

November 2019

# What governing boards and school leaders should expect from each other

**This joint paper aims to improve the effectiveness of school governance. Underpinning it is an expectation that governing boards and school leaders will jointly develop effective working practices which are mutually supportive and respectful of each other's roles and responsibilities.**

The use of the term 'governing board' in this document refers to governing bodies in maintained schools and trust boards in academies. In multi academy trusts (MATs), boards may choose to delegate some of their responsibilities to a regional or academy level committee, often termed a local governing body.

The use of the term 'school leader' includes those responsible for the performance of a school, or group of schools. This will include headteachers, executive headteachers and chief executives (CEOs), where they are the lead executive with formal legal and contractual accountability to the governing board and/or where they significantly support these aspects.

It is the view of our organisations that all governing boards and school leaders should meet the expectations set out in this document; evidenced through the adoption of a code of conduct.

School governance carries significant responsibilities. There is more diversity in school structures now and more decisions to be made by governing boards. As such it's important that members of the governing board understand the roles, remit and responsibilities for their specific context.

Effective governance is essential for the health and success of any organisation. In any sector, when an organisation fails, there has often been a failure of governance. If we wish to prevent any school or academy trust failing its pupils, we need to ensure that governance is strong.

Effective governing boards should therefore be prepared and equipped to take their responsibilities seriously.

## Governing boards must have:

- the right people around the table
- an understanding of their role and responsibilities, including those which may relate to them as an employer, such as health and safety responsibilities
- a good chair
- professional clerking
- good relationships based on trust
- relevant knowledge of the school and/or Trust – the curriculum, financial activities, data, the staff, the pupils, the parents, and the community
- a commitment to asking challenging questions to hold school leaders to account
- the confidence to have courageous conversations in the interests of the children and young people

## School leaders in return must have:

- an understanding of governance (which could come from direct experience of governing), including acknowledging the role of the school's accountable body.

- a willingness to provide information in the most appropriate way in order that the governing board can carry out its role
- a willingness to be challenged
- reasonable time to devote to ensuring professional relationships are established with governors and trustees
- the skills and understanding to develop effective working relationships with the governing board

## 1. The respective roles of governance and management

Governance is strategic and management is operational. This distinction between governance and management needs to be clearly understood by all, so that governors and trustees are not asked to, and do not try to, involve themselves in day to day management. Governors and trustees are there to govern, not to carry out other work within a school on a pro-bono basis. School leaders must not be micro-managed. The governing board should concentrate on matters related to strategy and school improvement, delegating to school leaders those tasks which are operational (for example, drafting policies, making judgements about teaching quality, and recruiting and deploying staff below senior leadership level).

The governing board, in partnership with the organisation's leadership, should determine and articulate a clear vision as to where they want the school and/or Trust to be in 3–5 years' time. This should lead to the identification of the

key strategic priorities that will drive the agenda of governing board meetings. The senior leader(s) will be responsible for ensuring the strategy is delivered.

The governing board is responsible for setting the culture and ethos of its school(s) and it should ensure that this is inclusive and provide equality of opportunity for all its pupils and staff.

The governing board also has responsibilities as the employer, although these do not apply exactly the same way in all types of schools. For example in a multi academy trust the employer is the academy trust and the board of trustees will decide what to delegate to academy committees. While for some maintained schools the local authority is the employer, the responsibility for discharging employer functions are delegated to the governing board as set out in legislation.

## 2. Developing and supporting the governing board

### Principles:

Governors, trustees and school leaders must fulfil their duties in accordance with the seven principles of public life (the Nolan principles): to act selflessly and with integrity; to be objective and accountable; to be open, honest and to demonstrate leadership skills. They should also understand their responsibilities under equality legislation, recognising and encouraging diversity and inclusion.

The Framework for Ethical Leadership in Education has been developed by the Ethical Leadership Commission to help school leaders take difficult decisions and support a culture in which ethical decision making can flourish.

### Skills audit:

We recommend that all governing boards carry out a skills audit of governors and trustees to identify skills gaps and development needs, and how these can be filled through recruitment and training. NGA has a skills audit and matrix tool for those governing in schools as well

as one specifically aimed at MAT trustee boards. These are both structured around the DfE's competency framework for governance which can be used to help governing boards identify what they should be looking for from individual governors or trustees.

### Recruitment:

When seeking to fill vacancies on the governing board, the role, level of commitment and level of responsibility should be outlined, along with any particular skills that the governing board is seeking. Individuals from black and minority ethnic (BAME) backgrounds and those under 40 are significantly under-represented amongst those governing and boards should take steps to encourage BAME and younger candidates to apply.

Board vacancies should be advertised as widely as possible locally and a transparent process for recruitment and selection, including interviewing prospective candidates, should be adopted. Inspiring Governance is a national service which connects skilled volunteers interested in serving as governors and trustees with schools.

### Induction:

There should be a clear expectation for all new governors and trustees (including staff governors and trustees) to undertake both school based and professional induction training, paid for by the school or trust. The exact content of the induction may vary depending on the skills and knowledge of the new recruit. This expectation should be set out in writing in advance of a governor or trustee appointment, and agreed to as part of the code of conduct signed by each governor or trustee.

### Continuous professional development (CPD):

Governors and trustees must be willing to participate in ongoing relevant training, both internal and external, and there must be an appropriate budget commitment set aside for this. Governors and trustees need to continuously seek to update their knowledge, including through identifying

good practice in other schools or trusts, and meeting governors and trustees from other schools or trusts. This can also encourage collaboration between schools or groups of schools to improve outcomes for pupils.

### Expenses:

Governors and trustees' out of pocket expenses should be reimbursed as per an agreed policy but they should not receive payment for their governance duties.

### Governing board self-evaluation:

A governing board should regularly evaluate its own impact. This should include implementing a process for reviewing the contribution of individual governors and trustees, and identification of any developmental needs.

The All Party Parliamentary Group (APPG) on Education Governance and Leadership published '20 key questions every governing board should ask itself' and '21 questions for MAT boards to ask when reviewing their governance practice.'

### Succession Planning

It is good practice to develop recruitment and development plans to replace board members over time; no one should serve for more than two four year terms in one school.

## 3. Effective ways of working

### Clerking:

All governing boards are required to appoint a clerk (sometimes referred to as a secretary). A clerk is one of the most important people the governing board will work with; an effective clerk is an invaluable resource and a key element in the success of any governing board. The clerk must be properly qualified and remunerated; capable of servicing and advising the governing board with independence.

They should be employed with a separate job description and a specific contract and provide sufficient time to manage the business of the governing board.

They should receive ongoing CPD to ensure that their skills and knowledge remain up to date. The DfE has produced a clerking competency framework that governing boards can refer as well as funding 'Governance clerking development programmes'

### Chairing:

The school leader and the chair of the governing board should communicate regularly at mutually convenient times, while understanding that the chair is unable to take decisions on behalf of the governing board (except in very limited situations). It is considered good practice for a chair to serve no more than six years in the role on one governing board (under normal circumstances).

The chair should seek external support when necessary and be encouraged and prepared to join the Governance leadership development programmes funded by the Department for Education.

### Code of conduct:

We recommend that each governing board adopts a code of conduct setting out the expectations placed on governors and trustees to be agreed by everyone on the board. This code should set out any expectations on confidentiality of sensitive or personal information and include a commitment to the seven principles of public life. NGA has a model code for schools to adapt.

Governors and trustees should do their best to avoid conflicts of interest and related party transactions, and must declare any which exist. The National Audit Office and Charity Commission both provide useful advice on avoiding these. Unless there are exceptional circumstances, it is not considered good practice to govern on more than two boards.

### Size and composition:

Within a broad regulatory framework set out in regulations for maintained schools and in the articles of association for academies, governing boards are free to determine their own size and composition.

In considering changes to their structure, governing boards need to consider how effective they are currently and whether the priorities they have determined for the school require additional skills or experience on the board.

### Meetings:

It is the joint responsibility of school leaders and the governing board to ensure that meetings are well planned, at appropriate intervals and with manageable agendas. They should be appropriate to the remit and driven by school improvement priorities. Papers must be provided at least seven days in advance of meetings. The school leader should be present or represented at full governing board meetings. Governing boards must have regard to the work-life balance of school leaders when arranging meetings, and school leaders should have regard to governors and trustees' work and other commitments.

### Delegation:

The role of the governing board is to ensure that areas for which they are responsible are being delivered effectively, rather than delivering it themselves. Governing boards have considerable freedom to delegate to committees or to school leaders; they should ensure they make effective use of this. Governing boards should be mindful of the need to retain a strategic focus and delegate where appropriate to the school leaders e.g. staff recruitment (governors and trustees should not be part of interview panels except for senior leadership posts).

Maintained schools should set out their governance structure and delegation arrangements in a school delegation planner. Academy trusts are required to publish a scheme of delegation which sets out what the board has delegated and to whom, including to school leaders and local academy committees.

### Policies:

Governing boards should only decide the principles guiding school or Trust policies and should delegate the drafting

of policies and procedures to school leaders. Governing boards must ensure school leaders have the expertise or access to the relevant external expertise to carry out these responsibilities.

### Local authority liaison:

Maintained schools should comply with requirements set out in The School Staffing (England) Regulations 2009 to notify the local authority and to take account of its advice in respect of the performance, selection and dismissal of the headteacher and deputy headteacher.

### Appraisal of the school leader:

The governing body of an LA maintained school is required to carry out the performance appraisal of the headteacher and must appoint an external advisor to support it in doing so. Although not mandatory, it is also good practice for academies to have in place executive leader/headteacher appraisal processes.

In a MAT it is common practice for the performance management of the individual school headteachers/leaders to be carried out by the CEO, usually with input from the chair of the local academy board. The performance management of the CEO is the role of the MAT trustee board. Objectives should be closely related to the agreed strategic priorities of the organisation. A discussion on development needs must be part of the appraisal process.

It is important that an effective relationship is developed and maintained throughout the year; with any issues being dealt with on an ongoing basis, not just at the point of appraisal.

### Duty of care and well-being:

The governing board must remember that it has a duty of care to the school leader, including ensuring a safe and secure working environment, a reasonable work-life balance, and support for their well-being.

## 4. Understanding the organisation and engaging with stakeholders

The governing board monitors the work of the school(s) and it is vital that it receives the information required to carry out that role promptly. Whilst much of the information will come from the school leader, the board should also seek external advice and verification where possible

### Information and reports provided by the school leader

School leaders should provide the necessary information to enable governors and/or trustees to regularly monitor progress against strategic priorities, targets and budgets. This should include information on the curriculum, outcomes for pupils, behaviour and safeguarding. Also teaching, staff performance, staff welfare and financial information. Governing boards should regularly review the content, format and frequency of the information requested to ensure it remains useful and effective, while remaining mindful of workload implications for school leaders and staff.

### Information provided by school business professionals

School business professionals make a significant contribution towards the effective leadership and management of schools and trusts, including the management of financial resources; a core function of governance. As the exact nature of the role is often context specific, it is important that governing boards both understand the specific remit of the school business professional's role as it applies to their school or trust and how to best utilise the information and support that they can provide. ISBL Professional Standards outline school business professional functions and the knowledge required to perform an SBP role. Guidance has been published for headteachers and those responsible for governance to support the implementation of those standards.

### School self-evaluation:

Governing boards must be involved in all stages of the strategic planning cycle, including the previous year review and the setting of the priorities for the upcoming year to reflect the challenges and opportunities that the school or group of schools faces. It can be very useful for a governing board and school leaders to hold an annual joint strategic planning session so that the vision, ethos and strategy for the coming 3–5 year period are developed together.

### School data:

Official DfE data on the school or schools' attainment and progress should be discussed by governors and trustees alongside the school's own data.

Governors and trustees should ensure they are familiar with the way in which their school(s) assess attainment and track progress between external assessment points. Trustees in MATs will need to consider whether they have sufficiently robust systems in place to enable them to consolidate and compare data across their schools.

### Monitoring the wellbeing of staff

Governing Boards should use the monitoring and evaluation of staff wellbeing to implement strategies and initiatives that create a healthy working environment for all staff and help to reduce excessive workload demands from within the school.

### Surveying pupils, staff, parents and the community:

The governing board must understand the needs of these groups, and make every effort to obtain their views. This can be done in a number of ways including parent and student councils, written surveys, or focus groups.

### Visiting the school or schools:

Visits during the school day provide important opportunities for governors and trustees to better understand their school or Trust and to undertake their monitoring

role. Visits should always have a focus linked to the strategic priorities, and governors need to be clear about their role (i.e. they are not inspectors). School leaders should welcome governors and trustees to visit schools. Visits should be arranged in accordance with an agreed protocol which is communicated in advance to governors and trustees and school staff involved in visits.

All parties need to be sensitive to the pressures of the school calendar, and governors and trustees' other commitments.

### Feedback from Ofsted:

Recognising that Ofsted inspections take place at very short notice, governors and trustees should make every effort to be available at the school for these. Inspection activity and reporting in a MAT will reflect which governance powers reside locally, which are with trustees and which are with leaders of the MAT. The CEO and trust board will be informed of the inspection and invited to attend. As many governors and trustees as possible should take part in discussions with Ofsted inspectors.

School leaders will support governors and trustees' requests that these sessions are held at the beginning or end of the working day to enable governors and trustees to attend. As many governors and trustees, as possible, and the CEO or equivalent, should attend the feedback sessions at the end of an inspection. A written note of this meeting should be taken and made available to all those responsible for governance at the school.

### Reporting to the community:

The governing board must ensure it reports to interested parties and the wider community. This can be done in a large part through the school's or MAT's website, but other forms of communication should be considered. Governing boards should consider producing an annual report for parents.