.¹⁰ Whilst the DfE acknowledged that “representation need not be at odds with a focus on skills”,¹¹ it also argued that “representative structures do not in themselves necessarily lead to high quality governance”.¹²

14. Evidence to our inquiry showed mixed opinions on the appropriate balance in a school governing body between individuals with specific skills, and representatives of stakeholder groups. Overall, there was agreement with the DfE’s view that the stakeholder model does not preclude skills, but, conversely, several witnesses felt that individuals recruited for specific skills may lack important local or community knowledge.¹³ Evidence from a National Leader of Governance warned that

in areas where the local community skill base is low, the dilemma will grow where either more skilled non locals are parachuted in or a less skilled local governing body remains. This will widen the gap between less skilled communities and the average and have questionable sustainability.¹⁴

15. Resistance to non-local governors was also alluded to by SGOSS— a national charity set up by the DfE with a remit to recruit volunteers with transferable skills to become school governors—which referred to “log-jams” in the recruitment process, such as schools refusing potential governors because they do not live in the same postcode area as the school. In oral evidence the Minister said that he was discussing these issues with SGOSS to find ways to “un-jam” them.¹⁵

16. Witnesses tended to agree that governors needed to have the capacity at least to learn certain skills in order to be effective governors. As Mark Taylor of Cambridge Education, Islington, commented, “a parent is very well placed to ask sensible and sound questions about the performance of the school, providing they have the correct data, they are appropriately trained, and the data are presented to them in a way that they are able to

10 Ev 58, para 30

11 *Ibid.*

12 *Ibid.*

13 See for example, Ev 85, para 3.3.5

14 Ev w28, para 6.1

15 Q267

understand and manage”.¹⁶ However, headteacher Chris Hill explained that willing volunteers may not always make expert governors:

In a community such as mine, one of the issues is that a lot of my stakeholders are new to the country. They are keen and interested in their children’s education and they want to get involved, but they do not have a great understanding of the system and a lot of them would never have been on a committee of any kind at all. There are a lot of issues about them developing their expertise. I think that is a big issue.¹⁷

17. The National Governors’ Association warned against emphasising a need for governors to have “business skills” as it can “have the effect of undermining the focus on the strategic role governors have”.¹⁸ Michael Jeans of The Haberdashers’ Company also cautioned

You do not put an accountant, or a lawyer or a surveyor on the board of governors in order to gain on-the-cheap professional advice. You put somebody on that board because they have that breadth of experience and, if necessary, will know that at this point you should seek external advice from an accountant, or something.¹⁹

18. However, SGOSS claimed “a causal link between high quality business volunteers and effective governing bodies”. It referred to research undertaken at the University of Hertfordshire in 2007 which indicated that SGOSS volunteers were more likely to take on additional governor roles, stay the term, be more likely to take on the role of Chair, and have a greater likelihood of influencing Ofsted grades at their school.²⁰ Liz McSheehy of SGOSS explained her organisation’s interpretation of the skills required to be an effective governor:

When we are talking about skills, we are not necessarily talking about specific business skills; we are talking about broader, transferable business skills. This would mean that you are used to looking at data sheets, you can ask questions and you are used to performing in a board situation. We need to get people in to be governors who actually can understand and think about the type of questions they are asking and really be critical friends.²¹

19. The NGA advocated governing bodies undertaking skills audits which help the governing body identify required skills such as “influencing skills, negotiation and analysis”.²² This approach was supported by a large number of witnesses.²³ We return to this matter later in our report. However, we were interested in SGOSS’s opinion that

16 Q156

17 Q102

18 Ev 71, para 3.3

19 Q157

20 Ev 121

21 Q108

22 Ev 71, para 3.3

23 See for example Q158 (Nicola Cook, Mark Taylor)

What appears to be missing is the evidence to look at the impact that different types of governors have on the school. Well commissioned impact research would give some strong indications of which approaches are working, and start to give a firm evidence base to the debate. It would be helpful if Government were to commission this.²⁴

Impact of the 2012 composition regulations on the profile of governing bodies

20. The permissive nature of the new composition regulations was generally welcomed in the evidence. For example, Dr Bridget Sinclair of NCOGS felt that the new regulations would help to fill governing body vacancies due to the reduced specification of stakeholder roles, allowing for a “much greater flexibility to the make-up of the governing body”.²⁵ However, NCOGS pointed to findings of the 2012 NGA annual survey that, whilst 60% of governing bodies surveyed were finding it difficult to attract governors with suitable skills, 90% of governing bodies had no intention of changing the size or composition of their governing body.²⁶ For these reasons, a small number of witnesses would have liked to see mandatory requirements on governing body composition put in place.²⁷

21. We also received several submissions from Diocesan Boards and schools of a religious character which supported the current stakeholder framework of governance and stressed the importance of retaining foundation governors— where appropriate —to provide “both practical support and spiritual guidance”²⁸ to governing bodies. The 2012 composition regulations prescribe a minimum number of Foundation Governors for qualifying schools, and Diocesan Boards would like to see this retained. However, the National Governors’ Association questioned why the new regulations do not put the same emphasis on recruiting foundation governors (who can constitute the majority on a governing body) for their skills, as is required of other types of governor.²⁹

22. Several witnesses highlighted a potentially problematic “juniority principle” within the 2012 regulations which allows for the governor whose period of continuous service (whether as a governor of one or more than one category) is the shortest, being the first who must cease to hold office if a governing body reconstitutes itself. Written evidence from NCOGS explained that “whilst recruitment is an ongoing activity, retention of good governors is a major concern for some governing bodies [and this is] not helped by the juniority principle [...] which gives precedence to governors that have been in post longest”.³⁰ In oral evidence, the Minister committed to remove the juniority principle.³¹

24 Ev 122

25 Q112

26 Ev 89, para 4.1

27 For example Ev 78, para 5

28 Ev w29

29 Ev 70, para 2.1

30 Ev 89

31 Ev 89

23. Responding to questions as to whether the Government intended to provide even greater freedoms for governing body constitution in future, the Minister said that “we are in an early stage of governance being pushed right up the agenda through Ofsted, so we must see how that goes”.³²

24. Less prescription as to how governing bodies are constituted should help governing bodies to recruit suitable individuals and address vacancies. This should include a balance of parents, staff and other groups as appropriate. We support the Government’s decision to make the 2012 composition regulations permissive. We are also pleased that the Minister has agreed to remove the “juniority principle” from the same regulations.

Impact of the 2012 composition regulations on the size of governing bodies

25. According to the DfE, research suggests that the average size of primary maintained school governing bodies is around 12 to 15 governors, with some reaching 20 to 25 in size. Maintained secondary school governing bodies tend to be larger, with an average of 17 to 18 governors, with some having up to 30 governors.³³ The 2012 composition regulations for governing bodies allow maintained school governing bodies to opt to reconstitute, with only seven of their posts being prescribed. Academies already enjoy greater freedoms in terms of governing body constitution, having only three governor posts prescribed, two of which must be parent governors.³⁴

26. Witnesses’ opinions varied as to what constitutes the optimum size for a governing body. The DfE tends to favour smaller, more skills-based governing bodies. This was backed by the National College for School Leadership which said it was “persuaded that schools should be encouraged to have a small core team of governors”, supported by mechanisms through which stakeholders’ voices can be heard—such as parents’ councils. The NCSL believed such structures would be “more effective than 20 governors trying to attempt all the issues” that governing bodies need to address.³⁵ Evidence from the Harris Federation claimed that “where predecessor schools have been failing and have become sponsored academies, our experience is that usually governing bodies are relatively large and cumbersome”.³⁶

27. Other witnesses supported the stakeholder model, claiming that “moves to make governing bodies smaller are seriously misguided”,³⁷ due to the fact that smaller governing bodies “would not be able to carry out all the functions required as effectively”.³⁸ The

32 Q268

33 Ev 58, para 31

34 Ev 64, Annex B

35 Ev 111

36 Ev 55, page 1

37 Ev w2, para 4

38 Ev w2, para 6; also Ev w10

Association of School and College Leaders also saw drawbacks in imposing smaller governing bodies:

There are some dangers in having much smaller governing bodies, and where the opportunity to move in that direction has been present for some time, in colleges and independent schools for example, it has rarely been taken. There are exceptions to this, and some report successful working with smaller, tighter governing bodies. Most have felt that the possibilities of confusion over role, loss of connection to key communities and stakeholder groups, potential gaps in the combined skill-set, and the need for separable committees (audit and finance, disciplinary and appeal) have outweighed any potential gains from greater focus.³⁹

28. Solicitor and governor Richard Gold commented that, although “smaller governing bodies are desirable [...], the workload imposed by the current level of responsibility is such that a governing body of less than, say, 14 governors will be hard-pressed to function effectively without making even greater demands on governor time”.⁴⁰

29. As both the National Governors’ Association⁴¹ and SGOSS⁴² pointed out, there is not yet good evidence on the impact of different types of governors—and differently constituted governing bodies—in schools. This was supported by Professor Chris James of the University of Bath who told us that “there is no statistical relationship between governing body effectiveness and governing body size or [...] vacancies”.⁴³

30. Despite the DfE’s clear preference for smaller governing bodies, there is no evidence base to prove that smaller governing bodies are more effective than larger ones.

39 Ev w22, para 23

40 Ev 82, para 12

41 Ev 72, para 4.3

42 Ev 122

43 Ev 85, para 3.3.7

Improving recruitment and retention

31. Mike Cladingbowl of Ofsted referred to difficulties in recruiting the right governors in all areas of the country as “a big and urgent national problem”.⁴⁴ As evidence from the National Governors’ Association observed, “the difficulty in recruiting governors varies enormously from place to place, and even within a local area”.⁴⁵ NCOGS added that “while there is much good practice regarding the appointment of governors, there can be variability in the processes and criteria for making appointments. The appointing bodies such as local authorities, Dioceses and academy providers, need to be highly accountable for the quality of the appointments they make”.⁴⁶

32. Some evidence to our inquiry suggested that increased workload and the weight of responsibility for governors under the new Ofsted framework were key reasons for difficulties in recruiting and retaining good governors. Richard Gold told us that “excessive” workload and paperwork creates a “barrier to recruitment not least through the sheer time that a conscientious governor has to spend on school matters”. Mr Gold added that his experience had shown the problem to be particularly bad in primary and small schools, where “resources available do not allow for a good quality support infrastructure in the shape of, for example, business managers and HR specialists”.⁴⁷

33. One serving governor described the new Ofsted framework—which contains a much increased focus on governance—as “overpowering”⁴⁸, whilst evidence from a primary school’s governing body explained that “the expectations of the roles and responsibilities of governing bodies are huge and for lay people to confidently hold schools to account is a very big ask”.⁴⁹ This was supported by the Totnes Federation of Village Schools (a federation of six village primary schools) whose overarching recommendation to our inquiry was that:

The role of our unpaid, unqualified governors must be amended so that it does not carry as much responsibility. Alternatively, governors should be qualified and paid. Until that time, local authorities should be charged with providing greater levels of support (both financially and with the provision of suitable experts) to the governors and, separately, to headteachers and schools across all areas (including SEN, health and safety etc); or funding to schools should reflect the need to ‘buy’ expert help externally.⁵⁰

34. However, many witnesses, including Dr Bridget Sinclair of NCOGS and Liz McSheehy of SGOSS, agreed that the new Ofsted framework was a positive development which

44 Q54

45 Ev 71, para 3.1

46 Ev 89, para 4.3

47 Ev 81, paras 8-9

48 Ev w4, para 5

49 Ev w6, para 1

50 Ev w61, para 4

“might weed out people who might not take the job seriously, but [...] serves to underpin the importance of the role”.⁵¹ The NGA acknowledged that “it is often argued that expecting governors to act as company directors/charity trustees will put people off volunteering”. However, it referred to the results of its two surveys of governors which showed that in June 2011 almost 60% of respondents had had difficulty finding skilled governors, whereas a year later this had fallen to 45%. The NGA concluded that increased responsibilities for governors “may put some people off, but will attract others”.⁵²

35. Under the last Government, a Ministerial Working Group on School Governance was established to review the existing system of governance. Several witnesses referred to the excellent progress it had made and considered its work on recruitment and retention of governors to be worthwhile. We heard calls for the Group to be reconvened.⁵³ In response to a question as to whether he would “openly consider reconvening the Ministerial Working Group”, the Minister agreed that he would.⁵⁴

36. Research from the University of Bath found that 97% of governing body chairs are white and British, a third are aged over 60 and just 8% are under 40 years old.⁵⁵ The need to attract governors from a wider pool of recruits is obvious. SGOSS believes it is well-placed to assist. In written evidence, SGOSS referred to itself as a “best kept secret” which operates “an extremely effective mechanism for recruiting skilled and successful governors”. The organisation has recruited 24,800 governors since 2000 and attracts much repeat business.⁵⁶ As Liz McSheehy of SGOSS explained, 65% of the organisation’s recruits were under 45, more than half were female and over 20% were from ethnic minority communities.⁵⁷ SGOSS argued that “Government needs to strongly encourage schools to use [SGOSS] to recruit school governors”.⁵⁸

37. Awareness of SGOSS is lacking in some areas and the organisation only engages with 11% of schools.⁵⁹ Despite the Government confirming that it will continue to fund SGOSS to offer a free service to academies, schools and local authorities until 2015, the Minister agreed in oral evidence that Government needed to “do more”, to extend SGOSS’s reach across the country.⁶⁰

38. The CBI acknowledged the positive impact SGOSS has had, but added “CBI believes that there is a strong case for more businesses to encourage their staff to take on these important volunteer roles”. The CBI recommended “a focused call to action, hosted in the Department for Education website” and offered assistance to Government in promoting

51 Q122

52 Ev 71, para 3.1

53 See for example Ev 119, para 25

54 Q257

55 As quoted in Ev 110

56 Ev 121-2

57 Q109

58 Ev 121-2

59 Q232

60 Q232

governor opportunities among its members and the wider community.⁶¹ The Minister confirmed that he would take up this offer.⁶²

39. Business is potentially an important source of capable school governors. We are pleased that the Government has agreed to do more to increase uptake of the School Governors One Stop Shop’s (SGOSS) services in schools across the country. We are also supportive of the Government’s agreement to accept help from the Confederation of British Industry in promoting school governance opportunities to businesses and recommend that the Government report back to us with details as to how this will be done.

Incentives for business volunteers

40. Several witnesses believed that greater incentives for—and requirements of—businesses that release their staff for governor duties are required.⁶³ The National Governors’ Association was “disappointed that despite the 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, nor reminded employers of the provision of time off for public duties”.⁶⁴ As headteacher Neil Calvert explained, [the] expectation in employment law that they will give time off [...] is not quite the same thing as entitling somebody to do two days of very significant work”.⁶⁵

41. The Minister did not agree that any further requirements or incentives were needed, saying “my experience is that businesses are very willing to get involved, and we should do what we can to encourage that”.⁶⁶ The legal requirement to give time off for governors does not apply to academies and DfE is considering how this could be amended.

42. The recent report of the Academies Commission recommends the Government should consider incentive schemes (such as tax credits) for employers to encourage their employees to participate in school governance, and to facilitate time off for employees to attend continuing professional development and/or governing body meetings. This proposal was supported by several witnesses, including the National College.⁶⁷

43. Any potential barriers to the recruitment of effective school governors should be removed. We recommend that the Government review the current incentives for, and requirements on, businesses that release their staff for governor duties. We also recommend that the legal requirement to give time off for governors of maintained schools be extended to academies.

61 Ev w88, para 15

62 Q259

63 See for example Ev w68, para 5.1, and Q43 (Frank Newhofer)

64 Ev 71, para 3.2

65 Q50

66 Q264

67 Ev 119

Raising the profile of governors

44. Evidence from the Association of School and College Leaders argues that “recruitment of volunteer governors would be helped by a more positive approach to schools being provided by government and its agencies; people are unlikely to volunteer to organisations that are constantly denigrated by national and local leaders”.⁶⁸ Claire Collins—an experienced governor and former chair of the National Governors’ Association—said in her evidence, “the roles and responsibilities of governing bodies have, for too long, been sorely neglected”. The Department of Education also acknowledged that “the significance of governing bodies’ role has in the past been under-valued”.⁶⁹

45. The evidence presented a clear need for the profile of governors to be raised, not only to encourage good quality new volunteers to come forward, but also to value the work of those already in post. Evidence from organisations such as The Haberdashers’ Company demonstrated that, by valuing governors, and by making the role attractive and worthwhile, schools can attract better candidates and vacancies can be minimised. Michael Jeans of Haberdashers explained:

A lot of [volunteers] are not coming forward because they are frightened, and they are frightened of two things. It is only what they read or hear, and one is the amount of regulation and governor liability: what is going to happen? They worry, ‘Am I going to be incarcerated?’ Secondly, they are terrified about time. Unfortunately the positives are not put over. Being a governor [...] is huge fun. It is massive fun to be around children [...] It is up to all of us to try to [get that across].⁷⁰

46. The Southwark Diocesan Board of Education argued that raising the profile of governors could assist with recruiting individuals with the right skill sets as potential candidates would have “clear information on the role of a governor, the expectations in terms of time commitment as well as the specific skills that might be needed”.⁷¹ This was a view supported by NASUWT and the National Governors’ Association which advised that “when recruiting governors, it is important to explain the nature of the role in full, and how much time they are agreeing to commit”.⁷² However, as Liz McSheehy of SGOSS explained, although good governing bodies articulate the skills they need when recruiting individuals very well, “so many governing bodies are not able to do that, and that is one of the issues that we are stuck with”.⁷³

47. The Government’s commitment to raising the profile of governors is encouraging, but details of how this will be done are not yet clear. In oral evidence, Lord Nash explained

68 Ev w22, para 24

69 Ev 55, para 2

70 Q164

71 Ev w48, para 5

72 Ev 71, para 3.1, Q185 (Darren Northcott)

73 Q118

I think Government should be sending a message at every point about the importance of governors. That is certainly at the top of my list of priorities. [...] Perhaps in the past we have underestimated the importance of the governing body to drive change [...] We should talk about it a lot. [...] At every turn, we should invite more people to become governors.⁷⁴

We welcome the Government’s commitment to raising the profile of governors and we look forward to seeing the details of how it intends to attract more good quality governors.

Pay for governors

48. The majority of evidence to the inquiry showed little support for paying governors,⁷⁵ and, as written evidence from the DfE explained, Model Academy Articles prohibit the payment of academy governors.⁷⁶ Some witnesses suggested that there may be a case to consider some sort of remuneration or honorarium for Chairs, given the responsibility they carry.⁷⁷ However, most felt that governor pay should not come from the school budget, as this represented a diminution of the budget available to support pupils.⁷⁸ The Haberdashers’ Company pointed out that “it is doubtful remuneration would increase the quality of governors—though it might increase the quantity regardless of suitability!”⁷⁹ Many witnesses⁸⁰ subscribed to the view put forward by the Minister, who said “there are probably plenty more people out there who, if we make the circumstances of being a governor attractive enough, we can attract on a voluntary basis”.⁸¹

49. Pat Smart, a headteacher and National Leader of Education, referred us to the findings of the National College for School Leadership’s 2012 Fellowship programme which focused on improving school governance. The Fellowship found no case for paying governors, with the possible exception of chairs of Interim Executive Boards.⁸² Anne Jackson of the DfE reminded the Committee that powers already exist to pay IEB members but that “variable practice” exists in local authorities. She concluded that “certainly the possibility is there” to pay IEB members.⁸³

74 Q193

75 See for example Q124: Dr Bridget Sinclair of NCOGS, Andrew Thraves of GL Education Group, Pat Smart (NLE) and Liz McSheehy of SGOSS agreed unanimously that non-payment of governors was not a barrier to recruitment.

76 Ev 59, paras 48-9

77 See for example Ev 77, para 6.1

78 See for example Ev w6

79 Ev w6, para 5

80 See for example, Q110; Ev 99, para 6; Ev 86, para 3.5.3Ev w80, para 28; Ev 73, para 6.1

81 Q195

82 Q123

83 Q210

50. Ofsted suggested that there may be a case to pay the relatively small number of governors that provide support to other governing bodies to assist with improvement.⁸⁴ The Minister agreed that this is something that Government “could definitely look at”.⁸⁵

51. While not advocating payment to governors in general, we can see that there is a case for remuneration in some circumstances—for example, when governors deploy their skills to improve governance in other schools. We recommend that Government give further consideration to the circumstances in which payment could be appropriate and make necessary regulatory provisions.

84 Ev 68, paras 23–25

85 Q203

3 Governor effectiveness

Training

52. A key consideration in ensuring governor effectiveness is the quality and availability of training. Whilst some witnesses suggested that the requirement to undertake training represented an additional burden on volunteer governors in terms of “extra time, commitment, and [...] travelling to other venues”,⁸⁶ the majority of evidence we heard was supportive of governors undertaking ongoing training during their period of service. However, as Pat Smart of the National College observed, “[training] is fairly optional at the moment. What happens is in weaker governing bodies it does not happen, and in stronger governing bodies it does. It reinforces the dichotomy”.⁸⁷

53. The National Governors’ Association asserted that “we know what constitutes effective governance”, adding that “there needs to be an emphasis on spreading effective practice”. The NGA also supported mandatory induction training for governors, explaining that “one of the reasons why governance is not taken as seriously as board governance is because we are called ‘governors’. We are not thought about as non-exec board members; we do not have the same expectations placed upon us when we are recruited that, for example, a magistrate would”.⁸⁸ In support of a certain degree of mandatory training for school governors, Cambridge Education, Islington, pointed out that

although [training and development] is currently not mandatory, the development of governors through initial and then targeted training is essential, to maximise the effectiveness both of individuals and of the corporate body, as early as possible within the standard 4 year term of office. The statutory responsibilities of GBs (for safeguarding, staffing, finance etc.) which are set out in other than the governance regulations, require more than a casual understanding of the issues.⁸⁹

Cambridge Education recommended that “as a minimum, the national induction course is mandatory within the first year [of being a governor]”.⁹⁰

54. The value of good induction training was also raised by Ofsted, which commented that “good quality induction of new governors was a feature of the outstanding governing bodies in [Ofsted’s *Learning from the Best*] survey”.⁹¹ Professor Chris James of the University of Bath asserted that “induction should be mandatory” and “training for chairs should be mandatory and monitored by Ofsted”.⁹² National Leader of Governance Ruth

86 Ev w4, para 3, see also Ev w22, para 31

87 Q126

88 Q20 (Emma Knights)

89 Ev 98, para 3.2

90 Ev 99, para 3.5

91 Ev 67, para 12

92 Ev 85, paras 3.2.5–6

Agnew concluded that “the government has stated its desire to raise the status of school governing, but I believe this is not possible while training for governors is optional. A mandatory induction module at the very least would go some way both to raising the profile of the role and better supporting the many school governor volunteers to effectively contribute to improving our schools”.⁹³

55. The Association of Teachers and Lecturers suggested that “there should be a nationally agreed training package covering the role of governors and the myriad legal, financial, employment and education duties imposed on schools”.⁹⁴ Bridget Sinclair of NCOGS argued that “it is not sufficient for governors just to attend an odd event once a year, or something; they really need access to a portfolio of training and support and, ideally, substantial face-to-face support alongside other provision”.⁹⁵ However, the National Governors’ Association pointed out that “governors themselves often resist spending school budgets on their own development. NGA has for years encouraged schools to set aside a reasonable budget [for] governor training, but to little avail”. The NGA recommended that our inquiry should prioritise making recommendations in this area.⁹⁶

56. Much of the evidence advocated training via peer-support, with less experienced governors receiving mentoring from those with more experience.⁹⁷ The National College for Teaching and Leadership has launched a programme of National Leaders of Governance, to enable the most effective chairs to use their skills and experience to support other chairs. The programme is open to those with at least three years’ recent experience as a chair in a good or outstanding leadership team who could commit between ten and twenty days a year to the role.⁹⁸

57. In oral evidence, the Minister told us that the Government does not intend to make any training mandatory, but will rely on the new Ofsted framework to provide a strong incentive for all governing bodies to ensure that they are appropriately skilled to do their job.⁹⁹ Witnesses acknowledged this new focus as helpful: as Nicola Cook of Buckinghamshire County Council explained, Ofsted “is giving quite helpful pointers to governors as to what they expect to see [...] one of the things we will be doing is discussing with the governors and the headteacher how we work and how we strengthen governance. [...] that change of emphasis from Ofsted is a really useful tool for us”.¹⁰⁰ Mike Cladingbowl of Ofsted also advised that, from September 2013, Ofsted will be asking specific questions of governors regarding the amount and nature of training they are receiving, and how this is affecting their ability to hold the school to account effectively.¹⁰¹

93 Ev w66, para 2.2

94 Ev w80, para 19

95 Q126

96 Ev 71, para 3.4

97 See for example Ev w22, para 31

98 Ev 109, page 9. See also Ev w3, para 10

99 Q229

100 Q160

101 Q66

58. The question of who will provide governor training, in the light of local authority cuts to services, is not clear. Andrew Thraves of GL Education suggested that the quality of basic governor training is being further affected by the academies programme as those schools are tending to spend their money on other things.¹⁰² FASNA (a national forum for self-governing schools, including academies) expressed concern about the nature of training available to governing bodies. It said

A whole range of providers is entering the market place particularly targeting academy converters. Some of this ‘training’ and ‘guidance’ that we have seen, particularly that emanating from professional firms (including ‘legal firms’) which are commercial in approach is inaccurate, misleading or daunting in the interpretation of governing body roles and responsibilities. There is a lack of overall quality control for ‘training’ and much of it is unfocused, not practical enough and even confusing.¹⁰³

59. A market of independent providers is established and local authorities are increasingly competing with traded services of their own.¹⁰⁴ The National Governors’ Association voiced “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”.¹⁰⁵ The NGA added that “there are few quality alternatives” to local authority provided training at present,¹⁰⁶ and Professor Chris Hill of the University of Bath commented that “I do not think it is clear enough in the marketplace for all governors to know where exactly they would need to go to get the sort of training that they would necessarily need”.¹⁰⁷

60. The National College for Teaching and Leadership, along with the National Governors’ Association, NCOGS and FASNA, all provide training, along with a variety of other providers. When asked how the quality of governor training could be assured in future, the Minister answered:

I do not want to keep mentioning Ofsted, but it is our sharpest tool in the box. Ofsted’s criteria will mean that all training has to be driven towards that. There is no point in producing training if it is not going to cut the mustard. I think this will help.¹⁰⁸

On being asked whether Ofsted would be resourced to take on so much responsibility for maintaining and raising standards in school governance, the Minister replied “Yes”.¹⁰⁹

102 Q125

103 Ev w121, para 3

104 See for example Nicola Cook, Q161

105 Ev 71, para 3.6

106 *Ibid.*, para 3.5

107 Q64

108 Q238

109 Q239

61. Too many governors have not had suitable training. The Government says this can be encouraged through Ofsted. Ofsted should report back in due course whether their intervention is effective. If it is not, mandatory training should be considered again. The Government should require schools to offer training to every new governor. We welcome the Minister's assurance that Ofsted will be resourced adequately in order to undertake its increased role in helping to ensure effective governance in schools. Further explanation is required as to how this will be achieved.

62. We are concerned at suggestions that few quality alternatives are emerging to the training traditionally provided by local authorities. We recommend that Ofsted and the DfE monitor the availability and quality of governor training in the light of greater academisation of schools and reduction of local authority services.

Inspection, self-assessment and peer challenge

63. Ofsted data for 2010/11 showed that governance judgments are consistently lower than those for school leadership overall.¹¹⁰ The DfE argued that “a clear and robust system of accountability is as vital to driving up the quality of governing bodies as it is to driving improvement in the quality of the schools they govern”.¹¹¹ The DfE went on, “governing bodies provide a crucial layer of school-focused accountability for pupil performance and education standards. It is essential that they themselves are also subject to scrutiny and a robust system of accountability based on clear expectations”.¹¹² The majority of witnesses welcomed Ofsted's increased focus on governance, although there were questions from some quarters as to whether it was “realistic” to hold volunteers to account to this extent.¹¹³ The DfE “rejects any suggestion that [governors'] status as volunteers should exempt them from public scrutiny”, adding that “high quality governance is essential to driving up pupil and school performance, and weak governance needs to be identified and addressed”.¹¹⁴ Witness Fergal Roche agreed, saying “governors have to be very transparently the governors— or directors; whatever they get called—and stand up alongside the head and be seen”.¹¹⁵

64. Part of Ofsted's new approach is to provide a clear description within its inspection framework of the role and characteristics of high quality governance. Providing transparency on this front, along with clear criteria against which governing bodies can assess their performance, was welcomed by a large number of witnesses to our inquiry. The National Governors' Association said that the new Ofsted framework was “likely to have a greater impact on improving governance than perhaps any other measure any government has or could have taken”.¹¹⁶ It added:

110 Ev 58, para 35

111 Ev 55, para 5

112 Ev 56, para 16

113 Ev w19

114 Ev 58-9, para 40

115 Q34

116 Ev 70, para 2.2

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.¹¹⁷

65. According to Ofsted, where governance is ineffective in a school judged as 'requires improvement' and is graded three for leadership and management, inspectors should include an external review of governance in their recommendations for improvement.¹¹⁸ These reviews will be commissioned by the school and led by a National Leader of Governance (NLG), or an appropriately experienced National Leader of Education (NLE), under the auspices of the National College for Teaching and Leadership. HMI inspectors return to a "requires improvement" school six weeks after a review to see how the governing body has progressed with recommendations from the review.

66. A pilot of the external reviews was completed by the National College in early 2013 and its findings were written up during the course of our inquiry. DfE said initial feedback from schools was very positive,¹¹⁹ and written evidence received subsequently from the National College indicated that schools welcomed the reviews, claiming that they would impact positively on outcomes for pupils. Schools supported the continued use of external reviews, albeit with certain modifications.¹²⁰ Of particular interest was the fact that schools are tending to use the Ofsted criteria for good governance to undertake self-assessments to identify areas for improvement¹²¹—something which appeared as an important theme in this inquiry, with many witnesses suggesting that compulsory self-assessment, or skills audits, should become a requirement of all governing bodies. The All-Party Parliamentary Group on Education Governance and Leadership's "20 questions for governing bodies" was cited by several witnesses—including the Minister—as being another very useful tool in self-assessment.¹²² Frank Newhofer, a governor, told us, "it is certainly part and parcel of the annual regime of a good governing body to engage in such self-evaluation and there are good systems and processes around for doing that".¹²³ The "20 questions" are now employed in the "supported self review" element of the National College's external reviews of governance. They are also referred to in the new Governors' Handbook, along with links to National College guidance on evaluating governing body effectiveness and to the Wellcome Trust's draft *Recommended Code of Governance for Schools*.¹²⁴ Emma Knights of the NGA highlighted as particularly effective the National College's Chairs' Development Programme which encourages "diagnostic" reviews of chairs—a 360 degree appraisal

117 Ev 70, footnote to para 2.2

118 *Subsidiary guidance supporting the inspection of maintained schools and academies*, Ofsted, 28 February 2013

119 Q219, Anne Jackson

120 Ev w136

121 Q219

122 See for example Q20 (Fergal Roche), Q220 (Lord Nash)

123 Q36

124 *Governors' Handbook*, para 1.6.2

process which garners the views of other governing body members on the performance of the chair.¹²⁵ Fergal Roche, a serving governor, had been through a similar process and felt that its strength lay in the fact that the chair “has to account for weakness”.¹²⁶

67. Some support and challenge to governing bodies has traditionally been provided by local authorities. The National Governors’ Association claimed that “despite reductions in local authority support teams supporting governors, there are concerns that school-to-school support has not developed in the way that we would have hoped to fill those gaps”. Although the National College’s external reviews are welcome, they do not target better performing schools that may also benefit from peer challenge. Similarly, several witnesses argued that the fact Ofsted will not necessarily inspect high performing schools for lengthy periods, is “a weakness in their framework”.¹²⁷ Neil Calvert, headteacher of Long Eaton School in Derbyshire explained

The question about school-to-school support is quite an interesting one, because it tends to happen with the strong and the weak [...]. There is a danger at the moment with less advice from local authorities that “good” and “outstanding” schools in particular, especially with the inspection regime being such that it may be quite a while until they next get inspected, are at risk of not necessarily having that level of challenge for the governing body. Certainly my own school is looking to put in place an informal arrangement with the governing body of another similar kind of school to have some kind of peer review and exchange of governors. There is a need for that, because there is the possibility that those schools may only get picked up in terms of weaker governance at a point when, for example, there is a risk assessment by Ofsted. That does not pick up weak governance; it picks up the effects of weak governance a year or two down the line when standards start to dip or complaints come in, and young people have already been affected.¹²⁸

68. Ofsted’s written evidence acknowledged this point, saying that “some previously good or outstanding schools decline because governors have taken their eye off the ball”.¹²⁹ The solution offered by the DfE was that any school can request an external review from the open market at a cost of around £900-£1300. It also pointed to a range of training and support available to governing bodies, including self-assessment tools, which should encourage governing bodies to be more reflective about their own performance and take action where required.¹³⁰

69. Poor performance by governing bodies should be challenged at the earliest opportunity. We support the obligation placed on schools that “require improvement” to undertake an external review of governance.

125 Q3 (Emma Knights)

126 Q3 (Fergal Roche)

127 Ev w3, para 15, see also Q64 (Chris Hill)

128 Q64

129 Ev 68, para 19

130 Q220 (Anne Jackson)

70. We recommend that governing bodies be strongly encouraged in guidance from DfE, Ofsted and the National College to participate in peer-to-peer governance reviews and to undertake self-assessment and skills audits, using tools such as the All-Party Parliamentary Group on Education Governance and Leadership’s 20 questions and other resources identified in the new *Governors’ Handbook*.

Ofsted’s Data Dashboard

71. The primary purpose of governors is to ensure the quality of education provision in schools. Governors need the ability to use data to identify where the quality of teaching is affecting school performance—for better or worse. This will become increasingly important with the introduction of performance related pay for teachers.

72. The best governing bodies are already adept at accessing and interpreting data, but, as the NCSL commented:

Too often, governors lack the information they need to hold the Executive accountable for standards. There may be an awareness of key exam data, such as the level 4 or five GCSE benchmarks, but there is too often not enough additional information to allow governors to drill beneath the headlines, identifying for example, the strengths and weaknesses of different subject departments or how well students are making progress given their backgrounds.¹³¹

73. Ofsted’s 2011/12 Annual Report identified that “specific weaknesses in governance include an over-reliance on information from the headteacher. Where governance is not effective, a lack of transparency and accurate information restricts the ability of the governing body to monitor the school’s work robustly”.¹³²

74. The DfE, along with partners such as the NGA, NAHT and ASCL, is undertaking a range of work to improve the data available to governors, in more user-friendly formats. Of particular note is Ofsted’s new Data Dashboard, which was launched during our inquiry and generally welcomed by the majority of witnesses.¹³³ At its launch, Sir Michael Wilshaw said that the arrival of the dashboard meant there would be “no excuses” for governors who did not understand and challenge their school robustly in future.¹³⁴ In oral evidence, the Minister, Lord Nash, told us

I think the dashboard is a big step forward. It is useful for parents and it is something that many governors will know already. Many governors will be well beyond that, but it will be helpful to some governors. Obviously, all governors need to understand RAISEonline, and it is quite complicated. We are working with Ofsted to simplify the RAISE summary report, and we are working in the Department for Education on a

131 Ev 111, pages 12–13

132 Ev 68, para 21

133 See for example Q106 (Pat Smart and Bridget Sinclair)

134 *Chief Inspector raises the stakes for school governance*, Ofsted press release, 27 Feb 2013

whole new data warehouse for all our data, so that the next generation of the RAISE equivalent is more user-friendly [...] So the dashboard is helpful, but it is only one step.¹³⁵

75. Similarly, Dr Bridget Sinclair of NCOGS welcomed the Dashboard, but warned that

It gives that high-level story about the data and trends over time, which will be a very quick and easy way for governors to begin their journey into delving into unpicking the data. But it must not become the be-all and end-all of data. It certainly is the beginning and will begin to raise questions, because even if that data dashboard is showing favourable trends, there could be deeper underlying stories that need to be explored. We certainly would not want that to become the exclusive source of data, and RAISEonline and further dipping into year-on-year in-house data is incredibly important, because the data dashboard is still looking at the end-of-year summative data, rather than in-house tracking.¹³⁶

76. Several witnesses called for improved guidance and training for governing bodies in interrogating data. Andrew Thraves of GL Education described the English school system as “data rich but data interpretation poor”,¹³⁷ and Michael Jeans of The Haberdashers’ Company added, “the questions to ask are absolutely crucial; the data alone do not do anything. It comes to training governors”.¹³⁸

77. Many witnesses, including Mark Taylor of Cambridge Education, Islington, believed there were “dangers in letting governors make up the questions themselves” and this guidance would be best developed nationally.¹³⁹ In oral evidence, Anne Jackson of the DfE explained that the Department was talking to partners about developing a set of questions that governors could use to interrogate data, including RAISEonline and the Data Dashboard. She also mentioned that the new Governors’ Handbook (the replacement for The Governors’ Guide to the Law) would contain a suggested headline set of questions that every governing body could use to interrogate data.¹⁴⁰ The Handbook, which has since been published, contains a small number of generic questions and links to NGA guides to help governors make the most of the data held in RAISEonline.¹⁴¹

78. The importance of good data in user-friendly formats for governing bodies cannot be overstated. We welcome Ofsted’s Data Dashboard and support the DfE’s work to develop questions that governing bodies can use to interrogate data effectively. The generic questions in the new Governors’ Handbook are helpful, but will not in themselves provide sufficient assistance to governing bodies in interrogating complex data. We look forward to DfE publishing further questions.

135 Q222

136 Q106

137 Q107

138 Q155 (Michael Jeans)

139 Q155 (Mark Taylor)

140 Q223

141 Governors’ Handbook, para 1.4.3

Information, advice and guidance for governing bodies and the role of the clerk

79. The importance of high quality, dedicated support for governing bodies was a strong theme during our inquiry. Reflecting the views of many witnesses, written evidence from a serving governor explained that “I have witnessed many governors meetings and indeed other boards where the papers are unclear, lack consistency in presentation, certainly don’t make clear what the decision if any should be, and are often tabled at the meeting”.¹⁴²

80. A good clerk ensures that the governing body operates properly within legal frameworks, prepares and presents vital data, and provides professional support. Written evidence from NCOGS stated that a clerk “needs to be independent of the school and not a member of the school staff”, and advocated “the establishment of a National Association to act as guardian of professional standards as well as being a source of support for clerks”.¹⁴³

81. Evidence showed the role of the clerk to be “hugely important”¹⁴⁴ and a large proportion of witnesses favoured making the role of clerk a professional post, “akin to company secretaries”.¹⁴⁵ In oral evidence, the Minister said that this was something the DfE was looking at.¹⁴⁶ The NGA and the Society of Local Authority Chief Executives are finalising a project which explores the feasibility of establishing a system for organising and developing governing body clerks as competent and recognised professional advisers.

82. Witness Frank Newhofer stressed the need for some sort of quality assurance in the recruitment of clerks “to make sure that clerks are as good as possible”.¹⁴⁷ SGOSS believed itself to be well-placed to assist with this. The Minister, Lord Nash, acknowledged that “SGOSS have been very successful at recruiting governors. Most clerking at the moment is done through local authorities or through academy chains, but we are keen to encourage other providers if they come forward”.¹⁴⁸

83. An effective clerk is vital to the success of a governing body. The evidence clearly indicates that this should be a professional role—similar to a company secretary. We recommend that the Government act upon the findings of the project by the National Governors’ Association and the Society of Local Authority Chief Executives relating to clerks.

84. The School Governors’ One Stop Shop (SGOSS) has been funded for a further two years to recruit governors. We believe that SGOSS may be ideally placed to take on a role in recruiting clerks and we recommend that the Government consider how to facilitate this.

¹⁴² Ev w8, para 5

¹⁴³ Ev 88, para 2.3

¹⁴⁴ Q69

¹⁴⁵ Q15 (Emma Knights)

¹⁴⁶ Q226

¹⁴⁷ Q13

¹⁴⁸ Q227

85. The DfE has rewritten *The Governors' Guide to the Law* into a “shorter, more concise, plain English handbook for all governors”. Many witnesses said that the original *Governors' Guide* was an invaluable document, and they expressed concern that critical detail has been left out of the new version.¹⁴⁹ Darren Northcott of NASUWT described the *Governors' Guide* as “a unique document”, adding that “you would struggle to find something as concise and accessible as that”.¹⁵⁰ Nicola Cook of Buckinghamshire County Council said:

I completely understand the Department is endeavouring to introduce more freedoms for governing bodies. There is a danger that we get to a tipping point where we reduce so much guidance and prescription for them that they are going to be in a position where governing bodies could end up reinventing the wheel in isolation. [...] *The Governors' Guide to the Law* [...] was a really useful document and not just for governors but for clerks to governors. There is a danger that we are swinging too far the other way.¹⁵¹

86. Dr Bridget Sinclair of NCOGS advised that “the clerk still needs to have that detailed procedural guidance and information [...] otherwise they are going to have to go and refer to guidance and legislation to remind themselves of the detail”. Dr Sinclair concluded “that is not very practical or helpful”.¹⁵²

87. In oral evidence, the Minister justified the new handbook saying “if you have a handbook that is too long and too full of legal duties, you will frighten everybody”.¹⁵³ The National College supported this view, saying that

the current governor manual is an unread document that may fulfil statutory purpose but fails to inspire governors to focus on what should be their key role. [The government] should replace it with a simple easily navigable online alternative, providing genuine support and training.¹⁵⁴

Anne Jackson of DfE added “we are continuing to talk to the National Governors Association and our other stakeholders about the handbook, in particular the way it links through to more detailed guidance, which is typically what the clerk would need. Governors themselves do not need it up front”.¹⁵⁵

88. Since we finished taking evidence, the new *Governors' Handbook* has been published. Emma Knights of the NGA has been reported as saying that the new Handbook was “a missed opportunity” to help governors provide strong strategic leadership and that, in trying to simplify the guidance, the DfE had produced a guide which would only be of use to new governors. Ms Knights added “the first section is a useful introduction for new

149 Ev 57

150 Q159 (Darren Northcott)

151 Q159

152 Qq151-2

153 Q225

154 Ev 112

155 Q225

governors outlining their strategic role and the ways in which governors get to know their schools. There is, however, little for the more experienced governing bodies on the most effective governance practice”.¹⁵⁶

89. Our inquiry has shown the importance of high quality information and guidance for governing bodies—particularly for clerks. We share the concern of the National Governors’ Association that the new Governors’ Handbook appears to be aimed only at new governors. The new Handbook has lost much of what was valuable to experienced governors and clerks in the predecessor guide. The Government should work with the NGA to rectify this.

Arrangements for tackling underperformance and failure of governing bodies

90. Local authorities and the Secretary of State have powers to intervene where governance is failing. Local authorities can issue a Warning Notice to a maintained school. Where this Notice is not complied with—or where Ofsted has judged the school to require special measures or significant improvement—the local authority or Secretary of State may intervene directly and impose an Interim Executive Board (IEB) to replace the governing body. A maintained school’s budget may also be suspended by the local authority. In academies, the Secretary of State can give an academy a warning notice which, if not complied with, can result in the Secretary of State invoking a range of powers, including terminating the Funding Agreement to ensure a change in the Trust controlling the academy.

91. As the Association of School and Colleges Leaders asserted, “inadequate governors can place a whole school at risk”,¹⁵⁷ but our evidence suggested that, where governance is weak or failing, the measures available to intervene are not being used effectively in all local authority areas. Ofsted’s 2012 Annual Report found that, since 2007, almost half of local authorities had not put in place any Interim Executive Boards and 70 local authorities had not issued any warning notices. The National College reported that some of its members had had experience of IEBs and found that it could take a long time to establish them—up to two years in some cases. Its members were also concerned that IEBs were not being used where academies were failing.¹⁵⁸ The National College has called on Ofsted to recommend IEBs explicitly when placing schools in special measures, with time limits for the IEB’s implementation (the National College suggested six weeks).¹⁵⁹ The DfE acknowledged time lags in imposing IEBs as an issue, but merely said that this was “the sort of issue that the Department would pick up in our discussions with local authorities”.¹⁶⁰

156 *Legal guide a ‘missed opportunity’ says school governors’ leader*, Children and Young People Now, 16 May 2013

157 Ev w21, para 12

158 Ev 109, page 9

159 Ev 78, para 4

160 Q211

92. Urgency in implementing Interim Executive Boards is critical to address serious failings of governance in schools. Given that urgency, the absence of time limits for the implementation of IEBs is indefensible and should be rectified forthwith. We recommend that if, after an inspection, Ofsted considers that a governing body should be replaced by an IEB, Ofsted should use its power and responsibility to say so explicitly.

93. Local authority witnesses to our inquiry felt that local authorities' powers to intervene were adequate, but that there was a "culture issue"¹⁶¹ with local authorities not making use of them. Nicola Cook of Buckinghamshire County Council suggested that the fact Ofsted will now undertake inspections of local authority improvement services will incentivise local authorities to make better use of the powers they hold to challenge poor governance.¹⁶²

94. Interestingly, Ofsted felt that local authorities' powers to issue warning notices and impose IEBs are "circumscribed", which may account in part for their under-use. Mike Cladingbowl of Ofsted explained that

there are circumstances in which they may [issue warning notices] and circumstances in which they may not and they need to follow proper processes [...] there are questions that might usefully be looked at around the ease with which these things can be issued and whether the circumstances around their issue might need altering.¹⁶³

The Minister told the Committee that the DfE is "thinking about" this challenge.¹⁶⁴

95. The Secretary of State has a responsibility to intervene where standards are falling. Mike Cladingbowl of Ofsted acknowledged that there was a specific problem in some converter academies that are "flying solo", away from any sort of central support such as a sponsor or a local authority. However, he believed that Ofsted's inspection of local authority school improvement functions should show how well local authorities will be able to support all schools in future.¹⁶⁵ Local authority witnesses, Mark Taylor and Nicola Cook, agreed that the local authority's role as children's champion would be important in such instances. However, Mark Taylor still voiced "some concerns, potentially, about the internal mechanisms around governance within academies".¹⁶⁶ Nicola Cook added that

Sir Michael Wilshaw, when he was before this Committee, was making it very clear that local authorities do not have the power of intervention in academies, but his expectation is that they would be expressing concerns to the Department. The concern there is that, if there is that loss of local intelligence and the local authorities

161 Q174 (Mark Taylor)

162 Q173 (Nicola Cook)

163 Q93 (Mike Cladingbowl)

164 Q206

165 Q70

166 Q175 (Mark Taylor)

are relying on publicly published data, then, clearly, they are old data and no up-to-date. Again, it is about that local authority's relationships with its academies and whether information is being shared.¹⁶⁷

96. Darren Northcott of the NASUWT added “we have come across examples where academies have simply refused to co-operate with a local authority trying to find out basic information about the governance of a particular academy, and that is quite a profound issue that is worth exploring in a bit more depth”.¹⁶⁸

97. With less frequent Ofsted inspections for better performing schools, there was some concern that falling standards will not be identified until too late. DfE sees a continuing role for local authorities in monitoring ongoing performance. It argued that local authorities will have sufficient capacity to perform this role as school improvement services are funded based on the number of academies in the area, making the amount of resources available “proportionate”.¹⁶⁹ However, many witnesses to the inquiry argued that this role will become increasingly difficult for local authorities to maintain as central services are dismantled due to budget restrictions and lessening demand for services. As Emma Knights of the NGA explained, “there is a slight issue now, with local authority services being pared back, about whether they will have the intelligence that they had in the past; it may make things slower rather than more speedy”.¹⁷⁰

98. In oral evidence, we heard that the DfE and Education Funding Agency (EFA) have systems in place to monitor the HR and financial health of schools—indicators that can illustrate where weaknesses are appearing in a school. For example, the Academies Financial Handbook—which contains statutory and regulatory guidance with which the academies must comply—provides under section 2.2 that the board of trustees of the Academy Trust must approve a balanced budget for the financial year, and must submit this to the EFA in a form and by a date specified by the EFA. Any significant changes to budget plans must be notified to the EFA. In addition, Academy Trusts are required by law (as companies and charitable trusts) to produce and submit annual accounts setting out their actual financial performance for the previous year. These are submitted to the EFA acting on behalf of the Secretary of State as charitable regulator. The DfE provided further detail on this subject in its written evidence.¹⁷¹

99. Responding to questions posed by us, the Academies Commission observed that “should academisation take off in the primary sector and academy status become the dominant (or total) mode across the school system, it appears unlikely that any of the designated sections at the DfE [...] could have capacity to carry out scrutiny and intervention. At present levels of academisation, it is feasible for the Office of the School

167 Q175 (Nicola Cook)

168 Q176

169 Q216

170 Q45 (Emma Knights)

171 Ev 123

Commissioner to monitor attainment (although we believe that more 'local' information could be provided by local authorities to support this)".¹⁷²

100. We recommend that the Government investigate the reasons why so many local authorities, and the Secretary of State, have historically been reluctant to use their powers of intervention where school governance has become a concern. Any unnecessary restrictions on the use of these powers should be lifted so that they can be used more effectively.

101. Local authorities continue to have an important role in the monitoring and challenge of school performance between Ofsted inspections. Ofsted's inspections of local authority school improvement functions will be an important gauge of how feasible it is for local authorities to continue to undertake this role. There is a need for greater clarity on the role of local authorities in school improvement within the new school landscape and in the context of reductions to budgets. We recommend that this be addressed by the DfE as a matter of urgency.

¹⁷² Academies Commission responses to Committee questions, June 2013
<http://www.parliament.uk/documents/commons-committees/Education/AcademiesCommissionresponse.pdf>

4 The relationship between the governing body and headteacher

Division of responsibilities

102. Reflecting the majority opinion in our evidence, the DfE recognises that the relationship between the headteacher and chair of governors is critical to achieving proper school accountability.¹⁷³ As serving governor Mark Dawe explained:

From my experience one of the most vital factors is how a governor can challenge a Head if they don't have an understanding of what the key elements of running a school are. [...] A good Head will ensure that governors are given a clear and simple explanation of what is important and what the governors should be looking at/concerned about. A weaker head, or an overly strong head, may use the lack of governor knowledge to avoid answering the difficult questions or admitting to problems or using their experience and expertise to make the governors feel consumed and inadequate and thus afraid to challenge. In many cases the success of the governors is determined by the Head's approach.¹⁷⁴

103. In its 2011 report on school governance, Ofsted noted that “absolute clarity about the different roles and responsibilities of the headteacher and governors underpins the most effective governance”.¹⁷⁵ However, evidence from many witnesses referred to increasing difficulties for schools in separating the strategic and operational functions of school leadership.¹⁷⁶ The NAHT commented that “disputes between heads and governors are a growing part of our casework”.¹⁷⁷

104. Some witnesses suggested that there is a conflict of interest in having headteachers (and possibly staff¹⁷⁸) as members of governing bodies, arguing that the role of headteacher ought to be fully accountable to, and separate from, the governing body. The Haberdashers' Company, for example, does not usually expect headteachers to be governors as the headteacher is viewed as the “Chief Executive” of a school.¹⁷⁹ However, other witnesses pointed out that—despite having possible vested interests in certain matters within the governing body's remit—headteachers and staff are best placed to advise on matters such as curriculum, therefore making their contribution important.¹⁸⁰

173 Ev 56, para 12

174 Ev 20, para 7

175 *School Governance: Learning from the Best*, Ofsted 2011

176 See for example Ev 1106, para 3, Ev 80, para 4, Ev w6, para 1

177 Ev w110, para 2

178 See for example Ev 76, para 4.3-4

179 Ev 97, para 6.4

180 Ev w2, para 5

105. There was a general sense amongst witnesses that school governance was in need of “clarity of purpose, expressed through statutory responsibilities”.¹⁸¹ Several witnesses, including the NGA and the CBI, referred to regulations and other legislative requirements which confuse dividing lines between the responsibilities of governing bodies and headteachers.¹⁸² The NGA, for example, referred to “a host of statutory responsibilities” and operational tasks that “can, and should” be delegated to headteachers, although governing bodies are often reluctant to do this.¹⁸³ Emma Knights explained that DfE has gone “a little way” to help clarify those policies which can be delegated. Nevertheless, she maintained that there remain responsibilities allocated to governing bodies which are “a nonsense”¹⁸⁴, such as governors being responsible for admissions in schools which are their own admissions authority. Ms Knights explained that “the DfE has accepted that is a nonsense, but annoyingly has not managed to get the regulations through Parliament to prevent us having to do that”.¹⁸⁵

106. The evidence contains calls for Government to clarify these responsibilities in legislation. Evidence from Cambridge Education, Islington, suggested that, in the absence of greater clarification of the respective roles of governing bodies and headteachers, it will be unrealistic for Ofsted to judge governance within the overall category of “school leadership”.¹⁸⁶ In oral evidence, the Minister said that the DfE would “beef-up our expectation of what a good chair looks like and what their role and responsibilities are”.¹⁸⁷

107. We recommend that the Government review existing regulations and legislative requirements regarding the respective roles and responsibilities of governors and headteachers to ensure clarity regarding the proper division of strategic and operational functions in school leadership.

Training for headteachers and chairs of governors

108. As Claire Collins, former chair of the National Governors’ Association, observed, training for chairs of governors “may only have limited impact if headteachers do not acknowledge the role”. This point was also made by headteacher Chris Hill.¹⁸⁸ The Association of School and College Leaders argued that there is “a constant need to ensure that all parties are well trained and understand their respective roles”.¹⁸⁹ The need for both chairs and headteachers to be trained in order to work effectively together was considered important by the majority of witnesses.

181 Ev 98, para 1.2

182 Ev w88, para 14

183 Ev 70, para 1.4

184 Q10

185 Q10

186 Ev 70, para 1.3

187 Q246

188 Q75

189 Ev w21, para 18

109. There is no requirement at present for either chairs or headteachers to undertake training. The new National Professional Qualification for Headship (NPQH) is non-mandatory, despite containing essential modules which contain training on the legal aspects of governance, the governing body’s role in the strategic leadership of the school, and the headteacher’s accountability to the governing body. Claire Collins advised that “the revised National Professional Qualification for Headship should play a part in ensuring that new heads are better equipped to work positively with the governing body”, but the qualification “does not address how incumbent heads make the cultural shift towards more transparent and meaningful accountability”.¹⁹⁰ This was echoed by headteacher Neil Calvert, who told us that

I rarely use my NPQH training on a day-to-day basis. One of the big learning points of becoming a new head several years ago was the importance of the relationship with the chair of governors. I am not sure that was ever covered in NPQH; that would certainly strengthen it.¹⁹¹

110. When we asked the Minister whether there was a case for mandatory training on governance for all headteachers, he replied “it will not surprise you to hear us say that we are not rushing to be more centralist in our approach to education”.¹⁹² The DfE believes that “it is for governing bodies to review the [training and development] opportunities available in the market, and identify and select the most suitable to their needs and budget”.¹⁹³

111. Training for chairs of governors is being prioritised by the DfE. The National College is running a leadership programme, alongside workshops to get chairs and headteachers working together.

112. There is a compelling case for headteachers to undergo training on governance. We strongly support training for headteachers and chairs of governing bodies to assist with mutual understanding of each other’s roles and responsibilities.

Appointment and terms of office of governors

113. Given the importance of the chair of governors, the Academies Commission has recommended that the appointment process for chairs of governors should become more professional and rigorous in order to ensure the recruitment of high quality chairs who are able—amongst other things—to understand the role and responsibilities of being a governor; be prepared to engage in continuing professional development; and provide robust challenge to headteachers.¹⁹⁴ The Haberdashers’ Company agreed, describing its

190 Ev w17, para 1.2

191 Q76 (Neil Calvert)

192 Q244

193 Ev 57, para 25

194 *Unleashing Greatness: Getting the best from an academised system*, The Report of the Academies Commission, January 2013

“clear and rigorous attitude to the recruitment of governors to its schools”,¹⁹⁵ which includes “rigorous selection and interviews, matching skills to the needs of the school” and formal induction processes and ongoing training.¹⁹⁶ This approach to recruitment has been very successful for Haberdashers, although they acknowledged that the Company has access to a ready pool of candidates as all Haberdasher Livery Company members are encouraged to become school governors.¹⁹⁷

114. However, in oral evidence, Anne Jackson of the DfE explained that Government’s “clearer set of expectations around what it is that a chair needs to do”, through mechanisms such as the new Ofsted framework, should ensure that careful consideration is made by governing bodies when appointing a chair.¹⁹⁸

115. Witnesses such as NCOGS also suggested that “there may be a case for the chair of governors’ term of office being limited to six consecutive years [to] support succession planning and promote distributive leadership and effective governance”. The Association of School and College Leaders agreed with this, advocating “fixed terms of office both for membership of governing bodies and for chairs, with limited opportunity for reappointment”.¹⁹⁹ Several witnesses, including NCOGS, also highlighted difficulties in removing poor chairs from office. In oral evidence, Emma Knights of the National Governors Association acknowledged that “it has been quite difficult for governing bodies to address that issue”,²⁰⁰ whilst welcoming the Government’s increased focus on the importance of good quality chairs through programmes such as the National College’s Chairs’ Development Programme.²⁰¹

116. The evidence also highlighted problems in removing poorly performing governors (other than the chair) as governors are on fixed terms of four years.²⁰² ASCL suggested that all good governing bodies should have “procedures that set out in what circumstances a governor may be removed from the governing body, and how”.²⁰³

117. In order to ensure that every governing body has an effective chair, the appointment process for chairs needs to be robust and accompanied by clear procedures for removing poorly performing chairs from office. We recommend that DfE review current procedures relating to the appointment, and the terms of office, of chairs of governors. We also recommend that governing bodies be given the power to remove poorly performing governors.

195 Ev 96, para 4.1

196 Ev 97, para 7

197 Ev 96, para 4.2

198 Qq245–6 (Anne Jackson)

199 Ev w22–3, para 33

200 Q1 (Emma Knights)

201 Q3

202 Ev 72, para 4.5, Q21

203 Ev w22-3, para 33

5 New models of governance

Accountability of academy governance

118. Emma Knights of the NGA observed that

the whole issue of more autonomy, as you have in the academy sector, by definition means more risk and it therefore means you absolutely need better governors. Right across the piece we should have effective governance, but it is even more critical in academies.²⁰⁴

119. The evidence we received showed a lack of clarity about—and varying degrees of support for—the different models of governance that exist within academies. Dr Bridget Sinclair of NCOGS commented that “there is a concern about the more complex models of governance that we are seeing, and a study should be made of the vulnerabilities of those models”.²⁰⁵ Regulations regarding the statutory division of functions between the governing body and headteacher do not apply in academies. Written evidence from FASNA explained:

The evidence from the academy conversion seminars we are running strongly suggests that the differences in governance models between a single converter academy and the types of multi academy trust is not understood. In particular, delegates have not realised the fundamental differences between a local governing body (often the model in a sponsored academy chain) and a board of directors (the model for a single converter).²⁰⁶

Several witnesses singled out converter academies (which constitute the majority of academies), where there is evidence suggesting that governing bodies of many converters do not understand their new role and do not change their governance arrangements to adapt to their new role, despite freedoms allowing them to do so.²⁰⁷

120. Solicitor Geoffrey Davies argued in written evidence that the variations in governance that exist in different types of academy need to be made clear. In common with several witnesses, including Ofsted, Mr Davies praised the multi academy trust model of governance which, he claimed, operates “extremely well indeed”, with high levels of accountability throughout the system.²⁰⁸ However, he cast doubt over the non-sponsored multi academy trust model due to the absence of a sponsor, which means that “the first members effectively have vested in them the future control of the multi-academy trust, without any control over their long term suitability and without any guidance as to what should happen if they die, become insane, or simply lose interest in the operations of the

204 Q37

205 Q135

206 Ev w122, para 7

207 See for example Ev 106

208 Ev w93, para 9

academies”.²⁰⁹ The Haberdashers’ Company attributed the success of its governance model to having accountability to a Trust,²¹⁰ and evidence from Ofsted suggested that “sponsor-led academies can make a difference, especially when part of a well-managed group or academy chain”, citing outstanding Ofsted gradings in 25% of sponsor-led academies in chains in 2012, compared with 8% of those not in chains.²¹¹

121. It is up to academies to decide how governance will work, subject to approval by the Secretary of State. In academies, the principal sponsor, or Trust members (who are the owners of the company) appoint the majority of governors. Many witnesses expressed concern at the threat to genuine accountability this may pose. NCOGS commented that “there are concerns that some of the governance structures within non LA maintained schools may remove the decision making powers away from local governors, thereby impacting their ability to effectively govern the school and provide the independence to hold senior leaders to account”.²¹² The Association of Teachers and Lecturers also warned “it is vital that the voice, knowledge and expertise of local governors is not lost”.²¹³

122. Evidence from GL Education Group stressed the importance of schools having “a comprehensive understanding of the views of key school stakeholders: pupils, parent and staff”. It added “stakeholders can often have a perception of a school that governing bodies do not have access to and understanding these views can help governors to identify areas of strength as well as areas for development”.²¹⁴ GL Education referred to “research [which shows] that parental involvement in schooling has a greater influence on attainment than family background or parental education and it is therefore essential that school leaders develop a good and consistent engagement with parents”.²¹⁵ NCSL suggested that approaches such as parents’ councils should be considered in order for local views to be properly engaged.²¹⁶

123. Emma Knights of the NGA claimed that the DfE’s guidance does not distinguish properly between the different roles of governors in different types of academy. She said that “clarity” and some “real, good terms of reference” are “crucial” in this area.²¹⁷ In oral evidence, the Minister said that understanding their role was within the capability of most governors “with the appropriate skills”,²¹⁸ although he later added that “Emma Knights knows what she’s talking about, so we will certainly listen to what she has to say”.²¹⁹ Anne

209 Ev w94, para 12

210 Ev 97, para 7.1

211 Ev 69, para 30

212 Ev 88, para 2.2

213 Ev w80, para 21

214 Ev 91, para ix

215 Ev 92, para xvii

216 Ev 106, para 5

217 Q43 (Emma Knights)

218 Q272 (Lord Nash)

219 Q275

Jackson of DfE referred to the “sharper” revised academies financial handbook which aimed to make these responsibilities clearer.²²⁰

124. In response to questions posed by us in June 2013, the Academies Commission argued that “academy status certainly implies great responsibility for governors, and we feel the Government could be doing more to increase understanding of the pivotal role of governors in an academised system”.²²¹

125. Academies differ in their governance structures. We recommend that the Government clarify the roles of governors in the different types of academy. The Government should also clarify how relevant local groups (including pupils, parents and staff) should be given a voice in the business of the governing body.

126. Owing to the range of different school contexts that now exist, accountability of school leadership is becoming an increasingly complicated matter. The NASUWT commented that, since the expansion of the academies programme, school governance is becoming “a secret garden, subject to little or no Parliamentary or stakeholder oversight or involvement”.

127. Local authorities traditionally have provided a layer of local accountability in the school system and Sir Michael Wilshaw of Ofsted sees a continuing role for local authorities in reporting any concerns about academies to the DfE. However, as discussed earlier in this report, local authority witnesses said that they rely on out-of-date data from academies which compromises their ability to provide effective scrutiny. In oral evidence, the Minister said that a reduced role for local authorities was “part of the academisation process”.²²² The DfE contended that the combination of Ofsted scrutiny, the transparency of school performance afforded by data published by DfE and Ofsted, financial scrutiny by local authorities of maintained schools and external audit of academies, provides “a necessary quality benchmark and an appropriate level of accountability”.²²³

128. Many witnesses remained unsatisfied with the lack of obvious accountability for academies. Mark Taylor of Cambridge Education, Islington, recommended that “where you have got a de facto middle tier, where there are, for example, chains of academies, they should be inspected and viewed and evaluated with the same rigour that local authorities have used in the past”.²²⁴ The National College agreed, arguing that “with a growing number of federations and chains, it is important that their capacity is inspected in the same way that local authorities had their capacity in education and children’s services inspected. Such inspections should not duplicate individual school or academy inspections, but should focus clearly on leadership and governance, and their ability to achieve the strategic objectives of their partnership”.²²⁵ Moreover, the Academies Commission advised

220 Q272 (Anne Jackson)

221 Academies Commission responses to Committee questions, June 2013
<http://www.parliament.uk/documents/commons-committees/Education/AcademiesCommissionresponse.pdf>

222 Q279

223 Ev 59, para 41

224 Q177

225 Ev 113, para 3

our Committee that, despite being “sceptical” that democratic accountability was necessarily better under the traditional local authority structure, it believed that

the greater independence of academies means they have a greater responsibility for accounting to parents, other partners and local communities [...] We suggest that academies should produce an annual report, and hold an open forum [...] for its review. We also suggest more transparent and consistent lines of redress for parents and other stakeholders.²²⁶

129. The resignation in June 2013 of one of Britain’s leading academy headteachers, amidst allegations of financial mismanagement, brought home the potential dangers that some academies could face in controlling budgets which were once overseen by local authorities. A report by the Education Funding Agency finally brought the details of the mismanagement to light, despite the school receiving repeated “Outstanding” Ofsted ratings. As *The Guardian* reported, “[the headteacher’s] dual role of headteacher and school accounting officer had allowed her wide powers over the school’s spending”.²²⁷ The question remains whether the governing body could—and should—have taken action sooner.

130. Given the independence of academies’ governance structures, parents should be provided with clarity as to how decisions are made in academies, along with detail on where to turn in the event of concerns arising.

Alternative models of governance

131. With a few notable exceptions, our evidence showed little support for a radically new model of school governance, as the flexibility provided by the 2012 composition regulations allows for innovation where desired. Indeed, several witnesses commented that available freedoms were not being exploited—even in academies.²²⁸ As Emma Knights explained, “there are huge numbers of models [of governance] out there and often people do not realise how many models they can use. There is now lots of flexibility, obviously within the academy sector but now increasingly, with the new changes, in the local authority maintained sector and with federations”.²²⁹

132. However, Ofsted’s evidence stated that “it should be questioned [...] whether some of the current models of governance are fit for purpose in the more complex, autonomous education landscape. HMCI is of the view that radical changes are required”.²³⁰ In oral evidence, Mike Cladingbowl of Ofsted elaborated, telling us:

226 Academies Commission responses to Committee questions, June 2013
<http://www.parliament.uk/documents/commons-committees/Education/AcademiesCommissionresponse.pdf>

227 Lauded academy head Jo Shuter quits amid claims of misusing school money, *The Guardian*, 3 June 2013

228 See Q39, Fergal Roche

229 Q7 (Emma Knights)

230 Ev 69, para 34

I do think it is right that we take a look now at different structures and being more creative and making more use of the opportunities that are out there. You could, for example, ensure that expertise in one governing body is quite deliberately and directly—whether it is remunerated or not—shared with another; an advanced skills governor, for example. You could, as the Committee will have heard through previous evidence, have a smaller group of governors looking after a large group of schools, either through a federation of schools or, indeed, a federation of governors. There are a whole range of different structures and possibilities out there and I think it is right we look at them.²³¹

133. Several witnesses suggested that greater consideration should be given to federated models of governance. This was partly in order to address the issue of chronic vacancies on governing bodies and the challenges in filling these vacancies with appropriately skilled individuals, and also to address the fact that “some schools are simply too small to carry out cost-efficiently [their] operational functions”, particularly in academies, but also in maintained schools.²³² Emma Knights of the NGA commented “I do not think there is enough talk about how we govern groups of schools, whether that is in multi-academy trusts or in local authority maintained federations. That is the real interesting discussion to be having: how can we do that well?”²³³

134. The National College suggested that “effective governing bodies should consider governing more than one school, to drive improvement and to benefit from economies of scale”.²³⁴ The National College suggested that economies of scale will be particularly beneficial to small rural primary schools where governing body vacancies are often an issue.²³⁵ Pat Smart, a primary headteacher and NLE, explained, “I have had experience of [a federated governing body] and it has worked extremely well”.²³⁶ Michael Jeans of The Haberdashers’ Company referred to his experience of various federated school structures, advising:

I think the federation is a way to go, generally, on academies. However, they can only go to a certain size. You must be careful with the federation model, and we had issues. The board of governors has just grown like topsy; you have got 30 on it. That has got to be addressed, and the new regulations will enable us to address that. I would not want to chair something with 30 people on it.²³⁷

The NGA also warned about the size of federations, arguing that “what the sector and the Department are not putting enough focus on is what a sensible unit [size for a federation] is, not just to govern but to lead as well”.²³⁸ Several witnesses, including Richard Gold, also

231 Q59 (Mike Cladingbowl)

232 Ev 74, para 8.2, Q59 (Mike Cladingbowl)

233 Q7 (Emma Knights)

234 Ev 106, para 5

235 Ev 106

236 Q126

237 Q165

238 Q29 (Emma Knights)

cautioned against the potential “loss of individual autonomy for the school” in federated arrangements.²³⁹

135. Evidence from the Totnes Federation of Village Schools advocated a federated model of governance, but warned that “given the apparent move to federations/academy status, there needs to be better sharing of information so that newer federations and academies can benefit from the developments that others have made, learning from their mistakes”.²⁴⁰

136. The sponsored academy chain model (a group of academies sharing the same lead sponsor, often operating as a multi academy trust or umbrella trust) is raised in the Academies Commission report and in HMCI’s report as being dynamic and focused. The DfE is “keen to learn lessons for national policy from academies, multi-academy trusts and maintained schools who develop innovative and effective new models of governance”. It has also committed to “keep under review the need to develop more permissive forms of governance which give governing bodies more freedom in how they construct themselves according to local needs [...] rather than having to follow one national model”.²⁴¹

137. In consideration of other models of governance, some witnesses—such as the NAHT²⁴²—suggested that the function of representation and decision making could be separated within governing body structures. Giving oral evidence to the inquiry, the Minister, Lord Nash, seemed to share this ambition, saying “there are much better and more effective ways of engaging with parent representation—which is incredibly important [...]— such as in a separate forum, rather than having one or two parents who may, frankly, have particular vested interests”.²⁴³

138. During our inquiry, there was some discussion as to whether the Interim Executive Board (IEB) model of governance could be adopted more widely in schools.²⁴⁴ Arguments for such a model tended to revolve around the fact that “by having a focused small group of typically around six people with the right skills, the IEB can act decisively.”²⁴⁵ However, as Lord Nash observed, the Government’s first priority in such cases would be to consider finding the school a strong sponsor with a track record in improvement.²⁴⁶ Emma Knights of the NGA explained that IEBs are different from “pure governance” and “there will come a point, one hopes, where that school has recovered and is providing a good education for its children, when it can go back to being simply governed rather than having an executive board”.²⁴⁷ The National College agreed that an IEB was a “strong, short-term technocratic solution”.²⁴⁸

239 Q28, see also Q135 (Dr Bridget Sinclair)

240 Ev w60, para 3.5

241 Ev 60, paras 57-8

242 See also Ev 79, paras 10.1–2

243 Q201

244 See Qq 17–18 for example

245 Ev 109

246 Q212

247 Q17 (Emma Knights)

248 Ev 109

139. Given the NGA's concern that it will be difficult to find sufficient excellent candidates to provide an effective governing body for every school in the country, we recommend that the Government study the effectiveness of governing bodies governing groups of schools—for example federations and multi-academy trusts. The Government should look at the optimum size of federation that can be governed effectively, and consider how local school autonomy can be retained in federated arrangements.

6 Conclusion

140. Our inquiry into the role of school governing bodies does not suggest that any radical changes are required to the current system of governance in English schools. Recent legislation provides adequate flexibility for governing bodies to innovate and this flexibility could, in itself, bring about radical change should governing bodies implement it more widely. However, our evidence indicates that few governing bodies are taking advantage of the new regulations, which suggests that Government needs to do more to clarify what models of governance are now possible, along with explaining how these could be beneficial in different school contexts.

141. Although we are generally supportive of the Government's current direction of travel with regard to school governance, certain issues need to be addressed as priorities. These include a strengthening of current interventions in poor or failing governing bodies, and the promotion of the role of clerk to a professional one. The Government also needs to make it easier for skilled individuals to be recruited from business to undertake governor duties.

142. In order to improve the quality of governance in all schools, the Government must stress the importance of continuing professional development for all governors and headteachers. Our recommendation that the Government should introduce a requirement for schools to offer mandatory training to all new governors reflects the high priority attributed to training and development in the evidence we received.

Conclusions and recommendations

Recruitment and retention of governors

Impact of the 2012 composition regulations on the profile of governing bodies

1. Less prescription as to how governing bodies are constituted should help governing bodies to recruit suitable individuals and address vacancies. This should include a balance of parents, staff and other groups as appropriate. We support the Government's decision to make the 2012 composition regulations permissive. We are also pleased that the Minister has agreed to remove the "juniority principle" from the same regulations. (Paragraph 24)

Impact of the 2012 composition regulations on the size of governing bodies

2. Despite the DfE's clear preference for smaller governing bodies, there is no evidence base to prove that smaller governing bodies are more effective than larger ones. (Paragraph 30)

Improving recruitment and retention

3. *Business is potentially an important source of capable school governors. We are pleased that the Government has agreed to do more to increase uptake of the School Governors One Stop Shop's (SGOSS) services in schools across the country. We are also supportive of the Government's agreement to accept help from the Confederation of British Industry in promoting school governance opportunities to businesses and recommend that the Government report back to us with details as to how this will be done.* (Paragraph 39)

Incentives for business volunteers

4. *Any potential barriers to the recruitment of effective school governors should be removed. We recommend that the Government review the current incentives for, and requirements on, businesses that release their staff for governor duties. We also recommend that the legal requirement to give time off for governors of maintained schools be extended to academies.* (Paragraph 43)

Raising the profile of governors

5. We welcome the Government's commitment to raising the profile of governors and we look forward to seeing the details of how it intends to attract more good quality governors. (Paragraph 47)

Pay for governors

6. *While not advocating payment to governors in general, we can see that there is a case for remuneration in some circumstances—for example, when governors deploy their skills to improve governance in other schools. We recommend that Government give further consideration to the circumstances in which payment could be appropriate and make necessary regulatory provisions. (Paragraph 51)*

Governor effectiveness

Training

7. *Too many governors have not had suitable training. The Government says this can be encouraged through Ofsted. Ofsted should report back in due course whether their intervention is effective. If it is not, mandatory training should be considered again. The Government should require schools to offer training to every new governor. We welcome the Minister’s assurance that Ofsted will be resourced adequately in order to undertake its increased role in helping to ensure effective governance in schools. Further explanation is required as to how this will be achieved. (Paragraph 61)*
8. *We are concerned at suggestions that few quality alternatives are emerging to the training traditionally provided by local authorities. We recommend that Ofsted and the DfE monitor the availability and quality of governor training in the light of greater academisation of schools and reduction of local authority services. (Paragraph 62)*

Inspection, self-assessment and peer challenge

9. *Poor performance by governing bodies should be challenged at the earliest opportunity. We support the obligation placed on schools that “require improvement” to undertake an external review of governance. (Paragraph 69)*
10. *We recommend that governing bodies be strongly encouraged in guidance from DfE, Ofsted and the National College to participate in peer-to-peer governance reviews and to undertake self-assessment and skills audits, using tools such as the All-Party Parliamentary Group on Education Governance and Leadership’s 20 questions and other resources identified in the new Governors’ Handbook. (Paragraph 70)*

Ofsted’s Data Dashboard

11. *The importance of good data in user-friendly formats for governing bodies cannot be overstated. We welcome Ofsted’s Data Dashboard and support the DfE’s work to develop questions that governing bodies can use to interrogate data effectively. The generic questions in the new Governors’ Handbook are helpful, but will not in themselves provide sufficient assistance to governing bodies in interrogating complex data. We look forward to DfE publishing further questions. (Paragraph 78)*

Information, advice and guidance for governing bodies and the role of the clerk

12. *An effective clerk is vital to the success of a governing body. The evidence clearly indicates that this should be a professional role—similar to a company secretary. We recommend that the Government act upon the findings of the project by the National Governors’ Association and the Society of Local Authority Chief Executives relating to clerks. (Paragraph 83)*
13. *The School Governors’ One Stop Shop (SGOSS) has been funded for a further two years to recruit governors. We believe that SGOSS may be ideally placed to take on a role in recruiting clerks and we recommend that the Government consider how to facilitate this. (Paragraph 84)*
14. *Our inquiry has shown the importance of high quality information and guidance for governing bodies—particularly for clerks. We share the concern of the National Governors’ Association that the new Governors’ Handbook appears to be aimed only at new governors. The new Handbook has lost much of what was valuable to experienced governors and clerks in the predecessor guide. The Government should work with the NGA to rectify this. (Paragraph 89)*

Arrangements for tackling underperformance and failure of governing bodies

15. *Urgency in implementing Interim Executive Boards is critical to address serious failings of governance in schools. Given that urgency, the absence of time limits for the implementation of IEBs is indefensible and should be rectified forthwith. We recommend that if, after an inspection, Ofsted considers that a governing body should be replaced by an IEB, Ofsted should use its power and responsibility to say so explicitly. (Paragraph 92)*
16. *We recommend that the Government investigate the reasons why so many local authorities, and the Secretary of State, have historically been reluctant to use their powers of intervention where school governance has become a concern. Any unnecessary restrictions on the use of these powers should be lifted so that they can be used more effectively. (Paragraph 100)*
17. *Local authorities continue to have an important role in the monitoring and challenge of school performance between Ofsted inspections. Ofsted’s inspections of local authority school improvement functions will be an important gauge of how feasible it is for local authorities to continue to undertake this role. There is a need for greater clarity on the role of local authorities in school improvement within the new school landscape and in the context of reductions to budgets. We recommend that this be addressed by the DfE as a matter of urgency. (Paragraph 101)*

The relationship between the governing body and headteacher

Division of responsibilities

18. *We recommend that the Government review existing regulations and legislative requirements regarding the respective roles and responsibilities of governors and headteachers to ensure clarity regarding the proper division of strategic and operational functions in school leadership. (Paragraph 107)*

Training for headteachers and chairs of governors

19. *There is a compelling case for headteachers to undergo training on governance. We strongly support training for headteachers and chairs of governing bodies to assist with mutual understanding of each other's roles and responsibilities. (Paragraph 112)*

Appointment and terms of office of governors

20. *In order to ensure that every governing body has an effective chair, the appointment process for chairs needs to be robust and accompanied by clear procedures for removing poorly performing chairs from office. We recommend that DfE review current procedures relating to the appointment, and the terms of office, of chairs of governors. We also recommend that governing bodies be given the power to remove poorly performing governors. (Paragraph 117)*

New models of governance

Accountability of academy governance

21. *Academies differ in their governance structures. We recommend that the Government clarify the roles of governors in the different types of academy. The Government should also clarify how relevant local groups (including pupils, parents and staff) should be given a voice in the business of the governing body. (Paragraph 125)*
22. *Given the independence of academies' governance structures, parents should be provided with clarity as to how decisions are made in academies, along with detail on where to turn in the event of concerns arising. (Paragraph 130)*

Alternative models of governance

23. *Given the NGA's concern that it will be difficult to find sufficient excellent candidates to provide an effective governing body for every school in the country, we recommend that the Government study the effectiveness of governing bodies governing groups of schools—for example federations and multi-academy trusts. The Government should look at the optimum size of federation that can be governed effectively, and consider how local school autonomy can be retained in federated arrangements. (Paragraph 139)*

Formal Minutes

Wednesday 26 June 2013

Members present:

Mr Graham Stuart, in the Chair

Neil Carmichael
Alex Cunningham
Bill Esterson

Ian Mearns
David Ward
Craig Whittaker

Draft Report (*The Role of School Governing Bodies*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 142 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 15 January and 20 March 2013 in the last session of Parliament).

[Adjourned till Wednesday 3 July at 9.15 am

Witnesses

Wednesday 30 January 2013

Page

Emma Knights, Chief Executive, National Governors' Association, **Fergal Roche**, Chief Executive, Ten Professional Support, **Frank Newhofer**, School Governor, and **Richard Gold**, School Governor and Education Lawyer Ev 1

Neil Calvert, Head Teacher, Long Eaton School Derbyshire, **Chris Hill**, Head Teacher, Hounslow Town Primary School, **Mike Cladingbowl**, Director, Schools, Ofsted, and **Professor Chris James**, Professor of Educational Leadership and Management, Department of Education, University of Bath Ev 10

Wednesday 27 February 2013

Andrew Thraves, Publishing and Strategy Director, GL Education Group, **Dr Bridget Sinclair**, Chair of National Co-ordinators of Governor Services (NCOGS) and Governors Service Manager of Swindon Governor Services, **Liz McSheehy**, Chief Executive, SGOSS, and **Pat Smart**, Executive Headteacher, Greet and Conway primary schools, and National Leader of Education (NLE), National College for School Leadership Ev 21

Michael Jeans, Chairman of Haberdashers' Education Committee, The Haberdashers' Company, **Mark Taylor**, Director of Schools for Cambridge Education, Islington, and designated Director of School and Young Peoples Services, LB Islington, **Nicola Cook**, Grosvenor Services Manager, Children and Young People's Services, Buckinghamshire County Council, and **Darren Northcott**, National Official for Education, NASUWT Teachers' Union Ev 30

Wednesday 20 March 2013

Lord Nash, Parliamentary Under-Secretary of State for Schools, and **Anne Jackson**, Director, System Reform Group, Department for Education Ev 40

List of printed written evidence

1	Department for Education	Ev 55, Ev 123
2	Ofsted	Ev 65, Ev 121
3	National Governors' Association	Ev 69
4	Fergal Roche	Ev 74
5	Frank Newhofer	Ev 78
6	Richard Gold	Ev 80
7	Professor Chris James (University of Bath)	Ev 83, Ev 122
8	National Co-ordinators of Governor Services (NCOGS)	Ev 87
9	G L Education Group	Ev 91, Ev 122
10	The Haberdashers' Company	Ev 94, 120
11	Governor Services, Cambridge Education, Islington	Ev 97

12	Buckinghamshire County Council	Ev 101
13	National College for School Leadership (now The National College for Teaching and Leadership)	Ev105, Ev126
14	NASUWT	Ev 116
15	Liz McSheehy, Chief Executive, SGOSS	Ev 121

List of additional written evidence

(published in Volume III on the Committee's website www.parliament.uk/educom)

1	London School of Islamics Trust	Ev w1
2	Peter Kayes	Ev w1
3	Liz Hutton	Ev w4
4	Canning Street Primary School Governing Body	Ev w6
5	Mark Dawe, Chief Executive of OCR Examinations	Ev w7
6	Durham County Association of Governors	Ev w10
7	Withycombe Raleigh C of E Primary School	Ev w11
8	Coulsdon Church of England Primary School	Ev w11
9	Maggi Harris	Ev w12
10	Crossley Health School	Ev w13
11	Nigel Gann BEd, Mphil, FRSA	Ev w14
12	Clare Collins, Chair of the National Governors' Association 2008-2011	Ev w16
13	Rosemary Lovatt (Chair of Governors, Brentwood County High School)	Ev w19
14	Albert Ede	Ev w20
15	Association of School and College Leaders	Ev w20
16	John Crossman	Ev w24
17	Martin Matthews	Ev w26
18	Rev'd Andrew Rumsey, on behalf of the Governing Body of St Mary's Junior School, Oxted, Surrey	Ev w29
19	Andrew Walker	Ev w29
20	Christopher Robertson, University of Birmingham	Ev w30
21	Mike Perrott	Ev w39
22	Association of Colleges	Ev w39
23	The Governing Body of St Martin's Catholic Primary School, Reading	Ev w44
24	Joint Union Asbestos Committee (JUAC)	Ev w45
25	Wandsworth Borough Council	Ev w46
26	Southwark Diocesan Board of Education	Ev w48
27	Martin Nicholson	Ev w50
28	The Association of Governing Bodies of Independent Schools (AGBIS)	Ev w52
29	National Union of Teachers (NUT)	Ev w53
30	Harris Federation	Ev w55
31	The Governing Body at St Luke's Science and Sport College	Ev w56
32	The Archdiocese of Liverpool Trustees	Ev w57
33	The Governing Body of the Totnes Federation of Village Schools	Ev w58

34	Colin Kemp	Ev w61
35	Alan Sherwell	Ev w62
36	Alan Carter, Chair of Governors, Mora Primary School	Ev w64
37	Ruth Agnew	Ev w66
38	Fergus Kilroy	Ev w69
39	Ian Davis	Ev w72
40	Andrew Kent	Ev w72
41	Buckinghamshire Association of School Governors (BASG)	Ev w75
42	Association of Teachers and Lecturers (ATL)	Ev w77
43	Lord Bichard, Ten Professional Support	Ev w81
44	John Harman	Ev w83
45	Peterborough Local Authority—Governor Services	Ev w83
46	Misbah Arif	Ev w84
47	The Catholic Education Service (CES)	Ev w85
48	Confederation of British Industry (CBI)	Ev w86
49	UNISON	Ev w89
50	City of Leicester Governors Association (COLGA)	Ev w91
51	Geoffrey Davies	Ev w92
52	Geoffrey Hackett	Ev w95
53	Calderdale Governors Association	Ev w96
54	The Communication Trust	Ev w98
55	The Leeds North West Education Partnerships—A Cooperative Trust	Ev w99
56	London Boroughs Asbestos Group, London Borough Islington	Ev w99
57	Family Action	Ev w100
58	Umesh Raichada, Parent Governor	Ev w104
59	London Councils	Ev w104
60	Reverend Tony Shutt	Ev w106
61	Elliot Foundation Academies Trust	Ev w108
62	National Association of Head Teachers	Ev w110
63	David Joyce, Chair of Governors, Winterbourne Earls CE (VC) Primary School	Ev w112
64	Asbestos in Schools Group	Ev w113
65	Wellcome Trust	Ev w117
66	Freedom and Autonomy for Schools—National Association (FASNA)	Ev w120
67	Patricia Daniels	Ev w122
68	Mrs Caroline Hanman	Ev w123
69	Lemington Riverside Primary School	Ev w126
70	Alan Short	Ev w127
71	Martin Hillier	Ev w128
72	Kay Moxon	Ev w129
73	Simon Bale, Chair of Governors, St Mary Redcliffe and Temple School, Bristol	Ev w129
74	Louise Barker, Volunteer Governor	Ev w130
75	Sue Woodroffe, Principal, The British School of Brussels	Ev w131
76	Stanley Solomons	Ev w135

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010-12

First Special Report	Young people not in education, employment or training: Government Response to the Children, Schools and Families Committee's Eighth Report of Session 2009-10	HC 416
Second Special Report	The Early Years Single Funding Formula: Government Response to the Seventh Report from the Children, Schools and Families Committee, Session 2009-10	HC 524
Third Special Report	Transforming Education Outside the Classroom: Responses from the Government and Ofsted to the Sixth Report of the Children, Schools and Families Committee, Session 2009-10	HC 525
Fourth Special Report	Sure Start Children's Centres: Government Response to the Fifth Report from the Children, Schools and Families Committee, Session 2009-10	HC 768
First Report	Behaviour and Discipline in Schools	HC 516-I and -II (HC 1316)
Second Report	The role and performance of Ofsted	HC 570-I and II (HC 1317)
Fifth Special Report	Looked-after Children: Further Government Response to the Third Report from the Children, Schools and Families Committee, Session 2008-09	HC 924
Third Report	Services for young people	HC 744-I and -II (HC 1501)
Fourth Report	Participation by 16-19 year olds in education and training	HC 850-I and -II (HC 1572)
Fifth Report	The English Baccalaureate	HC 851 (HC 1577)
Sixth Report	Services for young people: Government Response to the Committee's Third Report of Session 2010-12	HC 1501 (HC 1736)
Seventh Report	Appointment of HM Chief Inspector, Ofsted	HC 1607-I
Eighth Report	Chief Regulator of Qualifications and Examinations	HC 1764-I and -II
Ninth Report	Great teachers: attracting, training and retaining the best	HC 1515-I (HC 1013)

Session 2012–13

First Report	The administration of examinations for 15–19 year olds in England	HC 141-I (HC 679)
Second Report	Appointment of Chair, Social Mobility and Child Poverty Commission	HC 461-I
Third Report	Governance and leadership of the Department for Education	HC 700 (HC 919)
Fourth Report	Children first: the child protection system in England	HC 137-I (HC 993)
Fifth Report	Support for Home Education	HC 559-I (HC 1013)
Sixth Report	Pre-legislative scrutiny: Special Educational Needs	HC 631-I
Seventh Report	Careers guidance for young people: The impact of the new duty on schools	HC 632-I (HC 1078)
Eighth Report	From GCSEs to EBCs: the Government's proposals for reform	HC 808-I (HC 1116)

Session 2013–14

First Report	2012 GCSE English results	HC 204
Second Report	The Role of School Governing Bodies	HC 365
