Submission to the Education Committee inquiry into the role of school governing bodies

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1. Introduction
School governing in England is generally working well, but it can be improved. The Education Committee’s inquiry into the role of school governing bodies (GBs) is therefore appropriate. Moreover, recent policy implementations have changed the context for school governing. The inquiry is therefore also timely.

The intention of this submission is to submit evidence for consideration by the inquiry.

Following this introduction there are two parts to the submission: the basis for the evidence and the evidence I wish to submit.

2. The basis for the submission
Three projects that researched aspects of school governing in England underpin this submission. I was the director/a co-director of each project.

2.1. School Governance Study (Mar – Nov 2008)
This project reviewed school governing generally and in relation to the contribution of the business world to school governing. It was funded by Business in the Community. The project analysed the literature relevant to school governing; carried out 43 in-depth interviews with key stakeholders; undertook a large-scale random on-line survey of over 5000 school governors; and elicited the views of 42 headteachers. (Balarin et al., 2008).

2.2. The ‘Hidden Givers’ Project (Feb – Oct 2009)
The second project, which was funded by the CfBT Education Trust, matched the survey data from the first project with pupil attainment and school context data. We analysed the data to establish the relationship between GB effectiveness and pupil attainment in primary schools and secondary schools in high and low socio-economic settings. We also studied governing in 16 primary and 13 secondary schools, which varied according to: GB effectiveness, school performance and socio-economic status (James et al., 2010; 2011).

2.3. Chair of Governors Project (Apr – Dec 2011)
This project, which was also funded by the CfBT Education Trust, researched the role and responsibilities of the school GB chair (James, 2012; James et al., in press). We reviewed the literature on the role of the board chair in a range of settings not just schools. We also surveyed chairs and headteachers throughout England and interviewed the headteachers and chairs of the GBs of 15 primary schools and 10 secondary schools.

3. Matters for consideration

3.1. The purpose, roles and responsibilities of school governing bodies, within the wider context of school governance and leadership
School governing in general

3.1.1. School GBs are responsible for the conduct of their schools, which is a considerable duty. Good governing helps to ensure that schools are the stable and secure institutions they need to be.

3.1.2. School governing can be complicated, demanding, and yet at the same time, very satisfying.

3.1.3. The governing of a school and the context for governing are typically continually changing and are vulnerable to substantial change. All governors serve a four-year term, which is an appropriate duration, but can lead to continual turnover. A school’s setting can change quite dramatically for demographic reasons, which can affect governing and unforeseen events can cause considerable disruption. The collective nature of effectively managed GBs generally enables them to cope with these changes.

Descriptions of the role of the governing body

3.1.4. Over a long period, the role has been variously specified in policies and guidance and in ways which are often confusing and unhelpful. For example, GBs have been inappropriately assigned the roles of: conducting or leading their schools, as opposed to governing their schools; and championing professional development and making creative use of resources, both of which are arguably school leadership roles.

3.1.5. Various terms have been used to specify the role of the GB many of which inappropriate or unhelpful, for example: ‘critical friend’, which is unhelpful because of its metaphorical nature and because it configures governing as ‘being critical’; ‘supporting the school leadership’ which is arguably redundant as governors should a priori support the school’s leadership; ‘challenging the headteacher’, which is inappropriate because it unhelpfully shapes governing as confrontational in nature; and ‘calling to account’, which, whilst an accurate description of a governing process, requires further explanation. Recent definitions by Ofsted (2011; 2012), are helpful and should be used consistently.

The chair’s responsibility for the functioning of the governing body

3.1.6. The GB has collective responsibility for the conduct of the school. At present no-one is formally assigned responsibility for the functioning of the GB although many chairs naturally assume that responsibility. Arguably, the responsibility for proper GB functioning should be assigned to the chair in regulations.

The appointment of the headteacher

3.1.7. Appointing the headteacher is very significant moment for a GB. The GB may have no experience of headteacher recruitment and the appointee can substantially affect the school’s performance. With a high ‘retirement rate’ and a relative shortage of suitable applicants, appointing the headteacher is likely to become more challenging. Local authority support for headteacher appointments varies
between different authorities, but is likely to decrease overall in the near future.
Engaging private headteacher recruitment consultancies can be very expensive.

**Governing body-headteacher relationships**

3.1.8. Generally relationships between chairs and GBs are sound. Good headteachers want good GBs and vice versa. Where headteachers and chairs differ in their views on governing body and headteacher functioning, they are of the kind the ‘come with the territory’ of board-CEO relationships.

3.1.9. The chair-headteacher relationship is pivotal. It spans the boundary between the school and the governing systems. Statistically, relationship quality is related to the chair’s availability (i.e., whether they are retired or given paid time from work for chairing) but not to other contextual factors (e.g., socio-economic setting or pupil attainment). Chairs and headteachers find managing the under-performance of the other difficult.

3.2. The implications of recent policy developments for governing bodies and their roles

**The current context for school governing is challenging for school governing bodies**

3.2.1. GBs are working in a time of considerable environmental turbulence resulting from: increased school autonomy; pressures to collaborate; and reduced capability of local authorities to support and underpin the system locally. In addition, there may be market instability with consequences for pupil enrolment and therefore for funding in a general context of declining levels of funding. School governing is typically resilient, a consequence of its collective nature, the commitment of those involved, and its capacity to respond and adapt to changing circumstances. The current challenges facing school GBs are likely to test those qualities.

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

**Understanding and recognition of the significance of governing bodies’ responsibility for the conduct of their schools.**

3.3.1. School governing in England is largely hidden from public view, which results in a lack of understanding of the responsibility and the role. This lack has implications for governor recruitment and the quality of governing practice for new governors. School governing’s public profile should be raised.

**Recognition of the contribution of school governing bodies**

3.3.2. The 350000 school governors in England are all volunteers and make a substantial contribution. Their contribution should be more widely recognised and more appreciation shown.

**Governing body vacancies**

3.2.2. The vacancy picture is complex and overall vacancy figures may be mis-leading. GBs 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 GB effectiveness and GB vacancies.

**Governing body recruitment**

3.2.3. Governor recruitment is complicated. It is affected by the esteem in which a school is held, the school’s performance and the school's socio-economic context. These factors in turn affect the network of individuals and their capabilities and motivations that are available for the governing of a school – its ‘governance capital’. But recruitment is also affected by ‘governance agency’, which is the capacity of those involved in the governing of a school to act and to interact with the governance capital and to seek out potential GB members.

**Governing body training**

3.2.4. The quality of local authority provision varies between authorities but is generally valued. How the training for governors will be provided in the future with the general scaling down and reconfiguration of LA support remains to be seen. Further, as with all training, often those most in need of training may not undertake it.

3.2.5. Understanding the school and governing roles and responsibilities is complex even for experienced and capable new governors. Induction should be mandatory and monitored through inspection.

3.2.6. Training for chairs should be mandatory and monitored by Ofsted because of the importance of the chair’s responsibility (see paragraph 3.16).

3.2.7. Working appropriately with the GB should feature more prominently in headteacher preparation programmes.

**3.3. The structure and membership of governing bodies, including the balance between representation and skills**

**The constitution of governing bodies**

3.3.2. The current arrangements enable an appropriate balance between the self-perpetuation through co-option and election, for example of parents and staff. They give GBs sufficient flexibility to manage their membership in relation to the four-year term of office and enable GBs to organise themselves properly in order to govern appropriately.

3.3.3. The role of the local authority governor is unclear and often unsatisfactory. There is very little evidence of the link with the authority being used productively. There is evidence of some councillors who are authority governors making a significant positive contribution but also some evidence of some attending GB meetings very irregularly and some wishing to join the GBs of successful schools simply to advance their political standing.
The case for the stakeholder constitution of governing bodies

3.3.4. The justification for the stakeholder model is that schools are important social institutions in which there is wide interest. Schools should therefore be governed collectively by individuals who are representative of the various interest groups in their communities and take responsibility for ensuring schools’ proper conduct.

3.3.5. Many advocate a skills-based model where governors are recruited on the basis of the skills they bring to governing. Governing skills are of course very important and all GBs must have the skills they require. However, if skills are unduly prioritised over an interest in the school, the school may become detached from the community it serves. Those for whom schools are provided (parents and the community) would not have responsibility for the proper conduct of those institutions. They would be seen more as consumers than participants and the overall quality and meaning of schools would be undermined.

3.3.6. Effective GBs ensure they have both appropriate stakeholder representation and the requisite skills.

Governing body size

3.3.7. The size of GBs has been much debated and the regulations on size have recently been changed to enable GBs to be smaller. There is no statistical relationship between GB effectiveness and GB size or GB vacancies. In truth, size is not the primary consideration. Ensuring effectiveness – immediate and in the longer term through succession planning - and stakeholder involvement are more important.

Staff membership

3.3.8. Under current arrangements, members of staff can be members of the GB. Staff members are elected. The headteacher is an ex officio member but can choose not to be a member. Staff membership does complicate governing but GBs generally work effectively with the complexity and staff governors are typically a helpful presence. Similarly, headteacher membership is helpful and important. The headteacher’s membership rightly founds school governing on the stewardship model. Evidence shows there is sufficient flexibility for the contrasting principal-agent model to be adopted and that this can happen beneficially.

3.4. The effectiveness and accountability of governing bodies

Governing body performance and impact

3.4.2. Although school governing is generally functioning well, individual GBs may have to deal with serious problems which impact on their effectiveness, for example, rogue governors, critical incidents, and unexpected changes in membership. However, GBs can be very resilient, cope with these difficulties and perform well in stressful times.

3.4.3. Generally, the statistical link between measures of GB effectiveness and pupil attainment is weak. However, an individual GB can have a significant positive impact on pupil attainment.
3.4.4. An underperforming or poorly performing GB is a substantial disadvantage for a school, not just a neutral presence.

3.4.5. School governing can be excellent in any socio-economic setting. GB effectiveness and socio-economic setting are not linked statistically. Nonetheless, governing in disadvantaged contexts can be more challenging.

**Governing body organisation and the roles of the chair and the clerk**

3.4.6. GBs’ responsibilities are considerable and fulfilling those responsibilities can be complicated. A well-organised GB is likely to be more effective. Effective chairs take responsibility GB organisation.

3.4.7. GBs benefit enormously from an effective clerk. The clerk’s status should be enhanced and clerking capability monitored by Ofsted.

**Governing body participation in Ofsted inspections**

3.4.8. Given their responsibility, GBs should participate more fully and centrally in Ofsted inspections. The argument that school governors may not be readily available to participate is not sufficient justification for current practice.

**The inspection of a school’s governing body by Ofsted**

3.4.9. The work of the GB is now inspected more robustly than in the recent past. However, given GBs’ responsibility for the conduct of school, there is a good case for them being inspected even more thoroughly. The quality of school governing should be reported on more fully in the Chief Inspector’s Annual Report.

**Reporting to stakeholders on the conduct of the school**

3.4.10. Given GBs’ responsibility to their stakeholders for the conduct of the school, arguably, they should report more fully, formally and frequently to those stakeholders. An annual report to all stakeholders would be appropriate. The report could easily be made available on the school website.

**An annual risk assessment by governing bodies of outstanding schools**

3.4.11. Schools that have been judged to be outstanding by Ofsted are now likely to be inspected less frequently than others, and that is appropriate. However, the quality of an outstanding school may begin to decline before the evidence becomes apparent in performance data. For example, changes in significant personnel could threaten a school’s performance; or a school’s context may change (local demographic changes may affect the number and kind of pupils joining the school) which may ultimately impact on overall quality. There is a good case for requiring all outstanding schools to submit an annual risk assessment to Ofsted.
3.5. **The remuneration of governors**

3.5.2. Our research has not revealed any evidence that governors feel they should be remunerated for their contribution to school governing.

3.5.3. We have researched the motivations of school governors. Payment would not incentivise current governors. They contribute to school governing for other reasons: a sense of duty; a moral commitment; wanting to make a contribution to the community; and feeling a need to ‘give something back’ to something they have benefitted from. There is sufficient reward from doing ‘good work’ and seeing their efforts bear fruit.

3.5.4. Remuneration would be extremely costly if it was to meaningfully recompense governors for their commitment and contribution.

3.5.5. Paying some or all governors would complicate the process of organising the GB. It would be an unnecessary distraction.

3.5.6. Paying governors might be counter-productive – financial incentives may ‘crowd out’ public spirit (Sandel, 2012) and the quality of governing may actually decline if governors were remunerated.

3.5.7. The argument that it is difficult to make serious demands on governors because they are participating voluntarily fails to understand the motivations of governors and the meaning of governing to them.

3.6. **The relationships between governing bodies and other partners, including local authorities, academy sponsors and trusts, school leaders, and unions**

3.6.2. Governors’ often have a strong commitment to their school. It is important too that those who have a stake in schools take a measure of responsibility for their governance. Without that connection, schools may become detached from the communities they serve (see paragraph 3.44). This matter is important in the governing of schools that are part of large federations or chains. If the GB of an individual school in a large collaborative grouping simply becomes an advisory body for a governing board some distance away, the sense of taking local responsibility for the conduct of important local institutions will be lost. In such circumstances, the advisory body may take on the role of a ‘complaints forum’ where participants simply and unhelpfully complain about the school.

3.7. **Whether changes should be made to current models of governance**

3.7.1. Evidence indicates that current models of school governing are not in need of radical overhaul. Indeed to radically change school governing at this time could destabilise and threaten a system that is already struggling to cope with considerable turbulence in addition to the everyday work of governing. However, a number of relatively small changes would make it work considerably better.
4. References


