

# Improving governance

Governance arrangements in complex and challenging circumstances

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Her Majesty's Chief Inspector (HMCI) commissioned this survey to investigate the challenges facing governing bodies in schools. The report draws on evidence from visits to 24 improving primary, secondary and special schools that are situated in some of the poorest areas of the country to look at their governance arrangements. It also uses evidence from routine inspections and monitoring visits over the last year and from 2,632 responses to a call for evidence initiated by HMCI in November 2015. The report identifies the barriers faced by governors in these schools and the actions taken to strengthen their professional skills and fulfil their roles as effective, strategic school leaders.

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## Introduction

When inspectors judge the leadership and management of a school to be less than good, a common underlying weakness is the failure of governors to hold school leaders to account.<sup>1,2</sup> That is why it is so important to understand the principles and practices that contribute to good and outstanding governance, and the challenges that governors face.

Since the publication of our previous report on school governance in 2011,<sup>3</sup> the growth of an increasingly school-led system means that the role of governors has become both more crucial and potentially more complex. This has placed unprecedented and weighty demands on the country's 300,000 voluntary school governors.

It was with this in mind that Her Majesty's Chief Inspector (HMCI) commissioned an in-depth survey to find out what makes good governance in 2016. The report focuses on governance in schools serving disadvantaged communities, because these schools have most to gain from strong, professional and determined governance. However, the lessons learnt are likely to be applicable elsewhere.<sup>4</sup> The report also draws on information received from thousands of school governors, clerks and leaders in response to a call for evidence in November 2015.

In order to understand what contributes to good governance in challenging circumstances, inspectors visited 24 recently improved schools in some of the poorest areas of the country. Each of the schools visited had been found to be good or outstanding at their most recent inspection, having previously been judged as inadequate or requires improvement. Inspectors talked to governors, school leaders and others involved in the running of these schools to understand what had changed.

There were common challenges across the 24 schools before improvements were made. In 16 of the schools at the time of their previous inspections, governors did not have enough focus on raising standards and school improvement. They did not make effective use of information about pupils' performance. Many governors were

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<sup>1</sup> 'The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills, 2014/15', Ofsted, December 2015; [www.gov.uk/government/publications/ofsted-annual-report-201415-education-and-skills](http://www.gov.uk/government/publications/ofsted-annual-report-201415-education-and-skills).

<sup>2</sup> In this report we use the term 'governors' for those with responsibility for holding schools to account, though in some circumstances they may have other titles, such as trustee. In a maintained school, this is the governing board; in a stand-alone academy it is the trust; and in a multi-academy trust (MAT) this is the trust board and any other people who have been given delegated responsibilities by the board.

<sup>3</sup> 'School governance: learning from the best', Ofsted, May 2011;

[www.gov.uk/government/publications/school-governance-learning-from-the-best](http://www.gov.uk/government/publications/school-governance-learning-from-the-best).

<sup>4</sup> HMCI's monthly commentary: November 2015, [www.gov.uk/government/collections/hmcis-monthly-commentaries](http://www.gov.uk/government/collections/hmcis-monthly-commentaries).

unable to account for the impact of additional funding to support disadvantaged pupils.

However, these schools show that it is possible for weak governance to improve quickly. Neither the types of school nor the structure of governance were the reasons for the original weaknesses in governance. There were three critical factors that made improvements possible.

The first critical factor was that the schools became aware of the weaknesses in their governance arrangements. Two thirds of the survey schools had not engaged in any self-evaluation of governance before being found to be less than good.

Too often, it is not until a school has an Ofsted inspection that leaders realise the weaknesses in governance. In the academic years 2014/15 and 2015/16, inspectors recommended an urgent external review of governance in around a third of schools judged to be requires improvement or inadequate. These reviews may have been unnecessary if governing boards had regularly carried out some form of self-evaluation.

The second critical factor was that they were able to develop professional knowledge, understanding and insight within the governing board. In some cases, this meant changing the composition of the board. In other cases, it meant accessing external professional expertise. A governor of a primary school visited in the survey explained to one of Her Majesty's Inspectors (HMI): 'When we had our first inspection, we didn't know that we didn't know. We were not ready to support and challenge because we did not know what to do or how to do it.'

It is a cause for concern then that over 1,600 responses to our call for evidence from governors told us that the sector found it difficult to access high-quality professional support and training. The shared view was that national leaders of governance and professional clerks are in particularly short supply.

Governors also frequently told us that they were finding it difficult to appoint people who have the required expertise for the role and who were willing to take on the responsibility and be accountable. Around three quarters of respondents to the call for evidence reported that recruitment and retention of governors were significant challenges for the sector.

The third critical factor in improvement was establishing clarity about governors' roles, responsibilities and lines of accountability. At the time of the inspection that judged them to be less than good, some of the 24 schools were part of multi-academy trusts and were unclear about lines of accountability. In each case, swift action following their inspection to clarify lines of accountability helped them on their way to improvement.

## Key findings

- **Many governors lack the expertise needed in an increasingly complex education system to hold school leaders to account.** Over 2,000 responses to our call for evidence identified this as the biggest challenge faced by governing boards. Governors and headteachers from 21 of the 24 survey schools said that, at the time of the school's initial inspection, the governing body lacked the confidence, knowledge and skill required to hold school leaders to account.
- **Governors need better access to highly skilled people who have the educational expertise to help them meet the increased demands of their role.** The 24 schools surveyed received external advice and support for governance because of the weaknesses identified during their initial inspection. Three quarters also used the services of a professional clerk. In the majority of cases, this greatly helped their recovery, freeing up time for them to operate strategically. However, over 1,600 responses to the call for evidence recognised the need for professional support but told us that it is very difficult to find.
- **Recruitment and retention of governors is a serious challenge, particularly in some of the poorest areas of the country.** Over 2,000 responses to the call for evidence told us that recruitment and retention of governors was a significant challenge. Nineteen of the 24 schools in this survey experienced difficulty recruiting governors who had the necessary expertise for the role. The challenge in finding governors with the necessary knowledge and skills was often greater for those schools that were in areas where unemployment was high and qualifications low.
- **Clarity about lines of accountability, roles and responsibilities is an essential part of effective governance.** Following their previous Ofsted inspections, all 24 schools took immediate action to clarify lines of accountability and governors' roles and responsibilities. All of these schools told us that this was the first, essential step in their improvements. Over 1,700 responses to the call for evidence told us that there was a lack of clarity about lines of accountability. Three quarters of the 2,632 respondents told us that governors need more clarity about the expectations of the strategic leadership role.
- **Weak governance, including in some of the poorest areas of the country, is at risk of going undetected until the school is inspected by Ofsted.** A lack of effective internal or external reviews of governance can mean that weaknesses in governance remain unnoticed over long periods of time. Two thirds of the schools surveyed had not engaged in any self-evaluation of governance and had not identified any weaknesses until an Ofsted inspection judged the school to be less than good.
- **Paying the chairs of governing bodies can act as a means to achieving a professional and open relationship between governors and school leaders.** Governors in nine of the 24 survey schools told us that improved professional expertise had led to more open, honest discussions with the headteacher. Weak governing bodies relied on the openness of the headteacher. As they improved, there was a shift towards a more professional partnership of

equals. In some areas of the country, local authorities reported achieving this shift by paying chairs of governing bodies.

- **Governors from within the community make an essential contribution, particularly in areas of deprivation** where there may be specific barriers to learning that need to be understood and tackled effectively and sensitively. Over half of the 2,600 respondents identified a commitment and knowledge of the local community as an essential aspect of good governance.

## Recommendations

Governing boards of all schools should:

- ensure clarity of roles, responsibilities and lines of accountability for governance, particularly where multi-level governance makes accountability complex
- publish information about governance on the school website in line with statutory requirements or the academy funding agreement to ensure transparency and clarity of roles and responsibilities<sup>5</sup>
- ensure that they have a robust review method in place to assure themselves that the board is effective
- secure professional support and governor training as needed to ensure effective governance.

Multi-academy trusts should:

- review schemes of delegation annually and ensure that clear lines of accountability, back to trust board level, are understood and effective
- publish each academy's annually reviewed scheme of delegation on the website of the multi-academy trust and ensure that local governing boards, where they exist, fully understand their roles and responsibilities
- ensure that local governing boards use support from experts across the trust and beyond to closely monitor the performance of schools where they have delegated responsibility for doing so.

The Department for Education should consider:

- publishing national quality standards to encourage schools to continue to improve governance by undertaking robust self-assessment and making use of their findings

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<sup>5</sup> 'What maintained schools must publish online', Department for Education, updated November 2016; [www.gov.uk/guidance/what-maintained-schools-must-publish-online](http://www.gov.uk/guidance/what-maintained-schools-must-publish-online) and

'What academies, free schools and colleges must publish online', Department for Education, June 2016; [www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online](http://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online).

- expanding the number of effective national leaders of governance and the provision of professional clerks so that schools can access the right level of professional support for their needs
- ensuring greater coordination by the National College for Teaching and Leadership of national leaders of governance
- improving the effectiveness and the consistency in the quality of external reviews of governance.

Ofsted will:

- report more robustly on the extent to which governors are committed to their own professional development in order to secure sustained improvements in governance practices.

## **Main findings**

### **The current environment for governance**

1. The considerable transformation of the education landscape and the changes to school structures, assessment, curriculum and statutory testing have had an impact on governance.
2. Successive government policy developments have resulted in considerable change to the role of governing bodies. The Department for Education (DfE) governance handbook is currently being revised and has been revised many times over recent years.<sup>6</sup> Each change has reflected the shift towards tighter requirements for governing boards, with the aim of ever greater professionalisation. Expectations have been raised for boards to be more transparent, to undergo regular self-evaluation and to deliver professional development for board members. The latest draft of the DfE's handbook runs to 100 pages of guidance on statutory and regulatory expectations.
3. Meanwhile, in the past two years, radical changes have been made to the national curriculum for primary schools and new standards at the end of each year and of the primary phase. The bar has been raised, introducing much higher expectations about what pupils will be able to achieve at the end of primary school. For secondary schools, measures of attainment that have been in use for decades have been replaced with measures that use an entirely new approach. National curriculum levels have been abolished, leaving schools to implement their own assessment systems.
4. Finally, the landscape of school accountability continues to change beyond recognition. Besides the introduction of entirely new types of school, such as

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<sup>6</sup> 'Governance handbook', Department for Education and National College for Teaching and Leadership, November 2015; [www.gov.uk/government/publications/governance-handbook](http://www.gov.uk/government/publications/governance-handbook).

free schools, studio schools and university technical colleges, the number of converter and sponsor-led academies continues to grow. Since August 2014, 1,600 new academies have been established. Multi-academy trusts are also becoming more common. At the end of December 2015, 60% of academies belonged to a trust. Ninety per cent of new academies now join a trust from the outset.

## **The challenges for governance**

5. In November 2015, HMCI's call for evidence to all those involved in governance and governing bodies received over 2,600 responses. One of the questions in the call for evidence asked what the main challenges of being a governor or trustee were in an increasingly diverse education system.
6. Many challenges identified in the responses related to accountability. At the most basic level, simply knowing how to hold leaders to account was a common issue. But there was also a strong consensus that both governors and school leaders were unclear about what the strategic overview role of governors meant and what the implications were for how governors and teachers should work together.
7. Capacity was a major theme. Many governors felt that having enough time to manage the workload in a voluntary capacity was difficult. This was particularly true for chairs of governors. Keeping up to date with the constant changes in education, legal responsibilities and the inspection framework created time pressures.
8. Another pressing concern was whether boards had the right skills and knowledge to do the job. The ability to recruit people who had what was needed was raised as an issue, as was the availability of good professional advice and support. Specific areas of knowledge that boards found particularly important included:
  - understanding the work, priorities and culture of the school and how it functions
  - budget management in a context of tighter finances.

## **When governance is weak**

9. While all governing bodies face some general challenges, for some schools, the response to these challenges is impeded by the overall underperformance of the board. During 2015/16, inspectors recommended external reviews of governance for 295 out of 1,479 schools that were judged to be requires improvement or inadequate, because of concerns about their quality of governance.



10. In the 24 schools visited for this survey, governance had previously been judged either requires improvement or inadequate but had subsequently improved by two overall effectiveness grades.
11. Inspectors also collected evidence from:
  - six routine section 5 inspections in schools with a high proportion of disadvantaged pupils where governance was recently judged inadequate
  - 90 routine monitoring visits to schools previously judged to be inadequate.
12. The following weaknesses, found in the evidence collected in the 96 routine inspections, illustrate the nature of the challenges that the 24 schools had to overcome.
  - Governors often did not have a sufficiently challenging relationship with the headteacher. For example, in one school, governors knew nothing about children's progress in the school's nursery class and had accepted the headteacher's assurance that progress in the early years can only be measured in the Reception Year.
  - Governors did not have the necessary skills and had not accessed the necessary training to challenge effectively. Governors in one school accepted a senior leader's assurance that the school budget was in a healthy position, to be informed one week later that the school had a deficit of over £300,000.
  - On all of these boards, governors did not have enough knowledge about their roles and responsibilities. In one school, the parent governors told inspectors that they only knew that teaching and learning were improving because their own children told them so. In another, governors accepted assurances that the school's positive assessment of pupils' progress and attainment was accurate, despite only one quarter of the children reaching a good level of development at the end of the early years foundation stage.
  - Inspectors noted weaknesses in the systems and procedures for governance. For example, committee meetings were not held in one school when the chair of governors was unable to attend because there were no chairs or vice chairs of committees.
  - The governors of these weak governing boards rarely looked outwards and often failed to keep up to date with developments in education. They tended to pay little attention to pupils' outcomes. Around two thirds of the governing boards could not account for the impact of pupil premium funding for disadvantaged pupils and a similar proportion were not meeting all their duties to keep children safe. For example, staff in one school were employed without due attention to safer recruitment procedures. These governors did not understand their roles and responsibilities fully.

13. Four of the six inadequate schools inspected as part of the sample were academies. There was little clarity about which level of governance provided the challenge to the headteacher and senior leaders in two of the four academy schools. The trustees, the trust's regional directors or the local governing board all played some role in holding the school's leadership to account, but there was a lack of clarity about how the different elements of the system interacted. Challenge was also weak, which is a likely consequence where there is a lack of clarity.
14. During the survey visits, 22 of the 24 headteachers told us that, at the time of the first inspection, governors were not in a position to raise challenging questions and hold school leaders to account. The most common weaknesses across these schools were:
  - governors' lack of understanding of pupils' performance information and how this compared with pupils nationally
  - governors' limited knowledge and skills
  - a lack of clarity about lines of accountability
  - a poor understanding by governors of their roles and responsibilities.

## **Understanding performance**

15. The weaknesses in governance identified above meant that governors did not have the ability to raise important issues and ask probing questions. As a result, governing boards were often over-reliant on the headteacher. In all but two of the 24 schools visited, inspectors found that, at the time of the first inspection, governors had not challenged the school's assessment information with sufficient rigour. In two thirds of these schools, at the time of the first inspection, governors were unable to account for the impact of the additional funding that is provided by the government to support disadvantaged pupils.
16. The ability to understand and query performance data was a common area of weakness at the time of the first inspections. Weak governing bodies rarely provided enough challenge to the headteacher's interpretation of published and internal assessment information, absence rates and exclusion data. There are also schools at which governors are not given access to assessment information. This limits their ability to challenge leaders.
17. In many cases, governors did understand where there was some improvement in their school's published assessment information. However, they did not recognise that nationally, similar pupils had improved even more strongly. This lack of professional knowledge and skill meant that governors often accepted mediocrity and regularly failed to challenge school leaders to do better.
18. Similarly, in the four special schools visited, governors told inspectors that, prior to receiving external advice and guidance, they did not have high enough

aspirations for the pupils academically at the time of the initial inspection. In one school, governors were content with the school leaders' decision to only measure pupils' progress socially and behaviourally. There was no recognition that pupils with behavioural issues are often academically able. These governors did not have a determination for all pupils, irrespective of their individual differences, to reach their highest potential.

19. By the time of the second inspection, when governance was found to have improved, evidence showed focused and well-informed discussions between governors and senior leaders about the achievement of different groups of pupils. This included a robust focus on the best use of pupil premium funding to engage pupils and equip them with the knowledge and skills they needed to succeed.

## Skills and knowledge

20. One of the reasons governing bodies struggled with performance information was that the board did not have all the necessary skills and abilities represented on it. Respondents to the call for evidence identified that for boards to be effective, they needed to have knowledge and skills in:
  - strategic planning
  - human resources
  - management (for example of risk, projects, people, finance, business, performance and stakeholder engagement)
  - finance management (for example budget planning, procurement, buildings and accommodation)
  - health and safety
  - law
  - business and marketing
  - education.
21. Across the 24 survey schools, changes had to be made to achieve the right mix of skills and knowledge on the board. At times, this meant changing people on the board. By the time of the survey visit, all the governing boards had governors with experience of change management, finance, human resources, health and safety, and education.
22. While recruitment can fill gaps, governors with the right skills and knowledge are not always easy to recruit. Over 2,000 responses to the call for evidence identified recruitment as one of the main challenges for governance. Nineteen of the schools experienced difficulty recruiting governors with the necessary knowledge and skills for the role. External support played a key role in helping these schools to secure governors to ensure a good balance of skills on the governing body.

One multi-academy trust sponsors four primary schools, one 16 to 19 free school and six secondary schools.

For one of its academies, the trust played a significant role in supporting the governing board. The trust's chief executive officer became chair of the governing board for a short period. This meant that the trust board knew exactly what the weaknesses in governance were and what needed to be done.

The trust ensured that new governors were appointed with the requisite skills, for example in finance, to address gaps. Governors accessed training provided by the trust. The current chair is a national leader of governance. A sizeable deficit was transformed into a surplus within a four-year period.

The headteacher's time was freed up to concentrate on school improvement because the trust's central services team took on all of the non-educational administration processes. An education improvement plan was put in place that detailed who was accountable and how success would be measured.

23. Changing governors is not the only way to improve skills and knowledge. Respondents to the call for evidence were positive about the role of training for existing board members. Many advocated mandatory training on a range of topics, including induction, safeguarding, safe recruitment, 'Prevent', finance, understanding data, holding the school to account, the legal framework for governance and the national curriculum.
24. The consensus view was that it is initial induction training followed by regular refresher training that makes a board member effective. There were some concerns about the attitude of individual boards' members towards training, with some expressing the view that a willingness to attend and participate in training should be a pre-requisite for board membership. Local and regional training events were recommended, with respondents appreciative of the opportunity such events give for board members to be exposed to a wider perspective and to network. The need for ongoing learning was reflected in 17 of the survey schools where governors told inspectors that they still required support, although their ability to understand and interpret information about pupils' performance had vastly improved. The recent changes to national testing and assessment made this particularly acute.
25. Eighteen of the survey schools noted that a more professional and open relationship between governors and headteachers had emerged as governors became more knowledgeable. One headteacher described this:

'Looking back, I can see how different governance is now. They [governors] know how to challenge in a way that enables the school to grow. This has taken changes on both sides – governance and in our

leadership team. We have to trust governors and respect governors as well as them us. We have to become one team. That is not easy, particularly when one section of the leadership team is volunteering their time and goodwill. It's a careful choice of skills, professional knowledge and understanding but also knowledge of our families and communities. Many are damaged by generations of underachievement and unemployment. If we don't raise their sights, we can't win the battle. We all have to be on the same page. Governors and staff somehow convince parents that we can make a difference and education is worth something.'

## **Roles, responsibilities and lines of accountability**

26. Over 1,700 responses to the call for evidence said there is a lack of clarity about lines of accountability for governors. In addition, three quarters of the 2,632 respondents told us that governors need more clarity about the expectations of the strategic leadership role.
27. Lack of clarity was mentioned as a top reason for ineffectiveness in 17 of the survey schools at the time of their initial inspection. The current headteachers of these schools suggested that the governing boards of the time did not have a clear understanding of what was required of them and therefore were unable to help the school to improve. In seven of the schools, this was linked to weaknesses in systems and procedures supporting the functioning of the governing body.
28. Across the education system, there is not always clarity about who holds governing bodies to account. Just under 1,000 responses named 'Ofsted' as the body holding them to account. In some of the 24 survey schools, inspectors specifically noted that the governing body was not held to account by anyone outside the inspection system. In the maintained schools surveyed, the local authority or the diocese were the main sources of external support. After the initial inspection they immediately clarified roles and responsibilities, resulting in various actions such as reconstituting the board or creating an interim executive board. The importance of the role of the diocese and local authority for maintained schools was echoed by respondents of the call for evidence. Specifically, respondents felt that these two bodies superseded the need for external reviews of governance because they already provided an external review function.
29. In some cases, schools became part of a MAT and roles and responsibilities of local boards were clarified by the introduction of layered governance. Although local governance and leadership had strengthened in all 24 schools, in one school there remained a lack of clarity about lines of accountability for school improvement at sponsor level. This is currently being addressed by the regional schools commissioner.

## Effective external support and guidance

30. Governors in 21 of the 24 survey schools told us that external support and guidance was the biggest factor in their improvement. The source of support, whether it was from a local authority, a diocese, a multi-academy trust or an external consultant, was immaterial. It was the quality and timeliness of the support that mattered. In just under two thirds of the survey schools, the catalyst for support was the Ofsted inspection report.
31. In one case, external support was provided by a successful secondary school. One governor commented: 'This was a major change for us as the new governors knew so much about what good and outstanding schools looked like. We had never been in any other schools, so we were really limited in our expectations. We had never seen anything else except this school.'
32. An external review of governance was recommended by inspectors to 11 of the schools in the sample. Governors' views about external reviews of governance varied. Of the 11 schools that received a review, the majority found the reviews helpful and used the ensuing action plan as a tool to check the progress of the governing board. However, approximately a quarter of governors across the 24 schools said that they did not know what an external review of governance meant or what the national standards were meant to achieve.

Governors of one Church of England primary school decided that the recommended actions in the external review of governance would slow progress. These governors felt that revisiting the school's 'vision and values' was not the best use of their time. They 'parked' the external review of governance and continued with the actions that they had already put in place.

33. Respondents to the call for evidence had very mixed views on the usefulness of external reviews of governance. Some respondents were very positive, advocating that external reviews should be mandatory and that boards should be required to respond with a clear plan of action. Others were highly critical, saying that reviews were counter-productive and could make board members fearful and lead to resignations. Concerns were expressed that they were either a bureaucratic exercise or being carried out by people without the relevant skills or knowledge to do the review effectively. Respondents agreed that external reviews should be professional, constructive and supportive. Both those in favour of external review and those against also agreed that reviewers should have a robust understanding of governance.
34. Alternative suggestions for achieving the same aim were proposed: drawing on diocesan and local authority support, undertaking self-review, higher quality and more targeted training, and the creation of an independent body to support governor development through training and helpful advisory visits.

## **The ability of governing bodies to reflect on their own practice**

35. Governors in eight of the 24 schools visited had conducted self-evaluation and identified weaknesses in governance prior to the first inspection. However, the governors in the other 16 schools told inspectors that they had not been aware of any shortcomings in governance prior to the inspection at which governance was judged as less than effective. They often suggested that the role of governance had changed so significantly and so rapidly that they had been 'left behind'.
36. Following the first inspection, governors in nearly all 24 schools completed an audit of their skills. They used the information to identify improvement priorities. In two thirds of the schools, this was the first audit that had ever been conducted.
37. In two thirds of the schools, the audits showed that there were too few governors at the time of the initial inspection who could work strategically with school leaders. For example, more governors engaged in 'activities' such as attending celebration assemblies and/or pupils' performances than had good understanding of pupils' performance information or were knowledgeable about the changes in governors' roles, levels of accountability and responsibilities.
38. By the time of the survey visits, governors in almost all the survey schools had established a robust system of self-evaluation to judge their effectiveness and inform their further training and development. Just under half of the schools were involved in annual external reviews of governance some with local networks.

## **Supporting professional expertise**

39. At the time of the survey visits, over three quarters of the 24 schools visited were using clerking services to support governance. Governors in many of these schools told inspectors that the clerking service helped them to operate more professionally and ensured that they spend their time fulfilling their strategic roles and concentrating on school improvement.
40. Examples of successful clerking included clerks being extremely well organised and keeping governors well organised too. For example, they ensured that policies were reviewed on schedule and that governors attended the necessary safeguarding training (such as safer recruitment and 'Prevent' training) in good time. Effective clerks ensured that governors fulfilled their legal responsibilities. These clerks took accurate minutes and provided governors' papers in a timely fashion. They helped devise and keep a log of when governors were due to carry out their roles and responsibilities, reminded governors when events were due to take place and ensured that governors reported back to the appropriate committee following visits to schools.
41. These clerks were outward facing and well informed. They accessed termly training briefings and updates. All of them were either members of professional

organisations such as the National Governors Association and the National Co-ordinators of Governor Services or accessed a national information service such as The Key.

The governing board of **Ings Primary School** in Kingston upon Hull bought in a clerk from an independent clerking service. The independent clerking service was a member of a number of national governor organisations and ensured that clerks accessed continuing professional development through the National College for Teaching and Leadership's clerks' development programme.<sup>7</sup> The clerk was subject to the service's formal appraisal procedures.

The allocated clerk had a 'meeting to draft in 48 hours' deadline and ensured that final minutes, ready for approval, were with the chair within one week of all meetings. This tight turnaround ensured that there was little duplication of content at meetings.

The headteacher reported that the clerk was adept at keeping both full governing board and committee meetings tightly focused with a gentle 'can I suggest that...' where needed. The clerk prompted the governing board not to get bogged down in operational matters such as leaking taps. This helped the governing board to be strategic.

The chair of governors acknowledged that the well-informed clerk kept governors up to date with statutory requirements. The clerk oversaw systems and procedures diligently. The annual audit of governors' skills was embedded in the governing board's annual cycle of activities and informed the governors' training plan.

42. The Secretary of State for Education can pay any member of an interim executive board that she appoints. Local authorities that appoint an interim executive board can do so also. The DfE's current policy is that chairs and members of interim executive boards are paid only in exceptional circumstances.
43. Given the policy emphasis on professionalisation, one of the questions raised in the call for evidence was whether governors should be paid. The views of respondents on this point were very mixed. Of approximately 1,600 respondents who addressed this specific question, around a third thought that all governors should be paid and a fifth thought that some governors should be paid.
44. Among those who responded positively to this prospect, there was a general recognition of the need to professionalise governance, given the increased demands on governors. Common views were that payment would reduce

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<sup>7</sup> Details of the programme can be found at: [www.leadinggovernance.org/clerks.html](http://www.leadinggovernance.org/clerks.html).



problems in governor recruitment, retention, knowledge, skills and commitment. Payment would also potentially increase the number of people who would consider becoming governors because some people are unable to afford to be volunteers. If governors were paid, it was frequently thought that accountability should be placed on a more professional footing and with measures identified to assess the performance of governors.

45. Suggestions from respondents were that these governors should be paid an allowance, a retainer, a bursary, a stipend or an honorarium. A strong view from respondents was that, apart from payment, there should be a systematic arrangement for governors to be released from work, with employers compensated. Many respondents felt that keeping up to date with changes and documentation is a big challenge. Respondents were often positive about mandatory training but thought that employers or board members should be compensated for the time required.
46. Where respondents were positive about paying governors but thought that this should be restricted to particular roles, typical roles identified were:
  - the chair
  - vice-chair
  - key leaders of committees
  - governors in multi-academy trusts
  - governors who support other governing boards
  - governors in areas in which recruitment is an issue
  - governors who undertake substantial pieces of work.
47. Inspectors spoke to two local authorities that had implemented policies of paying members of governing bodies in specific circumstances. Both local authorities used this approach where schools were underperforming. They were able to demonstrate improved inspection outcomes as a result, although the numbers of schools involved in each area were small and the pace of improvement was slower than in some comparable areas.

One London borough launched a governor review, accountability and support programme in 2012. It also introduced rapid recovery groups as a supportive intervention for schools in challenging circumstances. Rapid recovery groups are chaired by one of the local authority's 12 local leaders of governance. The 12 local leaders of governance are an elite group and make a major contribution to improving schools in the borough. They are governors who have progressed from level 1 (new governors), through level 2 (accredited governors) to level 3 (lead governors) on the local authority's governor accreditation programme.

All local leaders of governance:

- have been governors for at least three years
- have held a key governance position (for example chair of a sub-committee) for at least two years
- understand how effective governance supports school improvement
- are part of a leadership team in a school rated good or outstanding by Ofsted, are supported by the headteacher of their school and are able to commit an extra 10 to 15 days each academic year to schools within the local authority.

Local leaders of governance are given an annual payment of up to £5,000 to chair a rapid recovery group or, on occasion, to chair a sub-committee such as a standards committee. Expenses up to £200 are paid too. The funding comes from the local authority's 'schools causing concern' budget. Payment provides the local authority with the opportunity to impose an extra level of accountability.

HMI met with representatives from the local authority and analysed the inspection outcomes of eight primary schools supported by a paid chair, all with a high proportion of disadvantaged pupils. Of the six schools that have been re-inspected, five improved by one grade and one did not improve.

One local authority, following the issue of performance warning notices, uses experts to chair interim executive boards. Performance warning notices are issued if a school goes into a category of concern or if the local authority has concerns about standards or about governance.

All interim executive boards are made up of:

- the paid chair
- the headteacher
- the assistant director of children's services
- a local authority personnel officer
- a local authority budget officer.

They meet once a month. Each meeting is no more than two hours long. Each member of the interim executive board leaves every meeting with a list of tasks to be completed before the next meeting.

The chairs of interim executive boards are appointed following a very rigorous selection process. They are paid a daily rate of between £450 and £600, including expenses. This expenditure is financed from the local authority's school improvement budget.

The local authority has financed the chairs of five primary schools with a high proportion of disadvantaged pupils since 2012. Four have been re-inspected and all of the schools have improved: two of the schools by two grades.

48. Among those who thought that governors should not be paid, there was a common view that being a member of a governing board was a way to give something back to the community and that should not be undermined. There were concerns that paying governors could change the motivation of governors into one of self-interest, rather than one that places the interest of the school and pupils first.

### **Governing schools in some of the poorest areas of the country**

49. In over two thirds of the survey schools, governors told us that, before the first Ofsted inspection, they had very little understanding of how the best schools in similar contexts were successfully reducing differences between the achievement of disadvantaged pupils and others nationally.
50. In 19 of the schools, governors told us that, as a result of external advice and support, they became more focused and aware of strategic approaches to tackling the specific barriers to learning that their pupils face. Documentation, such as minutes from governors' meetings, showed that governors and staff in most of these 24 schools faced challenging, deep-rooted issues that were related to communities damaged by generations of underachievement and unemployment.
51. One of the strengths of governance in these schools was that they responded directly to the context of the community in which the school was situated. This did not happen accidentally. Governors had to work to understand the particular issues in the community and find innovative ways in which to address disadvantage.
52. The governors' audit of skills in one school in the survey included a measure for 'knowing the local community'. To achieve this, members of the local community were invited to become governors. Other examples of this practice seen by inspectors included:
- recruiting people who work in the local community who could relate information from school to families and vice versa
  - recruiting governors from small local firms and local religious organisations
  - encouraging parent governors to share information both from the community and to the community and contribute to higher aspirations for pupils.

53. Sustaining a level of insight and professionalism is a challenge for schools in areas of deprivation. This was noted by one governor who said:

‘When we have vacancies now, we look first for the skill set that we need. For example, we desperately need someone with a professional accounting background. That would help us greatly. But that is very difficult to find around here where levels of unemployment are high in our community and many families have not had access to higher education themselves.’

54. In all of the schools, governors told inspectors that regular lines of communication between parents, carers and school were vital and an essential part of governance.

## Methodology

55. Between March and May 2016, HMI made survey visits to 24 schools that had a high proportion of disadvantaged pupils.<sup>8</sup> These visits aimed to identify how each of these schools had improved the effectiveness of governance.
56. All 24 schools were selected because they had recently improved their overall effectiveness judgement from either inadequate to good or requires improvement to outstanding. The sample schools were located across all eight Ofsted regions in different geographical contexts. They all had similar levels of deprivation.
57. During the visits, inspectors reviewed minutes of meetings of the full governing board and the standards committee together with any other documents presented by governors. Inspectors also held discussions with the current headteacher and governors, including, in most cases, the chair or vice chair of the governing board. Views of the first inspection and the school situation at that time were provided by the current staff of these schools.
58. Additional evidence was collected from 15 schools going through the process of being in special measures. For nine of these schools, information was collected during their most recent special measures monitoring visit by HMI. This highlighted persistent barriers to improving governance. Of these schools, all had a high proportion of disadvantaged pupils. For the other six schools, more detailed evidence on the quality of governance was collected from lead inspectors shortly after the completion of each school's most recent section 5 inspection.
59. Supplementary evidence was also retrieved from 81 routine section 5 inspections between January and February 2016. These inspections included a set of additional questions on governance for inspectors to contribute evidence towards as part of the inspection.
60. The evidence from 2,632 respondents answering HMCI's call for evidence on governance, issued in his November 2015 monthly commentary, has also been taken into consideration. Responses were received from:

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<sup>8</sup> Deprivation is based on the Income Deprivation Affecting Children Index (IDACI) 2010. The deprivation of a provider is based on the mean of the deprivation indices associated with the home post codes of the pupils attending the school rather than the location of the school itself. Schools are divided into five equal groups (quintiles) that represent the level of deprivation. For the purposes of our sample, only schools from the fourth and fifth quintiles (the bottom 40%) were selected for visits.

- chairs and vice chairs of the governing body (including past post holders) – 40%
  - other governors including co-opted, local authority and parent governors – 38%
  - others, including: national leaders of governance, clerks, business managers, bursars, governor trainers/support, school staff including headteachers, advisers and chief executive officers – 22%.
61. Senior officers from two local authorities contributed views about the finance of governance to vulnerable schools in their local areas.

## **Annex A: SurveyMonkey questions for the online call for evidence**

All questions were open-ended:

1. What are the main challenges of being a governor or trustee in an increasingly diverse education system?
2. What skills and experience do governors and trustees need to perform their increasingly important role?
3. To what extent is regular and relevant training for governors important?
4. What training should be mandatory for governors and trustees?
5. Who should hold governors and trustees to account for the decisions that they make and the actions that they take?
6. Has the time now arrived to make provision for paid governance? If so, why?
7. To what extent are external reviews of governance an effective tool for improving standards?

## **Annex B: Questions asked by inspectors during routine monitoring inspections carried out in January and February 2016**

1. Are there vacancies on the governing board?
2. Do the chair and the vice chair have a background in education?
3. What skills do members of the governing board have that enable them to challenge leaders effectively?
4. What training have the chair and the vice chair of the governing board undertaken within the last two years to fulfil their roles effectively? Who provided the training?
5. How many hours each week (on average) do the chair and vice chair spend on governing board activities?
6. What does the governing board consider are its vision and strategic direction for the school, and how has it gone about developing them?
7. How has the governing board gone about establishing the school's ethos?
8. What does the governing board consider to be its strengths and areas for development?



## Annex C: Schools involved in the governance survey visits

| Provider   | Local authority    |
|--|--------------------|
| Adwick Primary School                                    | Doncaster          |
| Beechwood Primary School                                 | Leeds              |
| Brockswood Primary School                                | Hertfordshire      |
| Cleveland Road Primary School                            | Redbridge          |
| Ellis Guilford   | Nottingham         |
| Folkestone, St Martin's Church of England Primary School | Kent               |
| Hazelbeck Special School                                 | Bradford           |
| Hope High School   | Lancashire         |
| Ings Primary School                                      | Kingston upon Hull |
| Kelvin Hall School                                       | Kingston upon Hull |
| Orchard Fields Community School                          | Oxfordshire        |
| Our Lady of Grace Catholic Academy                       | Staffordshire      |
| Our Lady's Roman Catholic Primary School                 | Manchester         |
| Peak Academy   | Gloucestershire    |
| Regents Park Community College                           | Southampton        |
| Rood End Primary School                                  | Sandwell           |
| St Christopher's Catholic Primary School                 | Liverpool          |
| St Francis Catholic Primary School                       | Walsall            |
| St Saviour's Church of England Primary School            | Lambeth            |
| The Bulwell Academy                                      | Nottingham         |
| The Thetford Academy                                     | Norfolk            |
| Warden House Primary School                              | Kent               |
| Westbrooke School  | Bexley             |
| Whitley Pak Primary and Nursery School                   | Reading            |



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