

A National Education Service

accountable to the many not the few

Strand 2: Governance

Who do
schools
belong to?

Well, they are funded by the taxpayer to the tune of £40bn last year, so I suppose they belong to us.

But, I can tell you this: they are full of children – and they are most certainly ours.



Stakeholder
assurance
and
influence

Parents, in particular, need to be assured that their school is:

- A safe, stimulating and happy environment
- Enabling personal development and learning
- Preparing children for their next stage

The community should be able to influence the direction of the school so that it meets its aspirations and needs

These matters are related to the
governance of the organisation



Components of governance

ACCOUNTABILITY

Two golden threads: (1) from the organisation to its users; (2) from the organisation to its funders

Communication: reporting, listening and responding - transparency

Relevance, validity and reliability of information reported

Clear internal lines of accountability that reflect the lines of delegation below: silver threads

DIRECTION

Clarity of vision (future position) reflecting needs and aspirations of users and funders – inclusive stakeholder authorship

Strategy – the long-run road-map to achieving the vision – inclusive organisational authorship

Top-level annual operational plan with key deliverables that translates strategy into practice

Annual delivery plans with performance measures that together achieve the key deliverables above

ENABLEMENT

Stated values and a culture that translates values into behaviours and practices

Clarity of purpose

An organisational structure with clear roles and a line of delegation from Members to Directors to Top Level Executive to Constituent Academies

Policies and procedures that ensure compliance and performance and reflect values



Governing bodies

There is more to governance than governorship but governors have a key role in promoting good governance across the organisation.

The structure and role of governing bodies should enable and ensure good governance.



Governing
body of local
authority
maintained
schools

- At least 2 parent governors
- The headteacher
- One staff governor
- One local authority governor
- Any co-opted governors
- Additions for foundation and church schools

The constitution of governing bodies of maintained schools - Statutory guidance for governing bodies of maintained schools and local authorities in England, August 2017



Governing
body of local
authority
maintained
schools

PART 2

Roles of the Governing Body and Head Teacher

- 6.—(1) The functions of the governing body include the following core functions —
- (a) ensuring that the vision, ethos and strategic direction of the school are clearly defined;
 - (b) ensuring that the head teacher performs his or her responsibilities for the educational performance of the school; and
 - (c) ensuring the sound, proper and effective use of the school’s financial resources.
- (2) In exercising their functions the governing body shall—
- (a) act with integrity, objectivity and honesty and in the best interests of the school; and
 - (b) be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested parties.
- (3) The governing body must appoint a clerk with a view to ensuring their efficient functioning and must have regard to advice from the clerk as to the nature of the governing body’s functions.
- (4) The head teacher’s responsibilities include—
- (a) the internal organisation, management and control of the school; and
 - (b) the educational performance of the school.
- (5) The head teacher is accountable to the governing body for the performance of all his or her responsibilities.
- (6) The head teacher must comply with any reasonable direction of the governing body.



Governing
bodies of local
authority
maintained
schools

11. Meaningful and effective engagement with parents, staff and the wider community is vital, but this is not the same thing as governance and is not achieved by having various categories of governor on the governing body. Through both appointments and informed elections the focus should be on constructing a governing body with the right skills. Community engagement, including with parents, should be seen as an important but distinct activity for which governing bodies will need to assure themselves that appropriate structures and arrangements are in place.
12. The governing body as a whole should take responsibility for understanding what parents think, while acknowledging that being parents themselves, parent governors have valuable knowledge and perspectives about the school to bring to bear in discussions and decisions and guarantee that there is always a link between governance and the parent community.

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Local governing
bodies of
academies in a
multi academy
trust

- 100a. Subject to these Articles, the Trustees **may** appoint committees to be known as Local Governing Bodies for each Academy and the same Local Governing Body may be appointed for more than one Academy.
101. **Subject to these Articles, the constitution, membership and proceedings of any committee shall be determined by the Trustees.**
- 101A. The Trustees shall ensure that any Local Governing Body shall include at least 2 Parent Local Governors.
53. In circumstances where the Trustees have not appointed Local Governing Bodies in respect of the Academies as envisaged in Article 100a or if no provision is made for at least 2 Parent Local Governors on each established Local Governing Body pursuant to Article 101A there shall be a minimum of two Parent **Trustees** and otherwise such number as the Members shall decide who shall be appointed or elected in accordance with Articles 54 - 56.
54. The elected or appointed Parent Trustees must be a parent, or an individual exercising parental responsibility, of a registered pupil at one or more of the Academies at the time when he is elected or appointed.

Extracts from Model Articles of Association



Risks to good
governance in
the MAT model

MAT LGBs vanish or are rendered powerless thereby diminishing academy accountability to parents and the local community.

MAT LGBs vanish or are rendered powerless thereby diminishing the ability of parents and the local community to influence the future direction of their academy.

MAT LGBs associated with more than one academy blur the focus of accountability of a single academy to its parents and local community.

Where there are no LGBs, the parent representation on the board as trustees may be unrepresentative of the majority of individual academies, particularly in a large MAT.

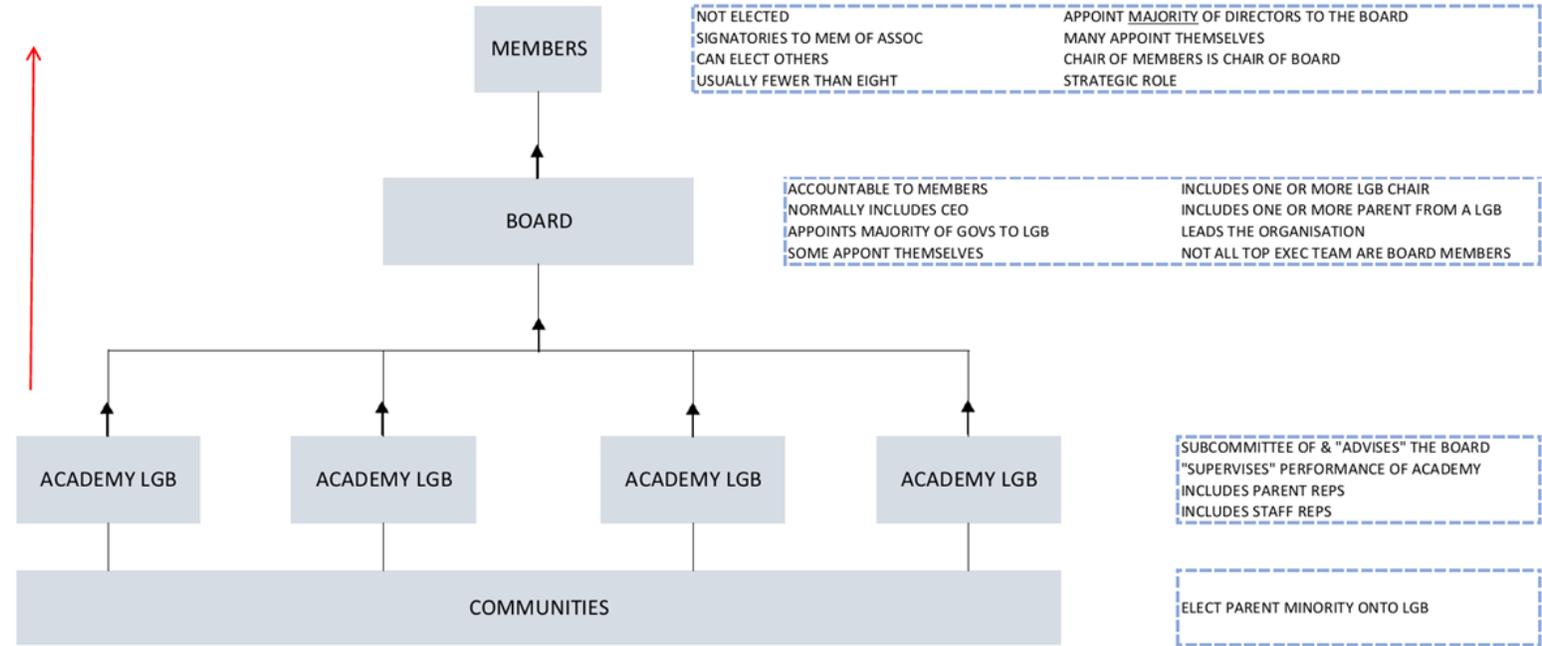
The direction of flow of accountability may be away from those served and towards a small number of unrepresentative members.

There are many MATS that script out parental involvement in governorship in order to “get the job done” in turning schools round and raising standards.

However, there are notable exceptions of MATS realising significant school improvement through their deep governorship involvement with parents and communities.

THE CHARITABLE TRUST

Current picture





An alternative
model of
governance

The current model, articulated in its articles of association, is based on a **charitable trust**. With “upline accountability” to its small number of members, it risks remoteness from parents of pupils in individual academies.

A reversely orientated accountability model called the **public benefit corporation** is adopted by NHS Foundation Trusts.

The line of accountability runs from its board of directors through governors to its members, who are the community.

Any member of the community, including staff and parents may subscribe as a member of the trust.

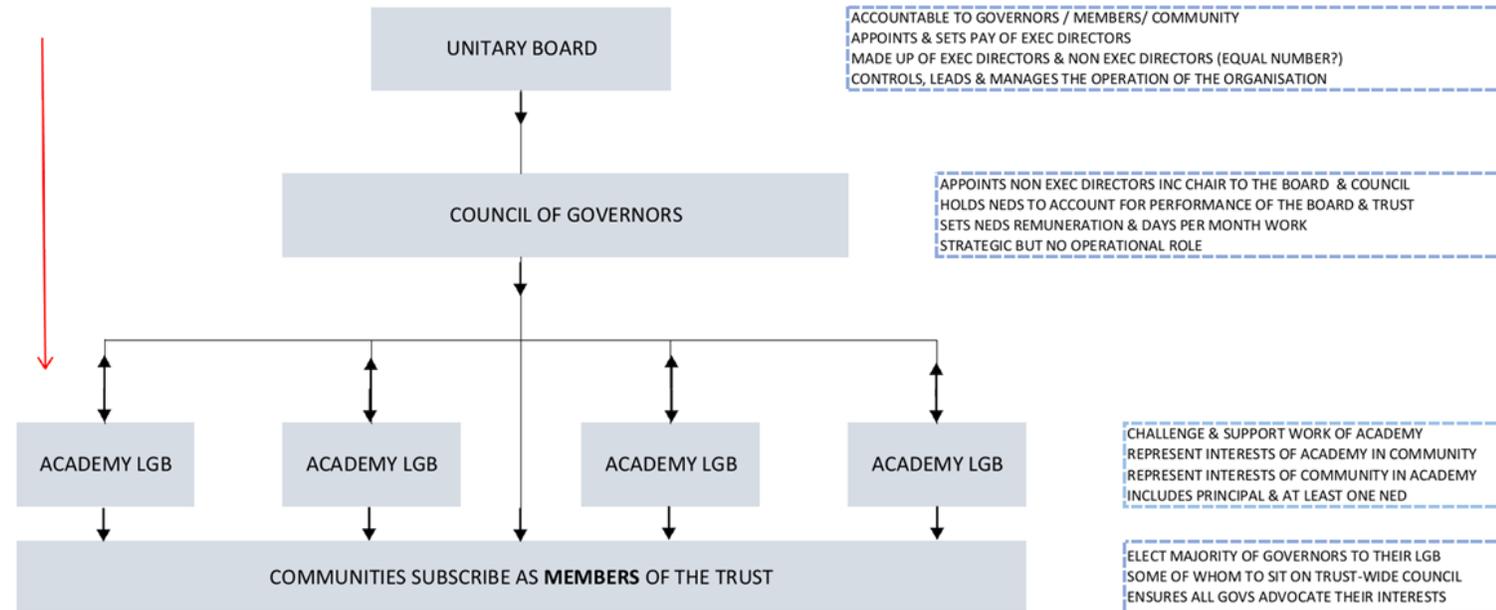
Members nominate and elect non-remunerated governors from the membership to represent and advocate their interests, aspirations and needs.

Governors sit on the trust council of governors with powers to appoint, dismiss and hold to account remunerated non-executive directors, including a chair, to the board.

The board of directors is made up of non-executive directors and the executive directors of the trust, who hold a corporate responsibility for the performance of the trust. The board appoints executive directors who lead and manage the organisation.

THE PUBLIC BENEFIT CORPORATION

Different picture?





Advantages of a public benefit corporation

The switch from charitable trust to public benefit corporation aligns the accountability of MATs and their constituent academies to those who use and fund the service.

Executive teams are strengthened by the addition of non-executive directors, appointed for their experience and expertise.

Unitary boards of directors expedite business rather than act as a reporting mechanism from executive to non executive directors.

Accountability to members moderates the board's determination of top executive remuneration.

Governors would act as conduits of information and views between community/parent members and, via NEDs, to and from the board.

Through these mechanisms the community is able to influence the future direction of its local academy.

We get closer to answering the question: who do schools belong to?

We take a significant step towards establishing a national education service.